



Legislation Text

File #: RES 19-963, **Version:** 1

Approving adverse action against the Liquor On Sale - 101-180 seats, Liquor On Sale - 2AM Closing, Liquor On Sale - Sunday, and Gambling Location licenses held by JC & MTM, Inc., d/b/a Johnny Baby's (License ID #20040000766) at 981 University Avenue West. (Public hearing continued from July 10)

WHEREAS, the Liquor On Sale-101-180 seats, Liquor On Sale - 2AM Closing, Liquor On Sale-Sunday and Gambling Location licenses held by JC & MTM, Inc. ("Licensee") d/b/a Johnny Baby's under License ID #20040000766, located at 981 University Avenue West in Saint Paul were subject of a February 20, 2019, Amended Notice of Violation from the Department of Safety and Inspections ("Department"); and

WHEREAS the Amended Notice of Violation stated that on January 3, 2019, Saint Paul Police ("SPPD") were called to Johnny Baby's on a report that a man was in the bar with a handgun; and

WHEREAS, in conjunction with that incident, SPPD requested and received a copy of the video recording from the Licensee for the timeframe related to the incident; and

WHEREAS, SPPD subsequently reviewed the video and observed and documented violations of conditions 2, 3(a) and 5 of the Licensee's liquor license conditions; and

WHEREAS, these violations related to improper wandering by security staff, security staff socializing with patrons and the failure to have staff available who could immediately make a copy of a video; and

WHEREAS, based on two prior adverse actions against the Licensee within the past eighteen (18) months and per Saint Paul Legislative code §310.05 (m)(1), the licensing office recommended a \$2,000 matrix penalty and a ten (10) day suspension of all licenses; and

WHEREAS, on April 3, 2019 at approximately 2:20 hours, SPPD were called to Johnny Baby's on a report of a shooting outside of Johnny Baby's and recovered 23 casings from the parking lot; and

WHEREAS, the Licensee provided a copy of the video related to that incident to SPPD; and

WHEREAS, SPPD reviewed the video provided by Licensee and observed and documented a number of violations of the Licensee's liquor license conditions related to improper wandering, failure to wand and socializing with patrons; and

WHEREAS, the Department notified the Licensee of the new violations; and

WHEREAS, the parties met on April 12, 2019 and discussed actions that the Licensee had taken and could take to address issues related to incidents and license condition violations at Johnny Baby's; and

WHEREAS, while the Licensee and the Department were working together on compliance related to problems at Johnny Baby's there was a shooting in the parking lot of Johnny Baby's; and

WHEREAS, this incident occurred on May 4, 2019, the Licensee was on the premise and the immediate requests of SPPD were satisfied; and

WHEREAS, immediately after this incident, Licensee contacted the Department notified them of the incident and requested permission to serve the recommended 10 day suspension immediately; and

WHEREAS, the Licensee conveyed that it believed an immediate closure would provide Licensee with an opportunity to adjust format, physical changes, and security policies as well as provide a cooling off period; and

WHEREAS, the Department supported this suggestion and felt it was a positive reflection on the actions that the Licensee was taking to remedy issues at Johnny Baby's; and

WHEREAS, the Department further conveyed that it could only recommend that the Council consider the proposed recommendation of a reduction in penalty and credit for the 10 days that the Licensee closed Johnny Baby's for while it reworked formatting and policies and that Council had the ultimate authority; and

WHEREAS, the Licensee did close Johnny Baby's for ten (10) days following the shooting incident, has provided evidence of formatting changes and more restrictive security policies to the Department and continues to work with the Department; and

WHEREAS, the Department is recommending that the Council impose a third time matrix penalty of \$2,000 and a ten (10) day suspension, waive \$1,000 of that penalty on the condition that the Licensee work with a business and/or retail association (such as the Minnesota Licensed Beverage Association) to put together training for the employees of licensed beverage retailers on proper wand and security check techniques; and consider the closure of Johnny Baby's from May 6, 2019 through May 15, 2019 as satisfaction of the ten (10) day suspension; and

WHEREAS, the parties subsequently executed a Settlement Agreement under which the Licensee admitted to the facts related to the January 3, 2019 and April 3, 2019 incidents; therefore be it

RESOLVED, JC & MTM, Inc. d/b/a Johnny Baby's is hereby ordered to pay a \$2,000 matrix penalty, but that \$1,000 of that penalty is ~~stayed~~ reduced to \$1000 on the condition that the Licensee work with a business and/or retail association (such as the Minnesota Licensed Beverage Association) to put together training for the employees of licensed beverage retailers on proper wand and security check techniques; and

FUTHER RESOLVED, the Liquor On Sale-101-180 seats; Liquor On Sale-2AM Closing, Liquor On Sale-Sunday and Gambling Location licenses held by JC & MTM, Inc. d/b/a Johnny Baby's are hereby suspended for a period of ten (10) consecutive days that the suspension to be served within the next 30 days with credit given for the ten (10) day suspension served from May 6, 2019 through May 15, 2019.