



## Legislation Text

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**File #:** RES 21-411, **Version:** 1

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Approving the License renewal for licenses held by The Applebaum Companies, Inc., d/b/a Big Top Liquors ("Licensee") (License ID #20180002156) for the location at 1544 University Avenue West

WHEREAS, on 8/1/2018 Council passed RES 18-1248 which approved a waiver of the 45-day notification requirement and three-hundred (300) foot separation distance requirement and granted Liquor Off-Sale license ("License") to The Applebaum Companies, Inc., d/b/a Big Top Liquors ("Licensee") (License ID #20180002156) for the location at 1544 University Avenue West ("Licensed Premises"); and

WHEREAS, on May 28, 2020, the Licensed Premises was severely damaged by fire during civil unrest and ceased operation; and

WHEREAS, The Licensee's lease for the Licensed Premises was terminated due to the destruction of the Licensed Premises; and

WHEREAS, the Licensed Premises remain in the vacant building program as a category 3 vacant building; and

WHEREAS, Licensee is not aware of any plans of the landlord to include Licensee in any future development; and

WHEREAS, Licensee has retained a real estate broker and is reviewing alternatives including transferring the License to a new licensee if a location that complies with the provisions of Saint Paul Legislative Code can be found; and

WHEREAS, Saint Paul Legislative Code Section 409.06 (m) (2) addresses license renewals when the Licensee has discontinued operation and closed for any reason and requires that:

"If on or before the expiration of the license, the licensed business has discontinued its operation or closed for any reason, the council shall renew said license only upon the condition that the licensee shall reopen and restore the licensed business to full operation within the terms of the renewed license, or in the alternative, that the licensee shall make application for and obtain passage, approval and publication of a resolution for the transfer of said license to the of the renewed license to another person."; and

WHEREAS, on January 22, 2021 the Licensee submitted required materials for renewal of the Licenses held by the Licensee for the Licensed Premises; and

WHEREAS, on January 25, 2021 the Department of Safety and Inspections, Licensing Division renewed the License held by Licensee for the Licensed Premises not knowing that the License was no longer engaged in business at the Licensed Premises; and

WHEREAS, the Licenses held by Licensee should not have been renewed without the resolution and conditions mandated by Saint Paul Legislative Code Section 409.06 (m)(2); and

WHEREAS, under Saint Paul Legislative Code Section 310.06 (b)(4) Council is allowed to take adverse action when a license is issued under a “material mistake of fact”; and

WHEREAS, under Saint Paul Legislative Code Section 310.01 adverse action is defined as “the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license.”; and

WHEREAS, the Licensee has requested that council pass a resolution which would allow the renewed License to remain active with the addition of the condition required under Saint Paul Legislative Code Section 409.06 (m) (2); and

WHEREAS, council wishes to renew the license as allowed under Saint Paul Legislative Code Section 409.06 (m)(2); now therefore be it,

RESOLVED, that the Licenses held by the Licensee for the Licensed Premises are renewed subject to the condition that the Licensee shall reopen and restore the licensed business to full operation, or in the alternative, that the licensee shall make application for and obtain passage, approval and publication of a resolution for the transfer of said license to the of the renewed license to another person before the expiration of the Licenses on February 1.2022