Legislation Text

File #: RES 22-12, **Version:** 1

Authorizing the Department of Safety and Inspections ("DSI") to enter into a settlement agreement with Anvil Properties Inc. ("Licensee") d/b/a The Foundry Pub.

WHEREAS, Licensee holds Liquor On Sale - 100 Seats of less, Liquor On Sale - Sunday and Gambling location licenses (#20040004132) issued by DSI for The Foundry Pub located at 1201 Jackson Street in Saint Paul; and,

WHEREAS, in May 2021 an investigation was conducted by DSI staff during in which a violation of the Ramsey County Clean Indoor Air Act and violations of the Saint Paul Legislative Code were discovered including, but not limited to: 1) the assault of a customer by a bartender who forcibly threw a liquor bottle at the customer's head causing injury and, 2) security staff denying Saint Paul Police Officers immediate entry into the bar following the customer assault; and,

WHEREAS, the above license violations are cause for adverse licensing action pursuant to Saint Paul Legislative Code (SPLC) §310.06(6)(a) and SPLC §310.06(8): and,

WHEREAS, the above license violations represent Licensee's first (1st) offense punishable by a $500.00 matrix penalty pursuant to SPLC §310.05(m); and,

WHEREAS, Due to the serious nature of the violations DSI believes that substantial and compelling reasons to upwardly depart one box on the penalty matrix to $1,000.00 and request additional conditions exist in this case; and,

WHEREAS, Licensee admits to all violations alleged above and believes they constitute violations of the Ramsey County Clean Indoor Air Act and SPLC §310.06(6)(a) and SPLC §310.06(8); and

WHEREAS, this Settlement Agreement will provide certainty regarding the violation and accompanying penalties; and,

WHEREAS, the parties agree that settling this matter as described below is beneficial to both parties; and,

WHEREAS, both parties knowingly and voluntarily enter into this Settlement Agreement; and,

NOW THEREFORE, in consideration of the terms herein set forth, the parties agree:

1. Licensee agrees that a $1,000.00 matrix penalty could be assessed for violating the Ramsey County

Clean Indoor Air Act and SPLC §310.06(6)(a) and SPLC §310.0(8); and,

2. DSI agrees to waive $500.00 of the requested fine associated with the license condition violations; and,

3. Licensee agrees to pay a $500.00 fine on or before December 31, 2021; and,

4. Licensee agrees to the imposition of the following license conditions:

1. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requester within 48 hours.
2. License holder will use an identification card scanner system to record and retain for a minimum of thirty (30) days the identification of all patrons who enter or re-enter the licensed establishment after 10:00 p.m. until closing during any day of operation. If an incident is deemed serious by SPPD, license holder shall make identification card scanner information immediately available for viewing by SPPD. Iri all other cases, license holder shall provide recorded card scanner information to the requester within 48 hours.
3. License holder shall retain clearly identifiable security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the license premises starting at 10:00 p.m. during any day of operation and shall remain until all patrons have left the property of the licensed business. While on duty security personnel shall screen each patron upon entry using a metal detection device and check all handbags and packages carried by patrons to effectively detect and prohibit weapons from entering the licensed premises. The requirement to screen patrons includes those who have left for any duration of time and return to

re-enter the licensed premises. Security personnel shall verify the age of patrons by checking state or federally issued photo identification cards using the method outlined in condition #2. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy.
4. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 9:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 30 minutes after closing time.
5. License holder will remove any litter, trash, debris, or similar materials around exterior of licensed premises daily.
6. Signage shall be prominently posted at all exits stating, "You are exiting into a residential

neighborhood - please leave quietly"

5. Licensee agrees that this is a first offense violation under the matrix penalty; and,

6. Licensee agrees that any additional license violations within the prescribed computation of time provisions of the SPLC relating to the licenses he holds will be considered a second violation under the matrix penalty.