



July 26, 2023

**NOTICE OF ADVERSE ACTION
AND REQUEST FOR IMPOSITION OF
A LICENSE CONDITION**

New Bohemia St Paul, LLC
d/b/a New Bohemia & Bier Haus/Truck Yard
222 - 7th Street West
Saint Paul, MN 55104

RE: Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) licenses held by New Bohemia St Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard for the premises located at 222 -7th Street West in Saint Paul.
License ID #: 20160003866

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action for the imposition of a license condition against the Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) held by New Bohemia St Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard (Licensee") herein for the premises located at 222 - 7th Street West ("Licensed Premises").

The Department is recommending the imposition of the following license condition upon your licenses:

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.



The Department asserts that their recommendation is supported under Saint Paul Legislative Code, that it is reasonable and that it will promote the public health, safety and welfare of advancing the public peace and aid in the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods:

Saint Paul Legislative Code §310.01, defines Adverse Action 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. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code §310.04 (b) "Basis for Action" states that:

"Such adverse action may be based on one (1) or more of the following reasons which are in addition to any other reason specifically provide by law or in these chapters..."

Additionally, 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:

"c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

- (1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;
- (2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;
- (3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;
- (4) A requirement to provide off-street parking in excess of other requirements of law;
- (5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;



(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.”

The Department asserts that facts exist to support the Department’s recommendation for the addition of a camera and surveillance plan condition and believes that the following facts support their recommendation for imposition of the condition.

Sergeant Graupman, the Saint Paul Police Officer assigned to the Department, has reviewed a number of police reports related to incidents which occurred at the Licensed Premises. Based on the Sergeant’s training and experience he believes that the imposition of a condition relating to video surveillance camera and lighting plan will improve and promote public health and safety at the licensed establishment and in the nearby neighborhood as it would ensure that video would be available if another incident occurred. He bases this belief on his knowledge that security cameras and proper lighting assist business/property owners in improving workplace safety, deterring crime and assist law enforcement investigation in identifying suspects and solving crimes. The police reports reviewed by Sergeant Graupman include:

On June 10, 2021, St. Paul Police were responding to a noise complaint in another area of the city, and while in route to the call, they drove past 214 7th Street West (Truck Park Bar) and observed several people out front arguing and become physical. Officers noted that the dispute was escalating and not breaking up. Officers then heard a crash of a glass bottle and observed two males fighting. Officers then witnessed one male chasing another male. When the officers walked the path where they last saw the males running approximately one-half (1/2) block down they saw two males tucked into a corner near the bar doorway. They observed one of the males holding the other in a “Ju Jitsu style clinch” to maintain control. Officers noted one of the males was bleeding heavily from his face and down his chest at a fairly significant rate. Officers separated the two parties from fighting and called for medical attention. The other male ran from the scene but was located later. Officers determined through victim and witness statements that the male who ran had struck the other male with a glass bottle. Officers placed the male suspect under arrest for Felony Aggravated Assault and transported him to the Law Enforcement Center (LEC) for booking. (CN 21-114-151)

On August 15, 2021, St. Paul Police were working the West 7th Street Area Action Plan Detail and were flagged down in front of 214 7th Street West (Truck Park Bar) for a person bleeding from the back. Officers attempted interview the victim, but he was unable to provide information as to the circumstances of what happened. Officers also checked the immediate area but were unable to locate any witnesses, or a suspect. Officers further investigated by checking the area for evidence of a crime scene and also to include video evidence from a nearby business with negative results. Medics arrived and treated the victim for a single stab wound and transported him to the hospital. Investigators were unable to identify any suspects in this case. (CN 21-168-607)



On August 16, 2021, St. Paul Police were dispatched to Regions Hospital to speak to a victim of an assault that occurred at 214 7th Street West (Truck Park Bar) around midnight on August 14, 2021. Officers spoke with the victim who stated they were at the Truck Park Bar earlier in the evening having drinks with a friend. The victim reported that their friend may have left when they were confronted by a male suspect who accused the victim of taking their drink. The victim reported that male suspect then ordered the victim to replace the drink and purchase a new one. The victim stated the conversation escalated but they did not intend to fight the suspect. The victim reported the male suspect then began to physically assault them by punching them in the head and face. The victim also reported a second suspect also began punching them, causing them to fall to the ground and subsequently breaking the victim's leg. The victim stated the fight was then broken up by staff and an ambulance responded and transported the victim to the hospital. Police Investigators were unable to identify any suspects in this case. (CN 21-169-169)

On September 19, 2021, St. Paul Police took an assault report over the phone that had occurred at 214 7th Street (Truck Park Bar) at approximately 0:100 hours on September 18, 2021. The victim reported getting into an argument with two other females suspects, after accidentally entering an unlocked bathroom door, where the suspects were located. The victim stated she attempted to apologize but the suspects did not accept the apology and the argument escalated. The victim admitted that she threw a glass of water in the direction of one of the suspects and they then began to physically assault her. The victim reported being punched in the face repeatedly by both suspects causing her to fall to the ground. According to the victim, staff intervened and broke up the altercation. The victim stated that there were numerous witnesses to the assault but had not thought to report it to police until later. The victim also reported sustaining numerous injuries as a result of the assault. St. Paul Police attempted to retrieve video from the location of the incident but incorrectly dated footage (8/14/2021) was provided by the business. Police attempted to get the correct footage but were told by the business that the video was no longer available due to the retention period lapsing. It should be noted that no calls were placed by staff to report the incident or request police to respond at the time of the incident on September 18, 2021. St. Paul Investigators were unable to identify any suspects in this case. (CN 21-196-476)

On October 10, 2021, at approximately 00:17 hours St. Paul Police were sent to 214 7th Street West (Truck Park Bar) on a report of shots fired. Officers arrived on scene and learned multiple people had been injured by gunfire. One victim was critically injured. St. Paul Police investigated the case, and several suspects were later identified. Three (3) suspects have been criminally prosecuted and another suspect is awaiting trial. (CN 21-212-281)

On April 17, 2022, at approximately 20:18 hours, St. Paul Police responded to a Disorderly Orderly Conduct that occurred at 214 7th Street West (Truck Park Bar). At the time of the incident, there were several St. Paul Police Officers nearby that were working a traffic detail related to an Xcel Energy Center event. The officers working the detail observed an intoxicated male, who was bleeding from the mouth being removed by security from the Truck Park Bar. Officers attempted to investigate further by approaching the male. The male subject became hostile and refused to follow directions given by the officers and begin to make assaultive statements towards the officers. The male then became combative and was subsequently taken into custody. Officers later spoke to security who had earlier witnessed the intoxicated male suspect inside



the business trying to withdraw cash from an ATM. The suspect reportedly became belligerent and began kicking and pushing the ATM machine. When security attempted to remove the suspect, he attempted to throw a punch at them and then fell into the side of a parked car outside the business. The male was later arrested for Obstructing Legal Process and transported to the Law Enforcement Center (LEC) for booking. (CN 22-065-195)

On October 22, 2022, at approximately 22:49 hours, St. Paul Police were dispatched to 214 7th Street West (Truck Park Bar) for an assault. Officers were advised that a manager had been punched by an unknown suspect, after attempting to get a group to leave. The suspect fled from the scene prior to the officer's arrival. No arrests were made at the time. Police Investigators were unable to identify any suspects in this case. (CN 22-197-535)

On October 28, 2022, at approximately 23:57 hours, St. Paul Police responded to 214 7th Street West (Truck Park Bar) for a report of a fight. Upon their arrival, two individuals were seen on the sidewalk in front of the business, engaged in a physical altercation. The responding officer separated the two individuals, one of which was bleeding from the forehead. Officers spoke with the other involved patrons who also reported sustain minor injuries during the incident prior to the officer's arrival. Officers were unable to determine a primary aggressor at the time and a report was taken to document the incident. St. Paul Investigators were unable to identify any suspects in this case. (CN 22-200-854)

On December 17, 2022, at approximately 01:42 hours, St. Paul Police responded to 214 7th Street West (Truck Park Bar) on a report of an assault. Officers spoke with an intoxicated male who reported that he was outside on the sidewalk with a friend when he got into a verbal altercation with security. The male reported that security had punched him in the face. Officers attempted to gain further information from the male victim, but he refused to answer any further questions. St. Paul Investigators were unable to identify any suspects or recover physical evidence in this case. (CN 22-230-610)

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed license condition you can sign, date and return the enclosed signed License Condition Affidavit and this matter will be placed on a City Council Agenda for approval and imposition of the proposed license condition. If this is your choice, you should return the signed License Condition Affidavit directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **August 7, 2023**. A self-addressed envelope is enclosed for your convenience. Submission of a signed License Condition Affidavit will be considered an admission to the facts and a waiver of the hearing to which you are entitled.
2. You may do nothing. If I have not heard from you by **August 7, 2023**, I will presume that you have chosen not to contest the addition of the proposed license condition and the matter will be placed on the City Council Consent agenda for imposition of the proposed license condition.



3. If you wish to admit the facts but you contest the proposed license condition, you may have a hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a Council hearing no later than **August 7, 2023**. The matter will then be scheduled before the City Council to determine whether to impose the proposed license condition. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge ("ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **August 7, 2023**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a hearing will need to be scheduled before the City Council. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to recommend that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code §310.03 (k).

If you have not contacted me by August 7, 2023, I will assume that you do not contest the imposition of the proposed license condition. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended Adverse Action.

If you have questions about these options, please contact my Legal Assistant Julie Kraus at (651) 266-8776.

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Robert Sabes, 6655 Sahara Avenue West, Suite 8200, Las Vegas, NV 89146
Iret Properties, 800 LaSalle Avenue, Unit 1600, Minneapolis, MN 55402-6587
Mary Cutrufello, Executive Director, West Seventh Street/Fort Road Federation
882 West 7th Street, Suite 6, Saint Paul, MN 55102

Attachments: Saint Paul Police Department Incident Report Case Number: 23-087-568 (Summary of cases)
Saint Paul Police Department Calls for Service Report (5/23/2021 – 5/23/2023)
License Condition Affidavit
Adverse Action Comments Text
License Group Comments Text
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.04

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 26th day of July she served the attached **NOTICE OF ADVERSE ACTION AND REQUEST FOR IMPOSITION OF A LICENSE CONDITION** as follows:

New Bohemia St Paul, LLC
d/b/a New Bohemia & Bier Haus/Truck Yard
222 - 7th Street West
Saint Paul, MN 55104

Robert Sabes
6655 Sahara Avenue West, Suite 8200
Las Vegas, NV 89146

Iret Properties
800 LaSalle Avenue, Unit 1600
Minneapolis, MN 55402-6587

Mary Cutrufello, Executive Director
West Seventh Street/Fort Road Federation
882 West 7th Street, Suite 6
Saint Paul, MN 55102

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

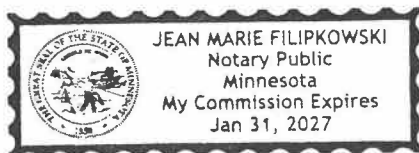


Julie Kraus

Subscribed and sworn to before me
This 26th day of July 2023



Notary Public





INCIDENT REPORT
SAINT PAUL POLICE DEPARTMENT

Staff Involved

Officer	Type	BWC	ICC	Resistance Encounter	Force Used	Vehicle Pursuit
Graupman, Charles	Submitter, Primary	No		No	No	No

Narratives

Narrative 1 Created by: **GRAUPMAN, CHARLES** 05/24/2023, 10:42

Synopsis :

DSI Investigation related to SPPD CN's 22-230-610, 22-200-854, 22-197-535, 22-065-195, 21-212-281, 21-196-476, 21-169-169, 21-168-607, and 21-114-151. Incidents are under review by DSI & the St. Paul City Attorney's Office for possible Adverse Action.

Narrative :

I, Sgt. C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 04-07-2023, I was asked by Assistant City Attorney Therese Skarda, to provide a (2 yr) review and summary of several incidents involving life safety concerns that occurred on or near the property of New Bohemia Bier Haus & Truck Park, located at 222 7th St. W., which includes 214 7th St. W. St. Paul, MN. 55102. The purpose of this review was for potential Adverse Action related to licensing conditions of the said business for the addition of a video surveillance requirement. I reviewed the following incidents:

CN 21-114-151, 06/10/2021, Aggravated Assault - St. Paul Police were responding to a noise complaint in another area of the city, and while en route to the call, they drove past 214 7th St. W. (Truck Park Bar), and observed several people out front arguing and becoming physical. Officers noted that the dispute was escalating and not breaking up. Officers then heard the crash of a glass bottle and observed two males fighting. Officers then witnessed a male chasing another male & later walked the path of where they last saw the males running. Approximately 1/2 block away they could see the two males tucked into a corner near the bar doorway. Upon locating the two males they observed one of the males holding the other in a "Ju Jitsu style clinch", to maintain control. Officers noted that one of the males was heavily bleeding from his face, and down to his chest at a fairly significant rate. Officers separated the two parties from fighting further and called for medical attention. The other involved male party ran from the scene but was later located. Officer determined through victim and witness statements that that the male who ran had struck the other

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SAINT PAUL POLICE DEPARTMENT

with a glass bottle. Officers placed the male suspect under arrest for Felony Aggravated Assault and transported to LEC for booking.

CN 21-169-607, 08/15/2021, Aggravated Assault - St. Paul Police were working the West 7th St. Area Action Plan Detail and were flagged down in front of 214 7th St. W. (Truck Park Bar), for a person bleeding from the back. Officers attempted to interview the victim, but he was unable to provide information as to the circumstances of what happened. Officers also checked the immediate area but were unable to locate witnesses, or a suspect. Officers further investigated by checking the area for evidence of a crime scene and also to include video evidence from a nearby business, with negative results. Medics responded to the incident and treated the victim for a single stab wound and transported him to the hospital. St. Paul Police investigators were unable to identify any suspects in this case and it is currently pending.

CN 21-169-169, 08/16/2021, Aggravated Assault - St. Paul Police were dispatched to Regions hospital to speak with a victim of an assault that occurred at 214 7th St. W. (Truck Park Bar), around midnight on 08-14-2021. Officers spoke with the victim who stated they were at the Truck park earlier in the evening having drinks with a friend. The victim reported that their friend may have left, when they were confronted by a male suspect who accused the victim of taking their drink. The victim reported that the male suspect then ordered the victim to replace the drink and purchase a new one. The victim stated the conversation escalated but they did not intend to fight the suspect. The victim reported the male suspect then began to physically assault them by punching them in the head and face. The victim also reported a second suspect also began punching them, causing them to fall to the ground and subsequently breaking the victims leg. The victim stated the fight was then broken up by staff and ambulance responded and transported the victim to the hospital. St. Paul Police investigators were unable to identify any suspects in this case and it is currently pending.

X 21-196-476, 09/19/2021, Assault - St. Paul Police took an assault report over the phone that had occurred at 214 7th St. W. (Truck Park Bar), at approximately 0100 hrs., on 09/18/2021. The victim reported getting into an argument with two other females suspects, after accidentally entering an unlocked bathroom door, where the suspects were located. The victim stated she attempted to apologize but the suspects did not accept the apology and the argument escalated. The victim admitted that she then threw a glass of water in the direction of one of the suspects and they then began to physically assault her. The victim reported being punched in the face repeatedly by both suspects, causing her to fall to the ground. According to the victim, staff intervened and broke up the altercation. The victim stated that there were numerous witnesses to the assault, but had not thought to report it to Police until later. The victim also reported sustaining numerous injuries as a result of the assault. St. Paul Police investigators attempted to retrieve video from the location of the incident, but incorrect dated (08/14/2021), footage was provided by the business. Upon attempting to get the correct footage, St. Paul Police were advised by the business that video was no longer available due to the retention period lapsing. It should also be noted that no calls were placed by staff to report the incident or request police respond at the time of the incident on 09/18/2021. St. Paul Police investigators were unable to identify any suspects in this case and it is currently pending.

21-212-281, 10/10/2021, Death-Investigation Of A Death - On 10-10-2021 at approximately 0017 hours, officers were sent to 214 7th St W (Truck Park Bar), on a report of shots fired. Officers arrived on scene and learned that multiple people had been injured by gunfire. One victim was critically injured. St. Paul Police investigated and several suspects were later identified. (3) suspects

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SAINT PAUL POLICE DEPARTMENT

have been criminally prosecuted and another suspect is awaiting trial. This case is currently still ongoing.

22-065-195, 04/17/2022, Obstructing - Obstructing Legal Process - On 04/17/2022 at approximately 2018 hours, Police responded to a DOC that occurred at 214 7th St. W. (Truck Park Bar). At the same time of the incident, there were several St. Paul Police Officers nearby that were working a traffic detail that was related to an Xcel Energy Center event. The officers working the detail observed an intoxicated male, who was bleeding from the mouth being removed by security from the Truck Park. St. Paul Police Officers attempted to investigate further by approaching the male. The male subject became hostile and refused to follow directions given by the officers and began to make assaultive statements towards the officers. The male then became combative and was subsequently taken into custody by Officers. Officers later spoke to security who had earlier witnessed the intoxicated male suspect inside the business trying to withdraw cash from an ATM. The suspect reportedly became belligerent and began kicking and pushing the ATM machine. When security attempted to remove the suspect, he attempted to throw a punch at them and subsequently fell into the side of a parked car outside the business. The male was later arrested by St. Paul Police for Obstructing Legal process and transported to LEC for booking.

22-197-535, 10/22/2022 - Assault - On 10/22/2022 at 2249 hours, Officers were dispatched to 214 7th St W. (Truck Park Bar), for an assault. Officers were advised that a manager had been punched by an unknown suspect, after attempting to get a group to leave. The suspect fled from the scene prior to officers arrival. No arrests were made at the time. St. Paul Police investigators were unable to identify any suspects in this case and it is currently pended.

22-200-854, 10/28/2022 - Assault - On 10/28/2022, at 2357 hrs., Officers responded to 214 7th St. W. (Truck Park Bar), for a report of a fight. Upon the officers arrival, two individuals were seen on the sidewalk in front of the business, engaged in a physical altercation. The responding officer separated the two individuals, one of which was bleeding from the forehead. Officers spoke with other involved patrons and also reported sustaining minor injuries during the incident, prior to the officers arrival. Officers were unable to determine a primary aggressor at the time, and a report was taken to document the incident. St. Paul Police investigators were unable to identify any suspects in this case and it is currently pended.

22-230-610, 12/17/2022 - Assault - On 12/17/2022, at 0142 hrs., Officers responded to 214 7th St. W. (Truck Park Bar), on a report of an Assault. Officers spoke with an intoxicated male who reported he was outside on the sidewalk with a friend when he got into an verbal altercation with security. The male reported the security had punched him in the face. Officers attempted to gain further information from the male but he refused to answer further questions. St. Paul Police investigators were unable to identify any suspects or recover physical evidence in this case and it is currently pended.

Based upon my training and experience, it is my recommendation that the imposition of a video surveillance camera and lighting plan condition will improve and promote public health and safety at the licensed establishment and the nearby neighborhood. Security cameras and proper lighting assist business/property owners in improving workplace safety, deterring crime, and assisting law enforcement investigation in identifying suspects and solving crimes.

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Incident Overview

Case Status	: Active	Occ Date From	: 05/23/2023, 11:00
Case Number	: 23-087568	Occ Date To	: 05/23/2023, 11:08
Reported Date	: 05/23/2023, 11:00:28	Bias Motivation	:
Location	: 375 Jackson Street, St Paul, MN 55101	Arrest	:
Offenses	: Investigate-Code Enforcement	Resistance Encountered	: No

Incident Summary

Created by:		05/24/2023, 10:42
<p>DSI Investigation related to SPPD CN's 22-230-610, 22-200-854, 22-197-535, 22-065-195, 21-212-281, 21-196-476, 21-169-169, 21-168-607, and 21-114-151. Incidents are under review by DSI & the St. Paul City Attorney's Office for possible Adverse Action.</p>		

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

A copy of this report and above referenced reports were forwarded to St. Paul Assistant City Attorney Therese Skarda and DSI Licensing Manager Eric Hudak for review and possible adverse action.

Narrative 2

Created by: **GRAUPMAN, CHARLES** 05/30/2023, 12:34

Synopsis :

Narrative :

A copy of this report was forwarded onto DSI Licensing Manager Eric Hudak & Assistant City Attorney Therese Skarda for Adverse Action. This case will be closed as noted.

-Noted

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Offenses

Offense 1 - INVESTIGATE-CODE ENFORCEMENT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	:	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		:

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INCIDENT REPORT
SAINT PAUL POLICE DEPARTMENT

Participants / Persons

Person 1

New Bohemia & Bier Haus/Truck (Business)
214 7 Street W, St. Paul, MN 55102

Info

Participant Type : **Other**
Age :
Gender :
Race :
Hispanic :
Business Name : **New Bohemia & Bier Haus/Truck**

Phones

Cell Phone :
Home Phone :
Work Phone :
Email Address :
Social Media :

Physical Description

Height :
Weight :
Eye Color :
Hair Color :
Build :

Attributes

School Name :
Employer Name :
Occupation :
Requested Non Public :
License / ID Number :
Limited English / Language :

Employment

Employer :
Type :
Occupation :
Address :

Injuries

Type of Injury :

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INCIDENT REPORT
SAINT PAUL POLICE DEPARTMENT

Arrest Detail

Person 2

New Bohemia & Bier Haus/Truck (Business)
222 7 Street W, St. Paul, MN 55102

Info

Participant Type : **Other**
Age :
Gender :
Race :
Hispanic :
Business Name : **New Bohemia & Bier Haus/Truck**

Phones

Cell Phone :
Home Phone :
Work Phone :
Email Address :
Social Media :

Physical Description

Height :
Weight :
Eye Color :
Hair Color :
Build :

Attributes

School Name :
Employer Name :
Occupation :
Requested Non Public :
License / ID Number :
Limited English / Language :

Employment

Employer :
Type :
Occupation :
Address :

Injuries

Type of Injury :

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**SAINT PAUL
POLICE**
*Trusted service
with respect*

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05/30/2023, 12:36

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Arrest Detail

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INCIDENT REPORT
SAINT PAUL POLICE DEPARTMENT

Businesses

Business 1

New Bohemia & Bier Haus/Truck
214 7 Street W, St. Paul, MN 55102

Role Type	: Other	Cell Phone	:
Name	: New Bohemia & Bier Haus/Truck	Contact Phone	:
Type	: Restaurant/Bar/Club	Home Phone	:
Description	:	Work Phone	:
		Email Address	:
		Fax	:

Business 2

New Bohemia & Bier Haus/Truck
222 7 Street W, St. Paul, MN 55102

Role Type	: Other	Cell Phone	:
Name	: New Bohemia & Bier Haus/Truck	Contact Phone	:
Type	: Restaurant/Bar/Club	Home Phone	:
Description	:	Work Phone	:
		Email Address	:
		Fax	:

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INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

CAD Information

CAD Info 1

Info

Location	: 375 Jackson Street, St Paul	Sector	: 2	Time Received	: 11:00
Locale	: St Paul Safety and Inspection	Grid	: 153	Time Sent	: 11:00
Call Date	:	Disposition	: Records received	Time Arrived	: 11:00
Occur Date	: 05/23/2023	Priority	: 5	Time Cleared	: 11:01
Caller Information	:	Source	: Officer	Reopen Time	:
Address	:	Fire/Amb	:	Citation #	:
Phone	:	EDP	:		
		Alarm	:		
		ECC Console	: 25		

Employees

Officer	Squad	Type	Beat	Received	Sent	Arrived	Cleared
GRAUPMAN, CHARLES	854	1	CN2	11:00	11:00	11:00	11:01

CAD Comments

Master Incident Number: 20230523-0269935 CAD Address: 375 Jackson St, Lat/Lon: 44948431 / 93090113 05/23/2023 11:00:29LMR [1] Automatic Case Number(s) issued for Incident # [20230523-0269935], Jurisdiction: SPPD. Case Number(s): SP230523087568. requested by 854. 05/23/2023 11:00:29LMR [2] DSI INVISTIGATION 05/23/2023 11:00:33LMR [3] NO BWC COE

CASE NUMBER: 23-087568

Printed by: 237725



Saint Paul Police Department

Search Filter=> Date Range Column: CAD Data, Date Range Type: Exact From 5/23/2021 12:00:00 AM To 5/23/2023 11:59:00 PM

LocationFilter: HouseNumber: From: 222,StreetSearchType: Street,StreetName: [7]

ID	CN	CALLDATE	DISPOSITION	PRIMARYRMSOFFENSE	ADDRESS
1	21108960	05/30/2021 21:56	A	DISTURBANCE-DISTURBANCE CALLS	222 7 ST W ,
2	21116116	06/08/2021 17:32	A	SPECIAL OR OTHER DETAIL	222 7 ST W ,
3	21130352	06/26/2021 23:19	C1	OTHER ASSAULTS	222 7 ST W ,
4	21133315	06/30/2021 19:32	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
5	21167998	08/14/2021 15:50	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
6	21190633	09/12/2021 00:27	U	DISTURBANCE-DISTURBANCE CALLS	222 7 ST W ,
7	21207449	10/3/2021 14:29	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
8	21218441	10/18/2021 22:31	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
9	21222163	10/24/2021 1:21	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
10	21223121	10/25/2021 15:44	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
11	21232143	11/7/2021 2:53	A	ALARMS	222 7 ST W ,
12	21241174	11/20/2021 23:19	A	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	222 7 ST W ,
13	21242921	11/23/2021 19:59	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
14	21244707	11/26/2021 23:27	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
15	21249237	12/3/2021 21:43	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
16	21250366	12/5/2021 17:40	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
17	21259922	12/21/2021 1:14	F	ALARMS	222 7 ST W ,
18	21263316	12/27/2021 13:03	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST E ,
19	22029224	02/21/2022 00:17	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
20	22030272	02/22/2022 23:44	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
21	22032858	02/27/2022 03:11	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
22	22037777	03/06/2022 22:48	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	222 7 ST W ,
23	22039608	03/09/2022 18:56	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	222 7 ST W ,
24	22058358	04/07/2022 09:17	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
25	22098716	06/06/2022 05:08	F	ALARMS	222 7 ST W ,
26	22098728	06/06/2022 05:57	A	ALARMS	222 7 ST W ,
27	22107330	06/18/2022 01:04	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W ,
28	22112429	06/25/2022 05:14	F	ALARMS	222 7 ST W ,
29	22120519	07/06/2022 07:44	F	ALARMS	222 7 ST W ,
30	22124713	07/11/2022 22:16	A	ALARMS	222 7 ST W ,
31	22125473	07/12/2022 21:52	F	ALARMS	222 7 ST W ,
32	22126388	07/14/2022 05:20	F	ALARMS	222 7 ST W ,
33	22128700	07/17/2022 04:43	A	ALARMS	222 7 ST W ,
34	22129959	07/19/2022 00:25	F	ALARMS	222 7 ST W ,
35	22145120	08/09/2022 02:15	A	ALARMS	222 7 ST W , St Paul
36	22152340	08/19/2022 07:05	A	ALARMS	222 7 ST W , St Paul
37	22160203	08/30/2022 12:14	F	ALARMS	222 7 ST W , St Paul
38	22160927	08/31/2022 11:43	F	ALARMS	222 7 ST W , St Paul
39	22185214	10/3/2022 20:22	A	POLICE VISIT-PROACTIVE POLICE VISIT	222 7 ST W , St Paul
40	22193179	10/15/2022 23:23	A	ASS-ASSIST CITIZEN CALLS, ALL	222 7 ST W , St Paul
41	22197967	10/23/2022 16:25	A	INVESTIGATE-AND ALL OTHER	222 7 ST W , St Paul
42	22237466	12/30/2022 9:27	F	ALARMS	222 7 ST W , St Paul
43	23049973	03/28/2023 02:36	F	ALARMS	222 7 ST W , St Paul
44	23059277	04/12/2023 12:15	A	ALARMS	222 7 ST W , St Paul
45	23065284	04/21/2023 04:20	G	ALARMS	222 7 ST W , St Paul



Saint Paul Police Department

Search Filter=> Date Range Column: CAD Data, Date Range Type: Exact From 5/23/2021 12:00:00 AM To 5/23/2023 11:59:00 PM

LocationFilter: HouseNumber: From: 214,StreetSearchType: Street,StreetName: (7)

ID	CN	CALLDATE	DISPOSITION	PRIMARYRMSOFFENSE	ADDRESS
1	21114151	06/06/2021 01:01	RR	AGG ASSAULT-W/KNIFE,CUTTING INSTRUMENT,ETC	214 7 ST W ,
2	21118762	06/11/2021 20:39	G	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	214 7 ST W ,
3	21120030	06/13/2021 15:39	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
4	21141958	07/11/2021 19:03	G	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
5	21145808	07/16/2021 18:55	A	INVESTIGATE-AND ALL OTHER	214 7 ST W ,
6	21146622	07/17/2021 20:01	G	HARASSMENT-PHONE CALLS	214 7 ST W ,
7	21166551	08/12/2021 18:41	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
8	21166631	08/12/2021 21:09	G	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	214 7 ST W ,
9	21168337	08/15/2021 00:02	A	DISTURBANCE-FIGHTS	214 7 ST W ,
10	21168607	08/15/2021 14:19	RR	AGG ASSAULT-W/KNIFE,CUTTING INSTRUMENT,ETC	214 7 ST W ,
11	21169169	08/16/2021 11:56	RR	AGG ASSAULT-W/FIST,FEET,ETC	214 7 ST W Apt S-9410 ,
12	21188864	09/09/2021 19:40	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
13	21188940	09/09/2021 22:23	G	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
14	21192974	09/15/2021 08:08	A	ALARMS	214 7 ST W ,
15	21195200	09/17/2021 23:47	A	CRIMINAL DAMAGE TO PROPERTY	214 7 ST W ,
16	21196476	09/19/2021 19:01	RR	ASSAULT-OTHER ASSAULTS,ALL	214 7 ST W ,
17	21207086	10/2/2021 22:32	A	ASS-ASSIST FIRE/AMBULANCE	214 7 ST W ,
18	21207199	10/3/2021 2:32	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
19	21207211	10/3/2021 2:51	A	OTHER ASSAULTS	214 7 ST W ,
20	21212281	10/10/2021 0:17	RR	DEATH-INVESTIGATION OF A DEATH	214 7 ST W ,
21	21213705	10/12/2021 10:10	A	SPECIAL OR OTHER DETAIL	214 7 ST W ,
22	21213808	10/12/2021 11:43	PCN	PREVIOUS CN	214 7 ST W ,
23	21219795	10/20/2021 16:09	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
24	21221529	10/23/2021 1:09	A	DRUNKENNESS	214 7 ST W ,
25	21221961	10/23/2021 18:53	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
26	21227887	11/1/2021 9:35	RR	WARRANT ARREST-WHERE NO CN IS REF ON WARRANT	214 7 ST W ,
27	21229890	11/3/2021 22:28	A	SPECIAL OR OTHER DETAIL	214 7 ST W ,
28	21231411	11/5/2021 23:25	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
29	21236010	11/12/2021 23:49	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
30	21243581	11/24/2021 20:14	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
31	21249894	12/4/2021 22:18	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
32	21250030	12/5/2021 3:29	A	DRUNKENNESS	214 7 ST W ,
33	21250820	12/6/2021 12:47	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
34	21814624	07/25/2021 16:17	RR	FRAUD-UNAUTHORIZED USE OF CREDIT CARD	214 7 ST W ,
35	21816870	10/11/2021 16:36	RR	LOST MISS PROP-LOST/MISSING PROPERTY	214 7 ST W ,
36	22008247	01/16/2022 14:10	G	TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN	214 7 ST W ,
37	22028643	02/19/2022 22:36	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
38	22028653	02/19/2022 23:11	A	DISTURBANCE-FIGHTS	214 7 ST W ,
39	22032805	02/27/2022 01:11	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
40	22036587	03/04/2022 20:27	G	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
41	22037539	03/06/2022 14:04	G	911 HANGUP	214 7 ST W ,
42	22039043	03/08/2022 23:06	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
43	22039740	03/09/2022 23:15	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
44	22040392	03/10/2022 22:33	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
45	22051041	03/27/2022 00:43	A	ASS-ASSIST CITIZEN CALLS, ALL	214 7 ST W ,
46	22059512	04/08/2022 22:56	A	INVESTIGATE-AND ALL OTHER	214 7 ST W ,
47	22065195	04/17/2022 20:19	RR	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
48	22065789	04/18/2022 18:26	A	LOST MISS PROP-LOST/MISSING PROPERTY	214 7 ST W ,
49	22072736	04/29/2022 04:14	F	ALARMS	214 7 ST W ,
50	22079117	05/08/2022 01:39	RR	RECOVERED-PROPERTY	214 7 ST W ,
51	22084406	05/15/2022 22:59	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W ,
52	22090169	05/24/2022 18:50	A	INVESTIGATE-AND ALL OTHER	214 7 ST W ,
53	22097422	06/04/2022 05:05	F	ALARMS	214 7 ST W ,
54	22100791	06/09/2022 03:56	F	ALARMS	214 7 ST W ,
55	22102872	06/11/2022 21:15	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,

56	22132084	07/21/2022 20:03	G	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W ,
57	22138309	07/30/2022 13:41	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
58	22152257	08/19/2022 00:15	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
59	22153379	08/20/2022 18:10	A	CHECK WELFARE	214 7 ST W , St Paul
60	22154851	08/22/2022 22:35	A	EQUIPMENT VIOLATION-LETTER FOR REGISTERED OWNER	214 7 ST W , St Paul
61	22173831	09/17/2022 23:59	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W , St Paul
62	22183962	10/1/2022 20:29	A	PERSON IN CRISIS	214 7 ST W , St Paul
63	22188578	10/8/2022 15:39	A	TRAFFIC VIOLATION-DANGEROUS CONDITIONS	214 7 ST W , St Paul
64	22190660	10/12/2022 0:31	C1	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
65	22193508	10/16/2022 9:08	A	MISSING PERSONS	214 7 ST W , St Paul
66	22193716	10/16/2022 18:31	A	MISSING PERSONS	214 7 ST W , St Paul
67	22197535	10/22/2022 22:51	RR	ASSAULT-OTHER ASSAULTS,ALL	214 7 ST W , St Paul
68	22200854	10/28/2022 1:21	RR	ASSAULT-OTHER ASSAULTS,ALL	214 7 ST W , St Paul
69	22201665	10/29/2022 1:17	A	THEFT EXCEPT AUTO THEFT	214 7 ST W , St Paul
70	22202333	10/29/2022 23:25	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
71	22213009	11/16/2022 12:01	A	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	214 7 ST W , St Paul
72	22230531	12/16/2022 23:34	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
73	22230591	12/17/2022 1:20	G	DISTURBANCE-FIGHTS	214 7 ST W , St Paul
74	22230610	12/17/2022 1:44	RR	ASSAULT-OTHER ASSAULTS,ALL	214 7 ST W , St Paul
75	22230936	12/17/2022 17:58	A	SEX OFFENSE-RAPE BY FORCE	214 7 ST W , St Paul
76	22230997	12/17/2022 20:44	A	CHECK WELFARE	214 7 ST W , St Paul
77	22231401	12/18/2022 18:02	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
78	23002223	01/05/2023 09:53	A	ALARMS	214 7 ST W , St Paul
79	23003447	01/07/2023 13:19	C1	DISTURBANCE-FIGHTS	214 7 ST W , St Paul
80	23007447	01/14/2023 08:22	A	ALARMS	214 7 ST W , St Paul
81	23024281	02/12/2023 00:51	A	ASS-ASSIST FIRE/AMBULANCE	214 7 ST W , St Paul
82	23027835	02/17/2023 22:34	A	DISTURBANCE-DISTURBANCE CALLS	214 7 ST W , St Paul
83	23027877	02/18/2023 00:45	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	214 7 ST W , St Paul
84	23030127	02/22/2023 00:58	F	ALARMS	214 7 ST W , St Paul
85	23040109	03/11/2023 19:44	G	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	214 7 ST W , St Paul
86	23040747	03/13/2023 03:00	A	INVESTIGATE-AND ALL OTHER	214 7 ST W , St Paul
87	23043747	03/17/2023 20:29	A	911 HANGUP	214 7 ST W , St Paul
88	23044340	03/18/2023 19:24	A	ASS-ASSIST FIRE/AMBULANCE	214 7 ST W , St Paul
89	23048195	03/24/2023 23:34	C2	ASS-ASSIST FIRE/AMBULANCE	214 7 ST W , St Paul
90	23057115	04/08/2023 23:53	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W , St Paul
91	23059276	04/12/2023 12:14	A	ALARMS	214 7 ST W , St Paul
92	23060535	04/13/2023 23:01	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W , St Paul
93	23071342	04/30/2023 01:19	A	INVESTIGATE-AND ALL OTHER	214 7 ST W , St Paul
94	23083474	05/17/2023 17:29	A	POLICE VISIT-PROACTIVE POLICE VISIT	214 7 ST W , St Paul
95	23085213	05/20/2023 00:19	U	DISTURBANCE-DISTURBANCE CALLS	214 7 ST W , St Paul

Adverse Action Comments Text

06/05/2023

Licensee: NEW BOHEMIA ST PAUL LLC

DBA: NEW BOHEMIA WURST & BIER HAUS/TRUCK YARD

License #: 20160003866

4/25/2018 - Sent Notice of Violation with a 5/7/2018 deadline to respond. JAK

12/04/2017 Cnc. Liq. On Sale 101-180 to upgrade lic. to Liq. On Sale 291 or more lic. All lic. Active/Pnd. Rnw. thru 01/27/2018. JWF

09/08/2017 Withdraw Liq. Out. Patio because wrong lic. type. Correct lic. type is Liq. Out. Sidewalk since seating is or projects into public right-of-way. JWF

09/08/2017 Withdraw Liq. On Sale 291 or more seats and to upgrade to new license at time of renewal. JWF

Licensee: NEW BOHEMIA ST PAUL LLC

DBA: NEW BOHEMIA WURST & BIER HAUS/TRUCK YARD

License #: 20160003866

6/5/2023 Placed proposed license Condition #7 (Camera) for Preparation of AA for CC approval JNV
10/18/2021 Meeting held with Director of Ops, Matthew McGough, DSI and SPPD to discuss management of the Truck Park.
12/11/2018 Conducted Gambling inspection 4:50pm JNV
04/30/2018 \$500 Matrix penalty/violation fee paid over the phone. Sent email to KS, DN, JK, TF, TS, EH. rd.
4/17/2018 - Sent to CAO for adverse action. Licensee expanded liquor service area without appropriate permit and allowed liquor to be consumed outside the licensed premises on 3/17/2018. JAK
12/04/2017 Cnc. Liq. On Sale 101-180 to upgrade lic. to Liq. On Sale 291 or more lic. All lic. Active/Pnd. Rnwl. thru 01/27/2018. JWF
08/24/2017 City endorsed LG214 form for the South Robert Street Business Association to conduct charitable gambling at New Bohemia, 222 7th Street W in Saint Paul emailed to GCB. TPF
07/13/2017 Email sent return signed lic. cond. affidavit and statement how control outdoor liq. serv. on sidewalk, 07/25/2017 response date. JWF
07/12/2017 No objections to lic. notice to expand liq. serv. area and upgrade lic. per Nhia Vang's office, Leg. Hearing Officer. JWF
06/07/2017 Lic. notice sent to upgrade liq. lic. to expand into adjoining space and outdoor area, 4M/35EM, response date 06/23/2017. JWF
04/10/2017 Rcvd. OP app, and ins. Emailed app. info. to PW. JWF
04/05/2017 Letter sent unmet requirements for pending Liq. Out. Sidewalk lic. 04/18/2017 rck (gray file). JWF
02/08/2017 Council file #17-296 approves Liq. Out. Serv. Area (Sidewalk) lic. with conditions. JWF
02/07-17 To CAO for council approv. of sidewalk cafe. KS
02/07/2017 To KS for CA action to have CC approve Liq. Out. (Sidewalk) lic. JWF
01/26/2017 No objections to lic. notification per Nhia Vang's office, Leg. Hearing Officer. JWF
01/05/2017 Rcvd. signed lic. cond. affidavit. EM sent to PW on Obst. Prmt. JWF
01/04/2017 Lic. notification sent, 9M/35EM, response date 01/20/2016. JWF
11/29/2016 To KS/EH for review. JWF

RESOLVED, that the Council of the City of Saint Paul does ordain:

SECTION 2

Chapter 310.01 of the Saint Paul Legislative Code is hereby amended as follows:

Chapter 310. Uniform License Procedures

The procedures in this chapter are meant to govern the issuance of all licenses and certain permits in the City of Saint Paul unless a different process is required by statute. The requirements laid out in this chapter are meant to supersede all requirements laid out in ordinance related to Applications for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures.

Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section will have the following meanings:

Adverse action means 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. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.05 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T, and class N licenses under authority of the city.

Class R licenses means those licenses and certain permits which can be issued by the Director without council approval if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class R Licenses follow the Procedures for Application for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(1). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

SECTION 5

Section 310.06 is renumbered as 310.04 and amended as follows:

Sec. 310.04. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions must be initiated and carried out in accordance with the procedures outlined in section 310.03; provided, however, that the formal notice of hearing must be used to initiate the adverse action.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed, or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license or set forth in the resolution granting or renewing the license.

(6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

(7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

(8) The licensed business, or the way in which such business is operated, 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.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the Director in the case of Class T licenses, and the Director in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code or has made or attempted to make a prohibited ex-parte contact with a council member as provided in section 310.03 (c-2) of the Legislative Code.

(13) The licensee violated the law, or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02 prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section means and includes any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter must be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The Director may recommend the imposition of such reasonable conditions and/or restrictions as an adverse action against the license or licenses. The council may impose such conditions with the consent of the license holder, as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses will remain on such licenses when renewed and must continue thereafter until removed by the council.

(d) Restrictions on intoxicating liquor, non-intoxicating and malt liquor licenses.

When a reasonable basis is found by the council to impose restrictions or conditions upon an intoxicating liquor license held under this chapter, the council, upon issuing a new license or renewing a license or approving a transfer of a license, may impose reasonable conditions and restrictions pertaining to the manner and circumstances in which the business to preserve the public peace and protect and promote good order and security. These reasonable conditions or restrictions may pertain to:

- (1) the hours when intoxicating liquor may be sold and/or consumed on the licensed premises;
- (2) the exact location within a building where intoxicating liquor will be served and/or sold and/or consumed;
- (3) the means of ingress to or egress from the licensed establishment;
- (4) a requirement that certain off-street parking facilities be provided;
- (5) a condition that the license will be in effect only so long as the establishment remains a drugstore, restaurant or hotel as defined by the state liquor act or regulations adopted pursuant thereto;
- (6) the means and methods of advertising the sale of intoxicating liquor on the building and/or on the premises adjacent thereto;
- (7) Reasonable conditions limiting the operation of the licensed premises so as to ensure that the licensed business will comport with the character of the district in which it is located and/or to the end that nuisances will be prevented; and
- (8) Additional conditions upon hotels and restaurants which may in the discretion of the council tend to ensure that the sale of liquor will take place only in conjunction with the sale and service of food.

(e) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

- (1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;
- (2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

(3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;

(4) The management practices of the licensee or applicant with respect to each of such licenses;

(5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;

(6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and

(7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

SECTION 6

Section 310.07 is renumbered as 310.05 and amended as follows:

Sec. 310.05. Termination of licenses; surety bonds; insurance contracts.

(a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications will automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and is not entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § 310.03. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul must be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters must be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, must first be approved as to form by the city attorney.