



Legislation Text

File #: RES 23-417, **Version:** 1

Directing the Department of Safety and Inspections to proceed with the application of Wesley Spearman d/b/a DWD Group for the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, ~~Liquor On-Sale 2AM Closing~~, Liquor Outdoor Service Area - Patio, and Entertainment (B) license currently held by Randall Johnson, RJMP Group Inc., d/b/a Billy's On Grand (License ID #20200000158), for the premises located at 857 Grand Avenue.

WHEREAS, the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, Liquor On-Sale 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment (B) license ("Licenses") held by RJMP Group Inc. d/b/a Billy's On Grand ("Billy's") under License ID #20200000158 for the premises located at 857 Grand Avenue in Saint Paul ("Licensed Premises") were the subject of a June 17, 2022, Notice of Intent to Move Forward with Adverse Action and Revocation of all Licenses held by Licensee for Failure to Allow Entry ("Notice") in which the Department of Safety and Inspections ("Department") provided notice to the Licensee of its intent to move forward with adverse action upon conclusion of Adverse Action on an Notice of Violation from May 9, 2022; and

WHEREAS, the Notice stated that the request for adverse action resulted from:

- Failure to allow Saint Paul Police Officers entry into the Licensed Premises.
- Failure to maintain order - Saint Paul Legislative Code Section 409.08 (5).
- Operating the Licensed Premises in a manner that maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public - Saint Paul Legislative Code Section 310.06(b)(8); and

WHEREAS, the Adverse Action stemming from the May 9, 2022, Notice of Violation has concluded and on February 8, 2023, City Council imposed the recommended standard matrix penalty of \$1,000 under RES 23-183; and

WHEREAS, evidence gathered in preparation for and testimony during the Administrative Hearing on the May 9, 2022, Notice of Violation showed that the owner of the Licensed Premises is Bill Wengler; and

WHEREAS, evidence gathered in preparation for and testimony during the Administrative Hearing on the May 9, 2022, Notice of Violation also showed that the Licenses were being held by Randall Johnson under RJMP group and that RJMP group had a lease with Bill Wengler to use the Licensed Premises ("Lease"); and

WHEREAS, evidence gathered in preparation for and testimony during the Administrative Hearing on the May 9, 2022, Notice of Violation also showed that Randall Johnson as owner of the RJMP group "skipped out" on his Lease and subsequently entered into an agreement with Wesley Spearman that allowed him to use the Licenses while Wesley Spearman applied for the Licenses held by Licensee; and

WHEREAS, evidence gathered in preparation for and testimony during the Administrative Hearing on the May 9, 2022, Notice of Violation also showed that Randall Johnson was requesting \$75,000 from the owner of the Licensed Premises for the return of the Licenses; and

WHEREAS, the Licensee has failed to take any responsibility for the License and absented himself wholly from the business and the Administrative Process; and

WHEREAS, Wesley Spearman, d/b/a DWD Group has applied for the Licenses held by Licensee and worked with the Department of Safety and Inspections to provide a business plan and all supporting documentation for his license application; and

WHEREAS, City Council understands that a Hearing must be held on the application submitted by Wesley Spearman d/b/a DWD Group; and

WHEREAS, while the City Council is aware that there is a pending adverse action that the parties and the district council were notified of but has not yet been formally noticed against the licensee, the City Council does not desire that Liquor Licenses be held by a Licensee who has absented himself from the business and failed to participate in the Administrative Process; and

WHEREAS, the City Council understands that on April 9, 2021 Randall Johnson on behalf of RJMP Group and Wesley Spearman on behalf of DWD Group entered into a Management Agreement ("MA") which was approved by the Department and is herein incorporated as an attachment to this resolution; and

WHEREAS, the City Council also understands that the MA appoints Wesley Spearman, d/b/a DWD Group as Manager of business operations at the Licensed Premises until the City either grants or denies his application for the Licenses held by Randall Johnson d/b/a RJMP Group; and

WHEREAS, the City Council further understands that under the MA the Licenses and the business held by Randall Johnson d/b/a RJMP Group will be granted to Wesley Spearman d/b/a DWD Group if the license application of Wesley Spearman d/b/a/ DWD Group is approved; and

WHEREAS, the City Council desires to have a Licensee who is fully responsible for the Licensed Premises moving forward; and

WHEREAS, should the City Council deny the License Application of Wesley Spearman d/b/a DWD Group, City Council desires that the Department of Safety and Inspections to proceed with the Adverse Action; and

WHEREAS, the City Council is aware that the administrative process can take months and desires that the License Application process proceed; now, therefore, be it

RESOLVED, that the City Council directs that the Department of Safety and Inspections proceed in processing

the application of Wesley Spearman d/b/a DWD Group for the Licenses held by Licensee and that the Legislative Hearing Officer set a date for a public hearing so that interested parties might provide comment on the application; and be it

FINALLY RESOLVED, that should the City Council deny the License Application of Wesley Spearman d/b/a DWD Group, City Council directs that the City Attorney's Office proceed with the Adverse Action.