



Legislation Text

File #: RES 19-1454, **Version:** 1

Granting a stay in enforcement of RES 19-963 imposing a matrix penalty of a 10-day suspension and reducing the fine to \$1,000 for JC & MTM, Inc., d/b/a Johnny Baby's at 981 University Avenue West. (To be withdrawn)

WHEREAS, On July 24, 2019, the Saint Paul City Council passed RES 19-963 which imposed a presumed matrix penalty under Saint Paul Legislative code §310.05 (m)(1) of 10 days and a reduced fine of \$1,000 on JC& MTM Inc., d/b/a Johnny Baby's under ; and

WHEREAS, RES 19-963 was passed after Council held a public hearing during which both the licensee and his attorney testified; and

WHEREAS, the licensee admitted violating his license conditions; and made a request that he be given credit for the 10 days that he had previously shut down for; and

WHEREAS, after the public hearing was closed, Council discussed the matter and ordered by RES 19-963 that JC & MTM, Inc. d/b/a Johnny Baby's was to pay a reduced penalty of \$1,000 on the condition that the they 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

WHEREAS, Council further ordered by RES 19-963 that 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 was to be suspended for a period of ten (10) consecutive days and that the suspension was to be served within the next 30 days; and

WHEREAS, JC& MTM Inc., d/b/a Johnny Baby's has filed an appeal of that decision through a Writ of Certiorari from the Court of Appeals for the State of Minnesota; and

WHEREAS, JC& MTM Inc., d/b/a Johnny Baby's has requested a stay of RES 19-963 pending appeal; and

WHEREAS, under Minnesota Rule of Civil Appellate Procedure 108.01, the City Council has the power to grant a stay of the enforcement of its order to serve the 10 day suspension and pay the reduced \$1,000 matrix penalty; and

NOW THEREFORE, BE IT RESOLVED, that the Saint Paul City Council hereby grants a stay of enforcement of RES 19-963 during the appeal.