

STATE OF MINNESOTA)  
) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY)

Riddhi Mistry, being first duly sworn, deposes and says that on the third day of March she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY AND AMENDED CONDITIONS**, a correct copy thereof in an envelope addressed as follows:

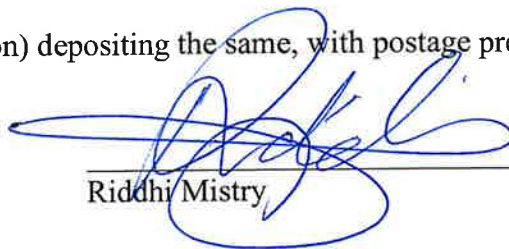
A & M Bar and Grill LLC  
d/b/a St Paul Saloon  
1045 Hudson Road  
Saint Paul, MN 55106  
Attn: Alex Rivero

Alex Rivero  
3565 Bailey Ridge Bay  
Woodbury, MN 55125

A and M Realty LLC  
3565 Bailey Ridge Bay  
Woodbury, MN 55125

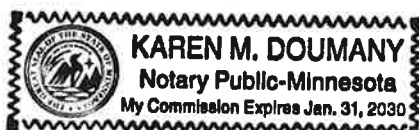
Dayton's Bluff Community Council  
East Side Enterprise Center  
804 Margaret Street  
Saint Paul, MN 55106  
Attn: Executive Director

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

  
\_\_\_\_\_  
Riddhi Mistry

Subscribed and sworn to before me  
This 3rd day of March 2026

  
\_\_\_\_\_  
Notary Public





March 3, 2026

**NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF  
\$500 MATRIX PENALTY AND AMENDED CONDITIONS**

A & M Bar and Grill LLC  
d/b/a St Paul Saloon  
1045 Hudson Road  
Saint Paul, MN 55106

**Attn: Alex Rivero**

RE: Liquor On-Sale 100 Seats or Less, Liquor Outdoor Service Area (Patio), Liquor On-Sale Sunday & Gambling Location license held by A & M Bar and Grill LLC d/b/a St Paul Saloon for the premises located at 1045 Hudson Road.  
License ID #20160001981

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Liquor On-Sale 100 Seats or Less, Liquor Outdoor Service Area (Patio), Liquor On-Sale Sunday & Gambling Location license ("License") held by A & M Bar and Grill LLC d/b/a St Paul Saloon ("Licensee") located at 1045 Hudson Road ("Licensed Premises").

**Legal Basis for Adverse Action:**

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 § 310.03(m)(1) explains the general penalty matrix, which outlines standard penalties for violations:

(m) Presumptive penalties for certain violations.

1. General presumptive penalties matrix—The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.

Type of Violation	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license.	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity.	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation

Saint Paul Legislative Code § 310.04(c) explains the imposition of reasonable conditions on a license:

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.

....

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.

Saint Paul Legislative Code § 310.04(b) explains the grounds upon which adverse action against a license may be taken, clauses 5 and 7 state:

- (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.
- (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.

Saint Paul Legislative Code § 409.08(5) explains that a licensee holding a liquor license is responsible for what happens on the licensed premises:

- (5) Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business.

Saint Paul Legislative Code § 238.02(6) provides the definition of "smoking":

- (6) *Smoking* means the inhaling, exhaling or combustion of any cigar, cigarette, pipe, tobacco product, weed, plant or any other similar article. 'Smoking' includes possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment. 'Smoking' does not include the use of tobacco by an enrolled member of a federally recognized Indian tribe as part of a traditional Indian spiritual or cultural ceremony.

Saint Paul Legislative Code § 238.03 explains that smoking is prohibited in liquor establishments:

"Smoking is prohibited in restaurants, pool halls, bowling centers, rental halls, bingo halls and licensed liquor establishments."

Saint Paul Legislative Code § 238.09 explains the violations and penalties if a licensee fails to comply with the requirements of this Chapter:



- (b) *Penalties.* Failure to comply with the requirement of this chapter shall be a basis for adverse action under Saint Paul Legislative Code [§ 310.04(b)(7)].
- (c) A violation of any provision of this chapter shall be considered a violation of the provisions of the legislative code relating to the licensed activity under [§ 310.03(m)(2)] and shall be punishable accordingly under that section.

Minnesota Statutes sections 144.411 to 144.417, the Minnesota Clean Indoor Air Act (“Act”), exists to protect employees and the general public from the hazards of smoking in public places. Section 144.414, subdivision 1, prohibits smoking in public places:

Smoking shall not be permitted in and no person shall smoke in a public place, at a public meeting, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.

Section 144.413, subdivision 2, of the Act defines a “public place,” which includes bars and liquor establishments:

any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities other than public schools, as defined in section 120A.05, subdivisions 9, 11, and 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings.

Section 144.416(a) of the Act requires proprietors and those responsible to order anyone smoking to stop or leave the public place:

- (a) The proprietor or other person, firm, limited liability company, corporation, or other entity that owns, leases, manages, operates, or otherwise controls the use of a public place, public transportation, place of employment, or public meeting shall make reasonable efforts to prevent smoking in the public place, public transportation, place of employment, or public meeting by:



...

- (2) asking any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor, person, or entity in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

Section 144.417, subdivision 2(a), of the Act explains that a proprietor who fails to comply with the Act is guilty of a petty misdemeanor:

Any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under sections 144.411 to 144.417, and that knowingly fails to comply with sections 144.411 to 144.417, is guilty of a petty misdemeanor.

The Ramsey County Smoking and Commercial Tobacco Use Ordinance (SCTUO) §§ 1.00-11.00 also prohibits smoking in indoor public places, as enumerated in the Act. Section 6.01(A) states:

Smoking is not allowed in indoor public places and places of employment as defined by the Minnesota Clean Indoor Air Act.

Section 7.00(A) of the SCTUO prohibits anyone in control of a public place from allowing smoking in the public place:

No person or employer can permit smoking in an area they control where smoking is prohibited by this or any other law.

Section 8.00(C) of the SCTUO explains that proprietors may be issued a civil penalty for violations of the SCTUO:

Any proprietor, person or entity that owns, leases, manages, operates or otherwise controls the use of an area in which smoking and commercial tobacco product use is prohibited, and that knowingly does not comply with this Ordinance,



may be issued a civil penalty. Fine amounts vary depending on violation. Refer to the Ramsey County Smoking and Commercial Tobacco Use Ordinance Violations Fine Schedule for detailed amounts.

### **Adverse Action Recommendation:**

The Department will recommend the imposition of the \$500.00 matrix penalty and will recommend modification to existing license conditions. This recommendation is consistent with Saint Paul Legislative Code §§ 238.09(b), 238.09(c), 310.01, 310.03(m)(1)(1), 310.03(m)(1)(2), 310.04(b)(5), 310.04(b)(7), 310.04(c) for violations of Saint Paul Legislative Code §§ 238.03, 238.04(3), 409.08(5) as well as Minnesota Statutes §§ 144.416(a)(2), 144.417, subd. 2(a), and SCTUO § 8.00(C).

### **Factual Basis for Adverse Action:**

On November 1, 2025, around 11:45 p.m., Saint Paul Police Officers responded to a report of shots fired at the Licensed Premises. Upon arrival, officers located an adult male injured with a gunshot wound to his left leg. Officers provided first aid until medics arrived. The male was taken to the hospital with non-life-threatening injuries. Officers spoke to the bartender who informed them that she had stepped out to take a smoke break, and when she came back inside the Licensed Premises, she heard gunshots. She observed patrons running and exiting the Licensed Premises in a state of panic. Officers learned that two males exchanged gunfire inside the Licensed Premises. Officers located several spent casings on the ground around the bar area. Officers observed damage to machines and entertainment equipment in the Licensed Premises. Outside, officers located more spent casings on the sidewalk and observed several vehicles that had sustained damage from gunshots.

Officers obtained video surveillance footage taken of the Licensed Premises' interior leading up to and including the gunshots fired on November 1, 2025. When reviewing the footage, officers observed a man working as a security guard near the entrance of the Licensed Premises. The man did not have any visible markings or uniform to indicate that he was a security guard. Officers also observed a metal detector at the front entrance of the Licensed Premises. The video surveillance footage showed the metal detector flashing red lights several times over the course of the evening when patrons entered, indicating the presence of a possible weapon on the patron, prior to the gunshots inside the Licensed Premises. The man working as a security guard made no attempt to stop anyone that walked through the metal detector, including those patrons that caused the metal detector to flash red lights.

### **License Condition Violated:**

The facts provided above illustrate that the following license condition was violated:



**License Condition #2** – The license holder shall provide clearly identifiable security on the premises between the hours of 9:00 p.m. and 1:30 a.m. or until all patrons have left the premises, whichever is later. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.

**Proposed Amended License Conditions:**

Due to the severity of the facts, and the nature of the violation, imposition of the proposed amended conditions is reasonable. The proposed amended conditions are recommended for the purpose of promoting public health, safety, and welfare, in addition to advancing the public peace and to promoting security and safety in the neighborhood. Current license conditions 1, 2, and 7 should be amended to state:

**License Condition #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 the 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 the 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.

**License Condition #2** – License holder shall retain clearly identifiable security personnel. Clearly identifiable personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance of the licensed 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 #7. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.



**License Condition #7** – 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. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.

**Full List of Conditions, Including Proposed Amended Conditions:**

**License Condition #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 the 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 the 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.

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**License Condition #3** – No patron(s) shall be admitted to the inside of the establishment after 12:30 a.m. Any patron(s) leaving the establishment after 12:30 a.m. shall not be readmitted to the establishment for any reason.



**License Condition #4**– Last call shall be given no later than 12:45 a.m., there shall be no sale, service or consumption of alcoholic beverages after 1:00 a.m. and the licensee will ensure that all patrons have left the premises no later than 1:30 a.m.

**License Condition #5**– The license holder shall make sure that all refuse and trash that is on the surrounding sidewalks is removed on a daily basis.

**License Condition #6** – Patio seating and location of the patio shall be maintained in accordance with the approved site plan on file with the Department of Safety and Inspections.

**License Condition #7** – 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. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **March 13, 2026**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council consent agenda for imposition of the \$500 matrix penalty and the proposed amended conditions.
2. You can pay the \$500 matrix penalty and sign an affidavit agreeing to the proposed amended conditions. If this is your choice, you should make payment directly to and obtain and sign the affidavit from the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806, no later than **March 13, 2026**. If you choose this option, please contact the Department immediately.
3. If you wish to admit the facts but contest the \$500 matrix penalty or the proposed amended conditions, you may have a hearing before the City Council. You will need to send me a letter with a statement admitting to the facts and requesting a City Council hearing no later than **March 13, 2026**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty and the proposed amended conditions. You will have an opportunity to appear before the City 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 **March 13, 2026**. At that hearing, both you and the City will appear and present witnesses and evidence and be able to cross-examine each other's witnesses. After receipt of the ALJ's report and recommendation (usually within 90 days), a City Council hearing will need to be scheduled. 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 reserves the right to request that the City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.03(k).

**If you have not contacted me by March 13, 2026, I will assume that you do not contest the imposition of the \$500 matrix penalty and proposed amended conditions. In that case, the matter will be placed on the City Council consent agenda for approval of the recommended penalty.**

If you have questions about these options, please contact my Paralegal Riddhi Mistry at riddhi.mistry@ci.stpaul.mn.us or (651) 266-8835.

Sincerely,

Monica Shaffer  
Assistant City Attorney  
License No.: 0504708

Cc: Alex Rivero, 3565 Bailey Ridge Bay, Woodbury, MN 55125  
A and M Realty LLC, 3565 Bailey Ridge, Woodbury, MN 55125  
Executive Director, Dayton's Bluff Community Council, East Side Enterprise Center, 804 Margaret Street, Saint Paul, MN 55106

Attachments:

Summary Report & Surveillance Video Observations with Photos– 11/1/2025–11/2/2025  
SPPD Incident Report –11/3/2025  
License Group Conditions Text – 2/3/2026  
Proposed License Conditions – Amendments & Imposition of License Conditions



Saint Paul Legislative Code § 310.01  
Saint Paul Legislative Code § 310.03(m)(1)  
Saint Paul Legislative Code § 310.04(b)  
Saint Paul Legislative Code § 310.04(c)  
Saint Paul Legislative Code § 409.08  
Saint Paul Legislative Code § 238.02  
Saint Paul Legislative Code § 238.03  
Saint Paul Legislative Code § 238.09  
Minnesota Statutes §§ 144.411-.417  
Ramsey County Smoking and Commercial Tobacco Use Ordinance (SCTUO) §§ 1.00-11.00

**1045 Hudson Rd – DBA: St. Paul Saloon**

**Summary Report – 11/1&2/2025**



**1045 Hudson Rd – DBA: St. Paul Saloon - License #20160001981**

**Surveillance Video Observations**

**10:30pm Saturday November 1<sup>st</sup>, 2025, to 12:30am November 2<sup>nd</sup>, 2025**

-Thumb Drive Provided by-St. Paul Saloon

-Unknown who call 911.

**VIOLATIONS FOUND:**

**1) Channel07\_20251101223000.UTC-0600 - 22:37:08 hours** - No reaction from Security when metal detector goes off. See Photo's labeled 1,2 & 3 – Patron 'A' granted entry, stops at table and talks with security.

**2)Channel07\_20251101223000.UTC-0600 - 22:37:13 hours - Photo's labeled 2 & 3** - Security eating dinner while metal detector goes off, patron 'B' granted entry, stops at table and talks with security and patron 'A', see photo labeled 3.

**3)Patron's 'A', 'B' & Security** - all of them at the same table after patrons triggers the alarm upon entry by megnetomitor (metal detector).

**4) Channel07\_20251101223000.UTC-0600 - 22:45:27 hours** - Security is not clearly identifiable, front of shirt - license condition #2 Violation.

**5)Channel07\_20251101223000.UTC-0600 - 22:49:36 hours** - Security is not clearly identifiable on the back of security shirt – license condition violation #2.

**6)Channel07\_20251101223000.UTC-0600 - 23:22:52 hours** - male walked through metal detector, with a firearm, shots fired back at suspect inside bar. Red arrow indicates Security on phone.

**7)Channel07\_20251101223000.UTC-0600 - 23:22:52 hours** - No reaction from security after alarm goes off – patron identified later (photo 14) has possession of a firearm and shooting inside the bar.

**8)Channel07\_20251101223000.UTC-0600 - 23:23:53 hours** - Patron walked through and sets off metal detector. Security on his phone, he never looked up when alarm went off.

**9)Channel04\_20251101223000.UTC-0600 – 23:43:10 hours** – Vaping in Bar – Red arrows for two female patrons vaping indoors – Violation of the 'Minnesota Clean Indoor Air Act' (MCIAA) 144.411-144.417, the 'Ramsey County Clean Indoor Air Ordinance' (RCCIAO) and the 'Ramsey County Smoking and Commercial Tobacco Use Ordinance' (SCTUO).

**10)Channel07\_20251101223000.UTC-0600 - 23:43:24 hours** – Security never responded to metal detector going off, armed suspect enters with a firearm.

**11)Channel07\_20251101223000.UTC-0600 - 23:43:29 hours** - armed suspect shoots at the patron that arrived in photos labeled 6 & 7.

**12)Channel 12\_20251101223000.UTC-0600 - 23:43:27** - Suspect Enters bar from photo labeled '10/11', immediately shoots at patron that arrived in photo labeled '6' & '7' in the corner, patron shoots back.

**13)Channel04\_20251101223000.UTC-0600 – 23:43:28** – Suspect from photo 10 & 11 cocks his gun and aims at the patron that entered the bar from photo's 6 & 7.

**14)Channel04\_20251101223000.UTC-0600 - 23:43:28** – Aims at the patron that entered the bar from photo's 6 & 7.

**Attached Documents:**

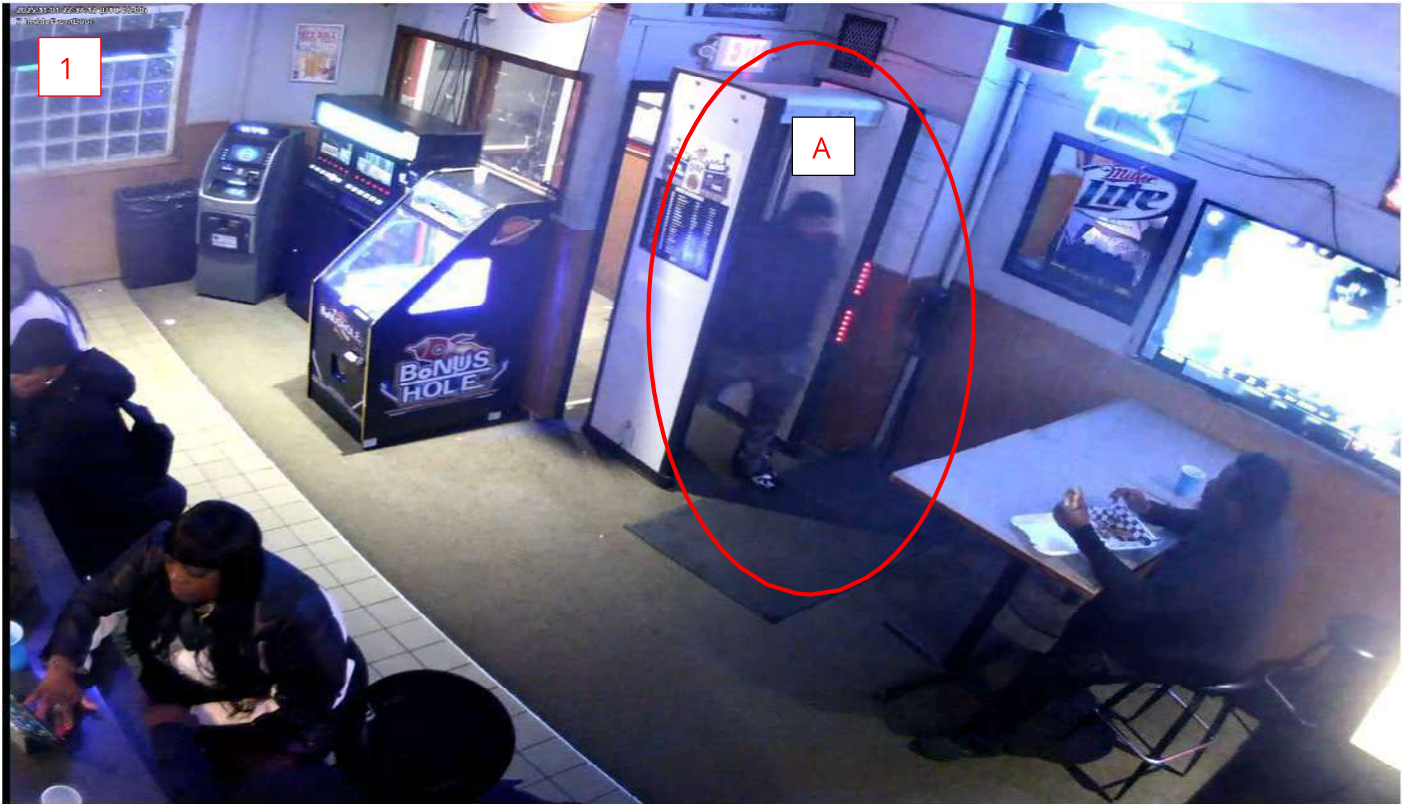
- SPPD CN's
- License Conditions

SPPD Sergeant Matthew Arntzen



Revised Date of 2/5/2026

1)Channel07\_20251101223000.UTC-0600 - 22:37:08 hours - No reaction from Security when metal detector goes off. See Photo's labeled 1,2 & 3 – Patron 'A' granted entry, stops at table and talks with security.



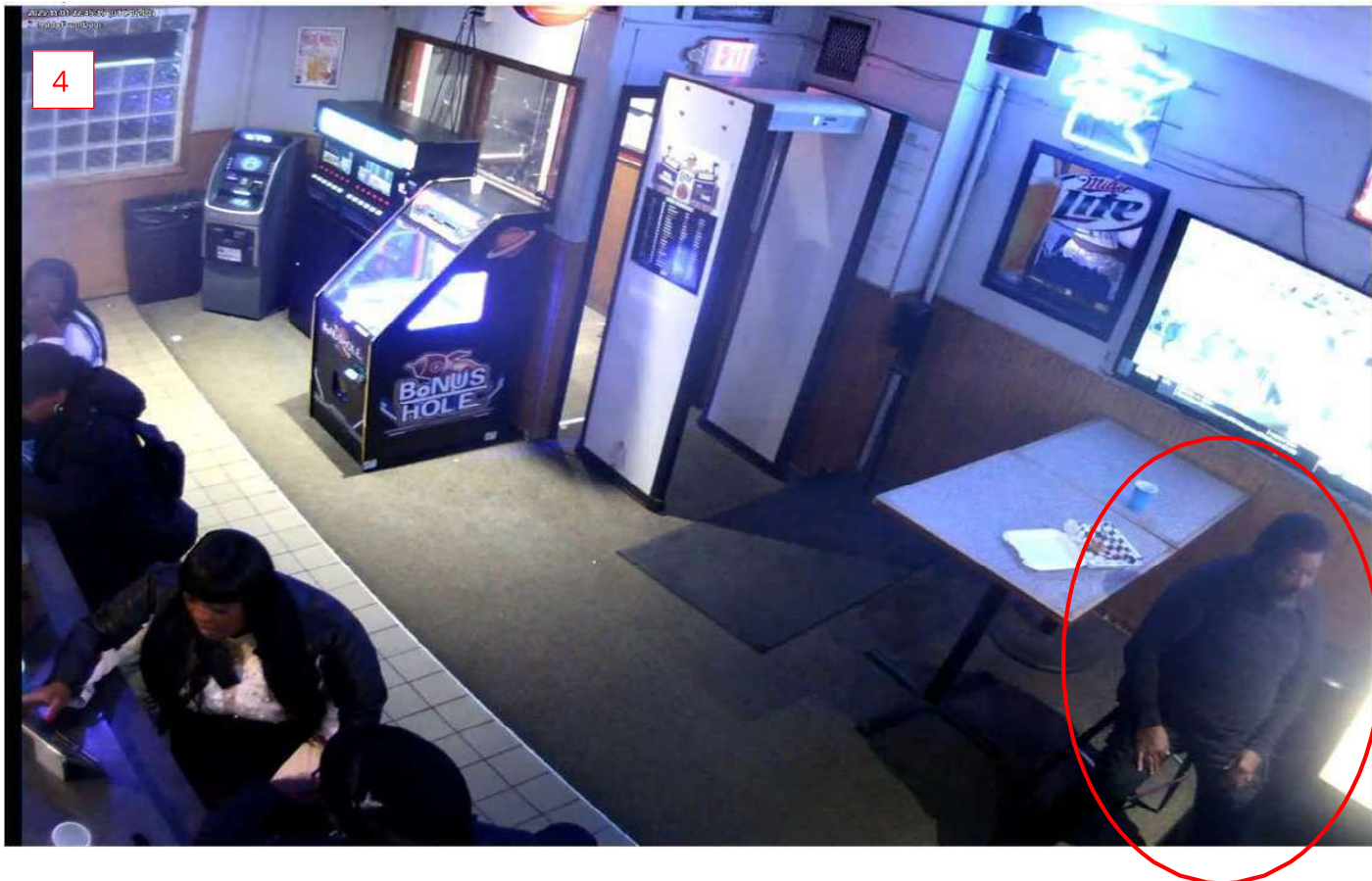
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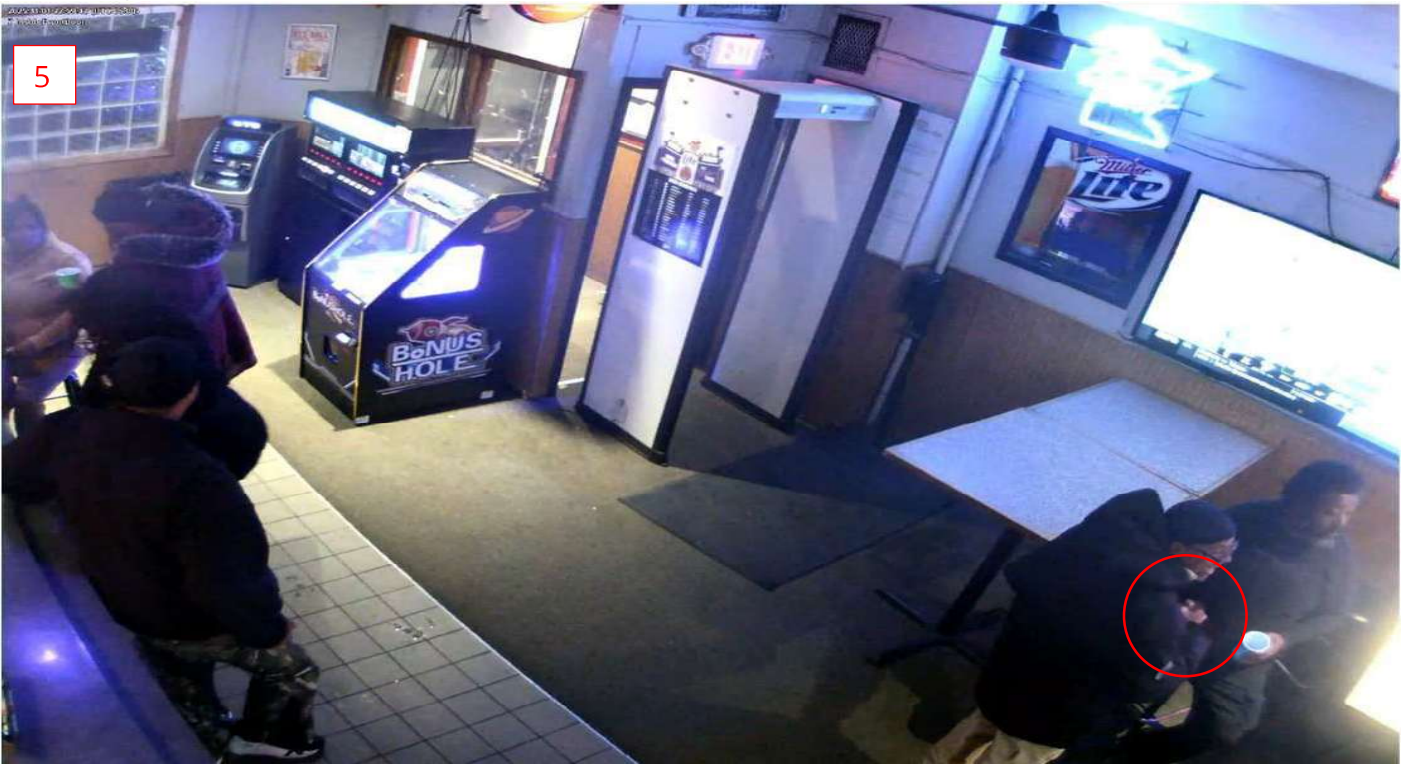
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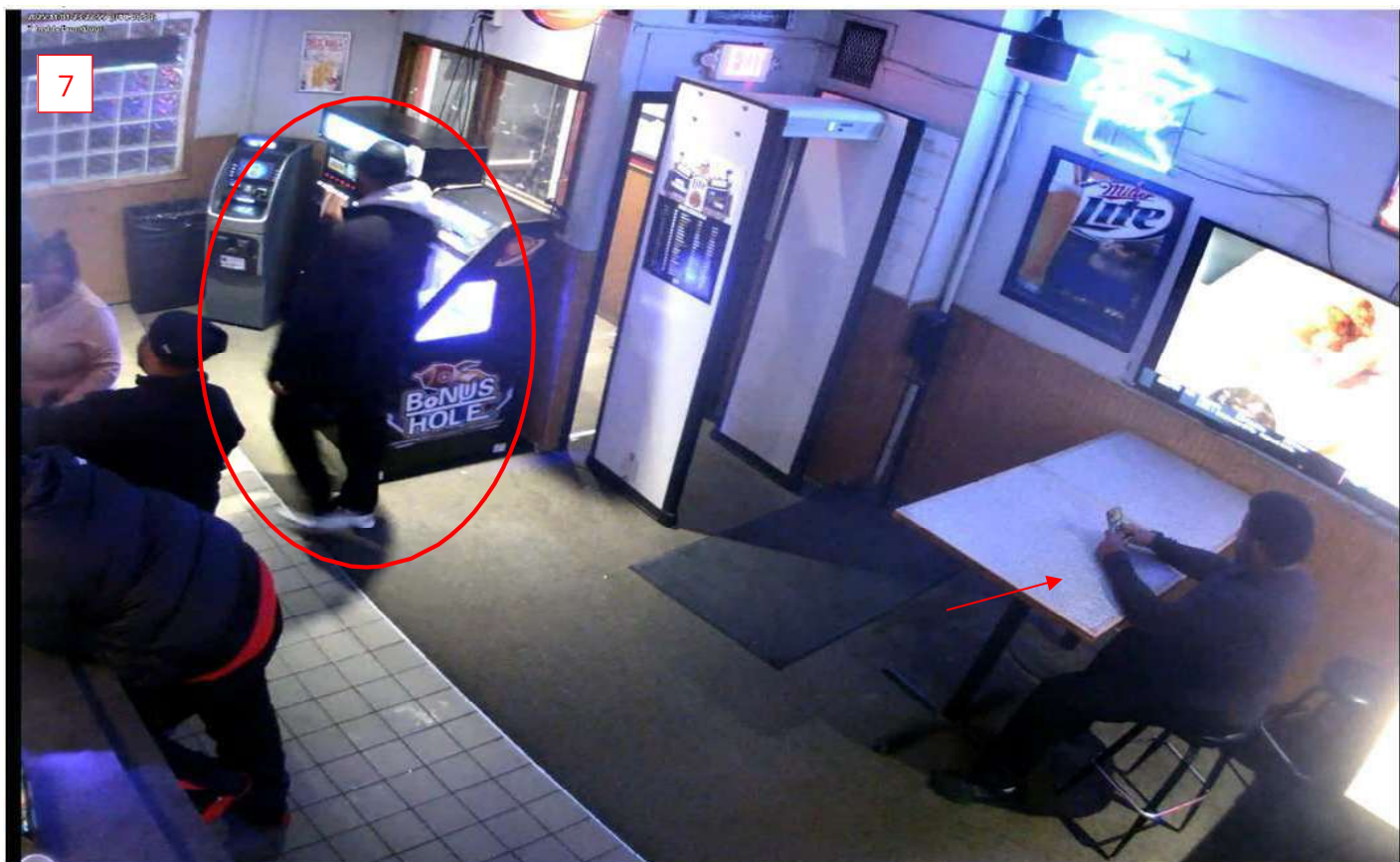
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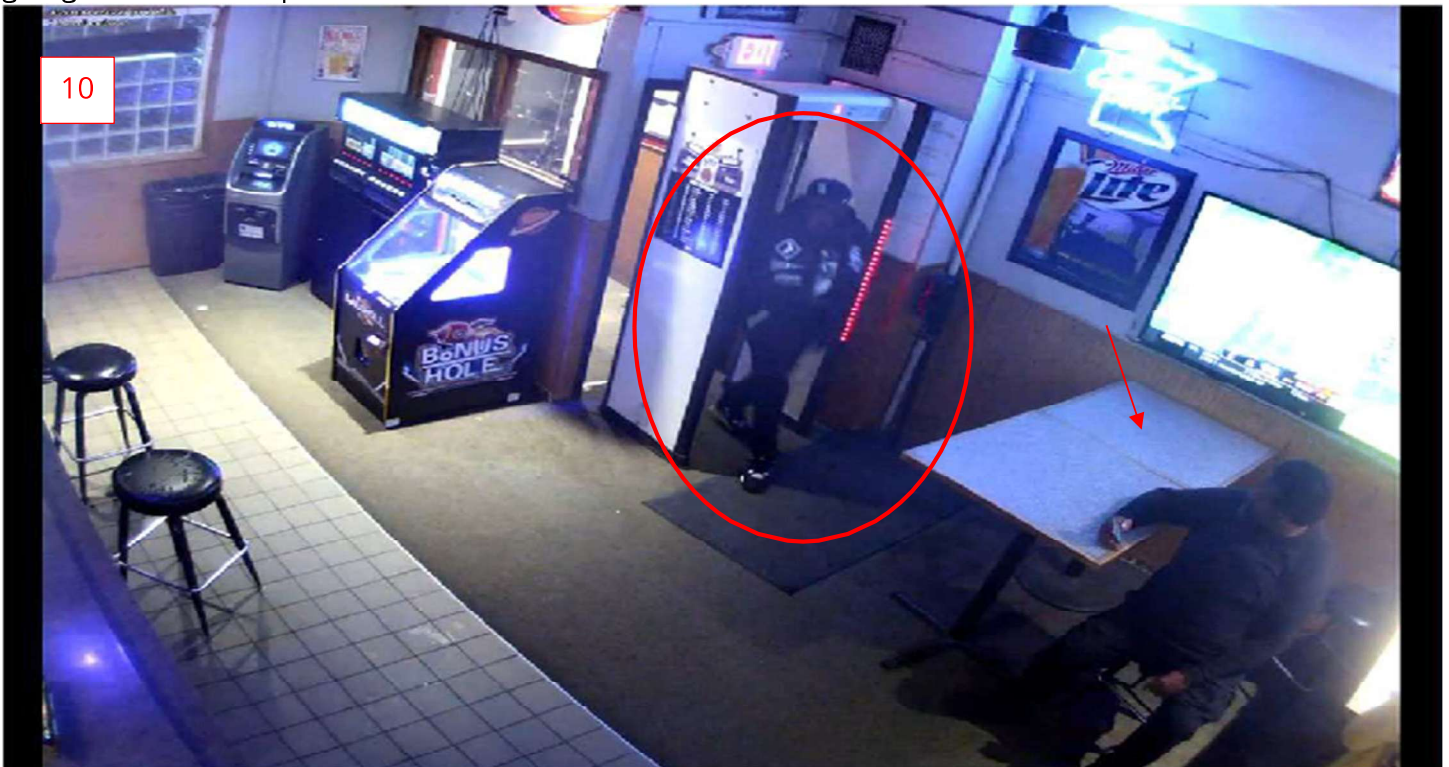
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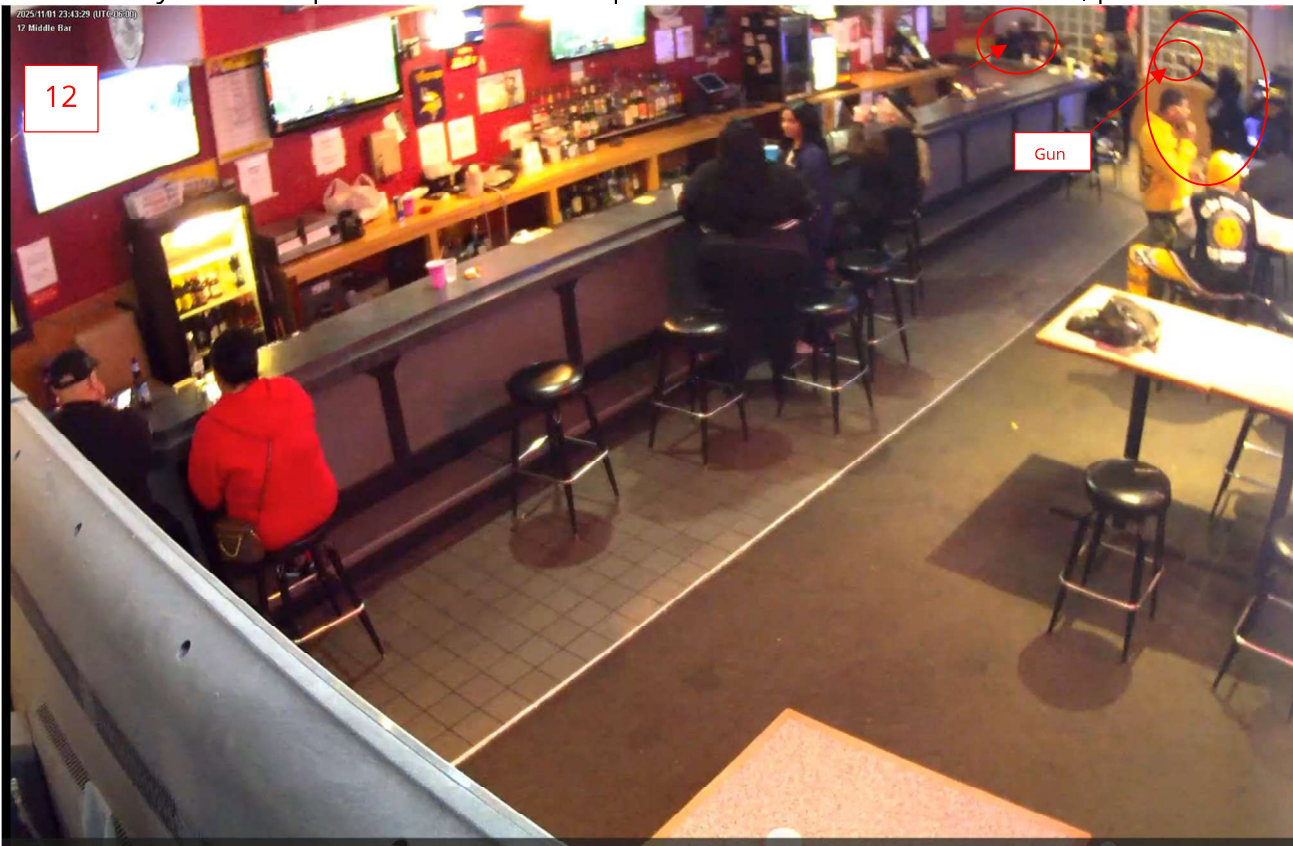
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14)Channel04\_20251101223000.UTC-0600 - 23:43:28 - Aims at the patron that entered the bar from photo's 6 & 7.



Licensee: A & M BAR AND GRILL LLC

DBA: ST PAUL SALOON

License #: 20160001981

1. The license holder shall install and maintain video surveillance cameras inside and outside the establishment. There shall be a minimum of eight (8) cameras, with at least five (5) cameras placed inside the building and three (3) outside the building. The license holder shall ensure that the security cameras are properly aimed and placed to provide surveillance of the premises, and that there is adequate lighting for the cameras to record activities. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department immediately upon request. In addition, if the Saint Paul Police Department responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the Saint Paul Police Department or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.
2. The license holder shall provide clearly identifiable security on the premises between the hours of 9:00 p.m. and 1:30 a.m. or until all patrons have left the premises, whichever is later. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.
3. No patron(s) shall be admitted to the inside of the establishment after 12:30 a.m. Any patron(s) leaving the establishment after 12:30 a.m. shall not be readmitted to the establishment for any reason.
4. Last call shall be given no later than 12:45 a.m., there shall be no sale or service of alcoholic beverages after 1:00 a.m. and the licensee will ensure that all patrons have left the premises no later than 1:30 a.m.
5. The license holder shall make sure that all refuse and trash that is on the surrounding sidewalks is removed on a daily basis.
6. Patio Seating and location of the patio shall be maintained in accordance with the approved site plan on file with Department of Safety and Inspection.
7. Licensee agrees not to open to the public and/or allow any consumption of alcohol on the premises until obtaining final approval of the Certificate of Occupancy (CofO) from DSI Fire Inspection. Failure to comply with these license conditions will result in adverse action.



# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Incident Overview

Case Status	: <b>Closed</b>	Occ Date From	:	<b>11/03/2025, 09:06</b>
Case Number	: <b>25-202255</b>	Occ Date To	:	<b>11/03/2025, 09:25</b>
Reported Date	: <b>11/03/2025, 09:06:52</b>	Bias Motivation	:	
Location	: <b>375 Jackson Street, St Paul, MN 55101</b>	Arrest	:	
Offenses	: <b>1) Investigate-And All Other</b>	Resistance Encountered	:	<b>No</b>
	<b>2) Admin- Investigate,Administrative Record</b>			

## Incident Summary

Created by:		<b>11/03/2025, 09:32</b>
<p>DSI Investigation related to SPPD case number 25-201572. Incident is related to Cheers Pub and are under review by the Department of Safety &amp; Inspection &amp; the St. Paul City Attorney's Office for possible Adverse Action related to the business licensing conditions.</p>		

CASE NUMBER: 25-202255

Printed by: 21900



# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Staff Involved

Officer	Type	BWC	ICC	Resistance Encounter	Force Used	Vehicle Pursuit
Arntzen, Matthew (21900)	Submitter, Primary	No		No	No	No

## Narratives

**Narrative 1** Created by: **ARNTZEN, MATTHEW (21900)** 11/03/2025, 09:32

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**Synopsis :**

DSI Investigation related to SPPD case number 25-201572. Incident is related to Cheers Pub and are under review by the Department of Safety & Inspection & the St. Paul City Attorney's Office for possible Adverse Action related to the business licensing conditions.

**Narrative :**

I, Sgt. M. Arntzen 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. This DSI investigation is related to SPPD case number 25201572.

On 11/1/2025 at 2344 hours officers responded to 1045 Hudson (St. Paul Saloon) for a report of a shots fired. Officers arrived on scene and located an adult male with a gun shot wound to the left leg. Officers provided first aid until medics arrived. The male was transported to the hospital with non life threatening injuries.

The bartender stated that the bar was not busy and that there were no problems. She decided to step out to the back for a cigarette break. As soon as she arrived at the back of the bar, she heard two shots fired from inside. Moments later, she heard four more shots fired from the front of the bar. She then observed customers running and exiting the bar in a panic.

Officers walked into the bar and observed evidence of the shots fired inside. The area of interest was the southern portion of the bar closest to Hudson Rd. There were several spent casings on the ground on the west side of the countertop bar and behind the bar on the employee side. Officers also observed fresh damage from gunfire to several machines/entertainment equipment that were inside the bar east and south of the front door entrance.

Officers also observed more spent casings on the sidewalk to the west of the bar and several vehicles on the north side of Hudson Rd that sustained damage from being hit with gunfire.

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# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

No suspects or arrests at the time of this report.

**Narrative 2**

Created by: **ARNTZEN, MATTHEW (21900)**

**11/03/2025, 14:41**

**Synopsis :**

**Narrative :**

Correction: I referred to 1045 Hudson as Cheers Pub in the public narrative. It is St. Paul Saloon. NOT Cheers Pub

**Narrative 3**

Created by: **ARNTZEN, MATTHEW (21900)**

**11/04/2025, 13:29**

**Synopsis :**

**Narrative :**

On 11/4/25 DSI Licensing Manager Eric Hudak drafted a formal request of surveillance video of the St. Paul Saloon, 1045 Hudson Rd. The video request was for continuous, uninterrupted video footage from all camera views, for the time period starting at 10:30pm on Saturday November 1st to 12:30am on Sunday November 2nd, 2025 (2 hours). The letter also advised to provide the video no later than by Friday November 7th, 4:00pm.

I hand delivered a copy of the letter to the St. Paul Saloon at 1015 hours. I spoke to a male bartender who seemed familiar with this process. He stated he would get the letter to the owner ASAP.

**Narrative 4**

Created by: **ARNTZEN, MATTHEW (21900)**

**11/06/2025, 13:49**

**Synopsis :**

**Narrative :**

On 11/5/25 I received a digital thumb drive from the owner of St. Paul Saloon. Not all videos were viewed in their entirety but it appears it contains all 13 camera views. The video footage is between 10:30pm on November 1st, 2025 and 12:30am on November 2nd, 2025.

**Narrative 5**

Created by: **ARNTZEN, MATTHEW (21900)**

**11/18/2025, 08:31**

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Printed by: 21900



# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Synopsis :

### Narrative :

On 11/3/25 I was made aware of an incident that occurred on 11/1/25 at 1045 Hudson, St. Paul Saloon. On 11/1/2025 at 2344 hours officers responded to the 1000 block of Hudson on report of a shots fired. Officers arrived on scene and located an adult male with a gun shot wound to the left leg. Officers provided first aid until medics arrived. The male was transported to the hospital with non life threatening injuries. Officers learned that two males exchanged gunfire inside the bar.

The St Paul Saloon had 57 calls for service from 11/3/24 to 11/3/25. Most were labeled 'disturbance' or quality of life life type calls. There were two coded 'aggravated assaults' and two 'weapons'.

After reviewing all the videos provided by the St. Paul Saloon, I have found one violation. Under condition #2 security must be clearly identifiable. on 11/3/2025 there was a male who appeared to be a security guard near the front entry. he was wearing all black. there were no security markings or special uniform being worn. It should be noted: Although having a metal detector is not in their conditions, the bar does have one inside the front entry. The man who appeared to be the security guard, made no attempt to stop anyone that walked through and set off the metal detector. This occurred multiple times on the video that night.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

The following conditions for the St. Paul Saloon:

1. The license holder shall install and maintain video surveillance cameras inside and outside the establishment. There shall be a minimum of eight (8) cameras, with at least five (5) cameras placed inside the building and three (3) outside the building. The license holder shall ensure that the security cameras are properly aimed and placed to provide surveillance of the premises, and that there is adequate lighting for the cameras to record activities. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department immediately upon request. In addition, if the Saint Paul Police Department responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the Saint Paul Police Department or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.

2. The license holder shall provide clearly identifiable security on the premises between the hours of 9:00 p.m. and 1:30 a.m. or until all patrons have left the premises, whichever is later. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.

3. No patron(s) shall be admitted to the inside of the establishment after 12:30 a.m. Any patron(s) leaving the establishment after 12:30 a.m. shall not be readmitted to the establishment for any

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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

reason.

4. Last call shall be given no later than 12:45 a.m., there shall be no sale or service of alcoholic beverages after 1:00 a.m. and the licensee will ensure that all patrons have left the premises no later than 1:30 a.m.

5. The license holder shall make sure that all refuse and trash that is on the surrounding sidewalks is removed on a daily basis.

6. Patio Seating and location of the patio shall be maintained in accordance with the approved site plan on file with Department of Safety and Inspection.

7. Licensee agrees not to open to the public and/or allow any consumption of alcohol on the premises until obtaining final approval of the Certificate of Occupancy (CofO) from DSI Fire Inspection. Failure to comply with these license conditions will result in adverse action.

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# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Offenses

### Offense 1 - ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD

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	:		

### Offense 2 - INVESTIGATE-AND ALL OTHER

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

## CAD Information

### CAD Info 1

#### Info

Location	: 375 Jackson Street, St Paul	Sector	: 2	Time Received	: 09:06
Locale	: St Paul Safety and Inspection	Grid	: 153	Time Sent	: 09:06
Call Date	:	Disposition	: Records received	Time Arrived	: 09:06
Occur Date	: 11/03/2025, 09:06:52	Priority	: 5	Time Cleared	: 09:07
Caller Information	:	Source	: Officer	Reopen Time	:
Address	:	Fire/Amb	:	Citation #	:
Phone	:	EDP	:		
		Alarm	:		
		ECC Console	: 08		

#### Employees

Officer	Squad	Type	Beat	Received	Sent	Arrived	Cleared
ARNTZEN, MATTHEW	854	1	CN2	09:06	09:06	09:06	09:07

#### CAD Comments

Master Incident Number: 20251103-0648807 CAD Address: 375 Jackson St, Lat/Lon: 44948431 / 93090113 11/03/2025 09:06:53LTC [1] Automatic Case Number(s) issued for Incident #[20251103-0648807], Jurisdiction: SPPD. Case Number(s): SP251103202255. requested by 854. 11/03/2025 09:07:44LTC [2] DSI INVESTIGATION REGARDING CASE 25-201572 COE

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Printed by: 21900



**PROPOSED LICENSE CONDITIONS – AMENDMENTS & IMPOSITION OF LICENSE CONDITIONS**

**1045 HUDSON ROAD – DBA: ST PAUL SALOON**

New: underlined  
Remove: ~~strike-through~~  
Remain: unchanged

1. ~~The license holder shall install and maintain video surveillance cameras inside and outside the establishment. There shall be a minimum of eight (8) cameras, with at least five (5) cameras placed inside the building and three (3) outside the building. The license holder shall ensure that the security cameras are properly aimed and placed to provide surveillance of the premises, and that there is adequate lighting for the cameras to record activities. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department immediately upon request. In addition, if the Saint Paul Police Department responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the Saint Paul Police Department or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.~~ 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.

2. ~~The license holder shall provide clearly identifiable security on the premises between the hours of 9:00 p.m. and 1:30 a.m. or until all patrons have left the premises, whichever is later. 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 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 #7. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.~~

3. No patron(s) shall be admitted to the inside of the establishment after 12:30 a.m. Any patron(s) leaving the establishment after 12:30 a.m. shall not be readmitted to the establishment for any reason.

4. Last call shall be given no later than 12:45 a.m., there shall be no sale, ~~or service~~ or consumption of alcoholic beverages after 1:00 a.m. and the licensee will ensure that all patrons have left the premises no later than 1:30 a.m.
5. The license holder shall make sure that all refuse and trash that is on the surrounding sidewalks is removed on a daily basis.
6. Patio Seating and location of the patio shall be maintained in accordance with the approved site plan on file with Department of Safety and Inspection.
7. ~~Licensee agrees not to open to the public and/or allow any consumption of alcohol on the premises until obtaining final approval of the Certificate of Occupancy (CofO) from DSI Fire Inspection. Failure to comply with these license conditions will result in adverse action.~~ 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. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.

### **Amendments of 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 requestor within 48 hours.
2. 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 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 #7. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.
7. 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. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.

## Final Version of Recommendations if Approved

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 requestor within 48 hours.
  
2. 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 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 #7. License holder shall establish and require that security personnel enforce a no picture identification/no entrance policy. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.
  
3. No patron(s) shall be admitted to the inside of the establishment after 12:30 a.m. Any patron(s) leaving the establishment after 12:30 a.m. shall not be readmitted to the establishment for any reason.
  
4. Last call shall be given no later than 12:45 a.m., there shall be no sale, ~~or~~ service or consumption of alcoholic beverages after 1:00 a.m. and the licensee will ensure that all patrons have left the premises no later than 1:30 a.m.
  
5. The license holder shall make sure that all refuse and trash that is on the surrounding sidewalks is removed on a daily basis.
  
6. Patio Seating and location of the patio shall be maintained in accordance with the approved site plan on file with Department of Safety and Inspection.
  
7. 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. In all other cases, license holder shall provide recorded card scanner information to the requestor within 48 hours.

**St Paul Legislative Code – State Statutes – Ramsey County Ordinance Violations**

**Chapter 409. Intoxicating Liquor**

**Sec. 409.08. Regulations generally.**

- (5) Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business.

**Chapter 238. Public Smoking in Licensed Liquor Establishments and Restaurants**

**Sec. 238.03. Prohibitions.**

Smoking is prohibited in restaurants, pool halls, bowling centers, rental halls, bingo halls and licensed liquor establishments.

**Sec. 238.02. Definitions.**

- (6) *Smoking* means the inhaling, exhaling or combustion of any cigar, cigarette, pipe, tobacco product, weed, plant or any other similar article. "Smoking" includes possessing or carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment. "Smoking" does not include the use of tobacco by an enrolled member of a federally-recognized Indian tribe as part of a traditional Indian spiritual or cultural ceremony.

**Sec. 238.09. Violation and penalties.**

- (b) *Penalties.* Failure to comply with the requirement of this chapter shall be a basis for adverse action under Saint Paul Legislative Code § 310.06(.04)(b)(7).
- (c) A violation of any provision of this chapter shall be considered a violation of the provisions of the legislative code relating to the licensed activity under § 310.05(.03)(m)(2) and shall be punishable accordingly under that section.

**Chapter 310. Uniform License Procedures**

**Sec. 310.03. Hearing procedures**

- (m) *Presumptive penalties for certain violations.*

**1. General presumptive penalties matrix**

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation

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

**(b) *Basis for action***

- (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.
- (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.

**Minnesota State Statutes**

**Minnesota Clean Indoor Air Act' (MCIAA) - 144.411-144.417**

**Ramsey County Ordinance**

**Ramsey County Smoking and Commercial Tobacco Use Ordinance' (SCTUO) - 1.00 - 11.00**

**144.417 COMMISSIONER OF HEALTH, ENFORCEMENT, PENALTIES.**

Subdivision 1. **Rules.** The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417.

Subd. 2. **Violations.** (a) Any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under sections 144.414 to 144.417, and that knowingly fails to comply with sections 144.414 to 144.417, is guilty of a petty misdemeanor.

(b) Any person who smokes in an area where smoking is prohibited or restricted under sections 144.414 to 144.417 is guilty of a petty misdemeanor.

(c) A proprietor, person, or entity in charge of a public place, public meeting, place of employment, or public transportation must not retaliate or take adverse action against an employee or anyone else who, in good faith, reports a violation of sections 144.414 to 144.417 to the proprietor or person in charge of the public place, public meeting, place of employment, or public transportation, or to the commissioner of health or other designee responsible for enforcing sections 144.414 to 144.417.

(d) No person or employer shall discharge, refuse to hire, penalize, discriminate against, or in any manner retaliate against any employee, applicant for employment, or customer because the employee, applicant, or customer exercises any right to a smoke-free environment provided by sections 144.414 to 144.417 or other law.

Subd. 3. **Injunction.** The state commissioner of health, a community health board as defined in section 145A.02, subdivision 5, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of sections 144.414 to 144.417.

Subd. 4. **Local government ordinances.** (a) Nothing in sections 144.414 to 144.417 prohibits a statutory or home rule charter city or county from enacting and enforcing more stringent measures to protect individuals from secondhand smoke or from involuntary exposure to aerosol or vapor from electronic delivery devices.

(b) Except as provided in sections 144.411 to 144.417, smoking is permitted outside of restaurants, bars, and bingo halls unless limited or prohibited by restrictions adopted in accordance with paragraph (a).

**History:** 1975 c 211 s 7; 1977 c 305 s 45; 1985 c 248 s 70; 1986 c 444; 1987 c 309 s 24; 1992 c 576 s 4,5; 1995 c 165 s 3; 2002 c 375 art 3 s 7; 2007 c 82 s 11; 2014 c 291 art 7 s 28; 1Sp2019 c 9 art 11 s 31

# Ramsey County Smoking and Commercial Tobacco Use Ordinance

**1.00** This Ordinance will be known as the "Ramsey County Smoking and Commercial Tobacco Use Ordinance."

## **2.00 Purpose**

**2.01** The main objectives of this Ordinance are:

- A. To protect the health of the people of Ramsey County from the negative effects of commercial tobacco while in public places and places of employment.
- B. To affirm the right of people to breathe air without secondhand smoke.
- C. To reduce commercial tobacco use and exposure in children, youth and young adults.
- D. To protect the health of vulnerable and disproportionately impacted populations.
- E. To reduce waste from commercial tobacco products that can harm human and animal health and the environment.

## **3.00 Authority**

The Ramsey County Board of Commissioners is authorized to adopt this Ordinance by Minnesota Statutes sections 44.417, subd. 4(a) and chapters 145A and 375, the Home Rule Charter for Ramsey County, and other applicable legislation, as may be adopted or amended from time to time.

## **4.00 Jurisdiction**

**4.01** This Ordinance applies throughout all of Ramsey County.

**4.02** Nothing in this Ordinance will prevent cities and townships within Ramsey County from adopting stricter rules to protect people from smoking or commercial tobacco products.

**4.03** Nothing in this Ordinance authorizes smoking or the use of commercial tobacco products in any location where smoking or the use of commercial tobacco products is restricted by other laws.

## **5.00 Definitions**

For purposes of this Ordinance, the following definitions apply, unless the context clearly indicates a different meaning. Any term that is not defined will be interpreted as the commonly understood meaning.

**5.01 County staff.** County staff and service providers include but are not limited to: employees; independent contractors; contractors; vendors; consultants; volunteers; and elected and appointed officials.

**5.02 Electronic delivery device.** Any product containing or delivering nicotine, lobelia or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of

a product, whether or not marketed or sold separately. Electronic delivery device does not include any “drug,” “device,” or “combination product” as defined in the Federal Food, Drug, and Cosmetic Act that has been authorized by the United States Food and Drug Administration for sale as a tobacco cessation product, a tobacco dependence product, or for other medical purposes.

**5.03 Minnesota Clean Indoor Air Act.** Minnesota Statutes Sections 144.411 to 144.417, as amended from time to time.

**5.04 Place of employment.** “Place of employment” as defined in Minnesota Statutes Section 144.413, subd. 1b, as amended from time to time.

**5.05 Public place.** “Public place” as defined in Minnesota Statutes Section 144.413, subd. 2, as amended from time to time.

**5.06 Smoking.** Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or any other lighted or heated product containing, made or derived from nicotine, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking will also include carrying or using an activated electronic delivery device.

**5.07 Commercial tobacco product.** Any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including, but not limited to, cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Commercial tobacco products do not include traditional or ceremonial tobacco plant material used as part of an American Indian cultural practice or a lawfully recognized religious, spiritual or cultural ceremony or practice or any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as “drugs,” “devices,” or “combination products,” as defined in the Federal Food, Drug, and Cosmetic Act.

**5.08 Commercial tobacco product use.** The act of smoking or the consumption of any commercial tobacco product.

## **6.00 Prohibitions and Exceptions**

### **6.01 Prohibitions**

A. Smoking is not allowed in indoor public places and places of employment as defined by the Minnesota Clean Indoor Air Act.

B. Smoking and commercial tobacco product use are not allowed at any time by any person on any property that is owned, leased, rented, contracted or otherwise used or controlled by Ramsey County. This prohibition includes but is not limited to, all facilities; grounds; parking lots; work areas, vehicles and equipment; walkways, paths and trails; park and recreation areas, lands and bodies of water; public golf courses, playgrounds, beaches, swimming pools, nature areas and recreation centers.

C. Smoking or commercial tobacco product use is not allowed in personal vehicles parked on property that is owned, leased, rented, contracted or otherwise used or controlled by Ramsey County.

D. Except as provided in Section 6.02, smoking is not allowed within twenty-five (25) feet of entrances, exits, windows and ventilation intakes of public places and places of employment.

**6.02 Exceptions.** The prohibitions in Section 6.01 do not apply to the following places or situations:

A. The proprietor of a food establishment may set aside an outdoor dining or bar area of a food establishment for smoking. This may be done if this location is appropriately signed as a smoking area, and the area is not immediately next to a building entrance.

B. Members of the public passing through on an outdoor street, alley or sidewalk where smoking is prohibited by this Ordinance, while on their way to another location.

C. Use of tobacco as part of an American Indian cultural practice or a lawfully recognized religious, spiritual or cultural ceremony or practice. Sacred, traditional use of tobacco for prayer, ceremony and memorial is allowed.

## **7.00 Enforcement**

A. No person or employer can permit smoking in an area they control where smoking is prohibited by this or any other law.

B. No County staff can permit smoking or commercial tobacco product use in any area that is under the control of Ramsey County and in which smoking or commercial tobacco product use is prohibited by this or any other law.

C. County staff may check property that is owned, leased, rented, contracted or otherwise used or controlled by the County to make sure this Ordinance is not violated. Any person who violates this Ordinance will be reminded of its requirements and asked to immediately stop smoking or using commercial tobacco products. Any person who does not stop smoking or using commercial tobacco products will be asked to immediately leave Ramsey County property.

## **8.00 Violations and Penalties**

A. **Citations.** Where appropriate, the preferred method of enforcement will be a request for voluntary compliance. Whenever any person authorized to issue administrative citations for the violation of law, discovers a violation of this ordinance, an administrative citation may be issued to the person alleged to have committed the violation. The administrative citation will be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent authorized to accept such issuance.

B. **Civil administrative fine.** Any person who violates this Ordinance by smoking or engaging in commercial tobacco use anywhere it is prohibited, and who does not immediately stop when asked to, may be issued an administrative citation according to the Ramsey County Administrative Ordinance. Fine amounts vary depending on violation. Refer to the Ramsey County Smoking and Commercial Tobacco Use Ordinance Violations Fine Schedule for detailed amounts.

C. **Proprietors.** Any proprietor, person or entity that owns, leases, manages, operates or otherwise controls the use of an area in which smoking and commercial tobacco product use is prohibited, and that knowingly does not comply with this Ordinance, may be issued a civil penalty. Fine amounts vary depending on violation. Refer to the Ramsey County Smoking and Commercial Tobacco Use Ordinance Violations Fine Schedule for detailed amounts.

D. **Repeat violations.** Each day a violation occurs or continues will be considered a separate offense. Repeat or ongoing offenses may result in an administrative citation per day, as well as trespass from Ramsey County property.

E. **Ramsey County licensees.** Failure to comply with this Ordinance may be a basis for adverse action for licenses issued under Ramsey County ordinances.

### **9.00 Severability**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Ordinance. The Board of Commissioners hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

### **10.00 Previous Ordinance**

Upon the Effective Date of this Ordinance, the Ramsey County Clean Indoor Air Ordinance, B2015-302, adopted September 22, 2015, effective November 29, 2015, is repealed.

### **11.00 Effective Date**

This amendment of the Ordinance will be effective on August 26, 2022.