



## Legislation Text

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**File #:** RES 15-1594, **Version:** 1

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Memorializing City Council action taken August 19, 2015 sustaining adverse licensing action against all licenses held by Jefferson Avenue Investments, Inc. d/b/a Tavern On The Avenue located at 825 Jefferson Avenue in St. Paul.

WHEREAS, Jefferson Investments, Inc. d/b/a Tavern On The Avenue (License ID #20060003441) (hereinafter "licensee"), received a Notice of Violation dated May 14, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged that on April 25, 2015, a complaint was received by Saint Paul Police concerning a loud noise coming from the establishment in violation of license condition #7 and Saint Paul Legislative Code § 293.02(a); and

WHEREAS, the licensing office recommended an a \$500.00 matrix penalty; and

WHEREAS, licensee denied the allegation and requested a hearing before an Administrative Law Judge; and

WHEREAS, a Notice of Administrative Hearing was sent to all parties on June 22, 2015, scheduling the hearing before an Administrative Law Judge on July 21, 2015; and

WHEREAS, the Administrative Law Judge issued his Findings of Fact, Conclusions of Law and Recommendation on July 27, 2015, stating that the licensee violated Saint Paul Noise Ordinance (Saint Paul Legislative Code § 293.02) when amplified sound was permitted to leave the establishment and disturb the residential neighborhood in which the establishment is located; and

WHEREAS, the Administrative Law Judge recommended that the City of Saint Paul impose a \$500.00 matrix penalty for the violation to the Noise Ordinance; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on August 19, 2015, at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee called the Assistant City Attorney prior to the public hearing stating he no longer wished to contest the penalty and would not appear at the public hearing; and

WHEREAS, at a public hearing on August 19, 2015, the Council of the City of Saint Paul considered all the evidence contained in the record (Council File #PH 15-14) the arguments of Assistant City Attorney at the public hearing, the Administrative Law Judge's Findings of Fact, Conclusions of Law, Recommendations and Memorandum; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul issues this decision based on consideration of the record of the entire proceedings herein, all the documents and exhibits introduced therein and the Findings of Fact, Conclusion of Law and Recommendation as referenced above; and be it

FURTHER RESOLVED, that the Findings of Fact of the Administrative Law Judge issued on July 27, 2015, are hereby adopted as the Findings of the City Council in this matter and be incorporated herein by reference, and be it

FURTHER RESOLVED, that the Conclusions of Law of the Administrative Law Judge issued on July 27, 2015,

are hereby adopted as the Conclusions of the City Council in this matter and be incorporated herein by reference, and be it

FINALLY RESOLVED, that the City Council adopts the Administrative Law Judge's Recommendation issued on July 27, 2015, imposing a \$500.00 matrix penalty against all licenses held by the licensee.

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the license holder.