Legislation Text

File #: RES 23-766, **Version:** 1

Approving adverse action against the Liquor On Sale-100 seats or less,; Liquor On Sale-Sunday; Liquor On Sale-2AM Closing, Liquor Outdoor Service Area (Patio); Tobacco Shop and Entertainment (A) licenses held by DP McCue, Inc. d/b/a Plum's Neighborhood Bar & Grill for the premises located at 480 Snelling Avenue South.

WHEREAS, the Liquor On Sale-100 seats or less,; Liquor On Sale-Sunday; Liquor On Sale-2AM Closing, Liquor Outdoor Service Area (Patio); Tobacco Shop and Entertainment (A) licenses held by DP McCue, Inc. d/b/a Plum's Neighborhood Bar & Grill (License ID# 0065734) for the premises located at 480 Snelling Avenue South in Saint Paul ("Licensed Premises") were the subject of a Notice Of Adverse Action And Request For Imposition Of A License Condition, herein incorporated as ("Notice") sent April 27, 2023; and

WHEREAS, the Notice stated that Saint Paul Police investigated a number of serious incidents that led the Department of Safety and Inspections to recommend imposition of a license condition requiring a video surveillance and lighting plan; and

WHEREAS, the Notice listed the following SPPD calls in which SPPD and DSI believed that security cameras and property lighting would have assisted both the business/property owner in improving workplace safety, deterring crime and assisting law enforcement investigation in identifying suspects and solving crimes were identified:

- SPPD were called to the licensed premises on January 29, 2022; March 5, 2022; June 19, 2022, and October 23, 2022, concerning a Disturbance-Disorderly Boys, Girls Persons

- SPPD responded to the area of 480 Snelling Avenue South on March 11, 2022, for multiple reports of shots fired. Officers located a 19- year-old victim with a gunshot wound to the leg.

- SPPD responded to a bar fight on December 2,2022, in which a suspect smashed an empty beer bottle to the victim's forehead causing an injury to the victim's forehead.

- SPPD took a report of an assault that occurred on December 11, 2022, at the licensed premises. The caller told officers that while inside the bar an acquaintance assaulted her.

- SPPD were dispatched to the licensed premises on a January 8, 2023, in reference to a code enforcement complaint. The caller reported that Plum's was still open and serving people drinks after 2:00 a.m. (2:45 a.m.). The caller also stated he has seen this happen at least three (3) times in the past two weeks; and

WHEREAS, Licensing Manager Eric Hudak called the licensee after the shooting incident and learned there was no video in the licensed premises; and

WHEREAS, Saint Paul Legislative Code §310.04(c) allows for the imposition of license conditions and/or restrictions upon a license when a reasonable basis is found to impose reasonable conditions; and

WHEREAS, the Department asserts that facts exist to support their recommendation for imposition of a license condition; and

WHEREAS, the Notice stated that if the Licensee failed to sign and return the License Condition Affidavit, request a Council or administrative hearing by May 8, 2023, that the matter would be placed on the next available consent agenda to impose the recommended penalty; and

WHEREAS, on May 3, 2023, an attorney representing the licensee spoke with Therese Skarda and requested an extension of time to respond to the Notice; and

WHEREAS, the parties agreed to an extension until Friday, May 12, 2023; and

WHEREAS, on May 3, 2023, the Licensee also Eric Hudak at the Department of Safety and Inspections and was told that the Department has resolved to recommend the proposed condition that requires a video surveillance and lighting plan as the Department believes the life-safety incidents that have occurred within the establishment, the inability for police to solve the crimes associated with those incidents, and the public safety benefit realized from video surveillance and lighting plans serve as compelling and reasonable bases for imposition of the condition; and

WHEREAS, the licensee or his attorney failed respond by the May 12, deadline; now therefore be it

RESOLVED, the Council finds that the proposed condition is reasonable for the reasons laid out by the Department and imposes the following license condition on the Liquor On Sale-100 seats or less,; Liquor On Sale-Sunday; Liquor On Sale-2AM Closing, Liquor Outdoor Service Area (Patio); Tobacco Shop and Entertainment (A) licenses held by DP McCue, Inc. d/b/a Plum’s Neighborhood Bar & Grill for the premises located at 480 Snelling Avenue South in Saint Paul:

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 requestor within 48 hours.