

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Alan Tellez Berkowitz, being first duly sworn, deposes and says that on the twenty second day of November he served the attached **NOTICE OF INTENT TO CANCEL LICENSE** and a correct copy thereof in an envelope addressed as follows:

O'Cheeze LLC
d/b/a O'Cheeze
928 7th Street West Unit 106
Saint Paul, MN 55102

Anthony Fritz
4995 138th Street West
Apple Valley, MN 55124

Skh Spe LLC
930 Southview Boulevard South
St. Paul, MN 55075

Julia McColley, Executive Director,
West Seventh Street / Fort Road Federation
882 West 7th Street, Suite 6
St. 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.



Alan Tellez Berkowitz

Subscribed and sworn to before me
This twenty second day of November 2023



Christine M. Haas

Notary Public





November 22, 2023

NOTICE OF INTENT TO CANCEL LICENSE

O'Cheeze LLC
d/b/a O'Cheeze
928 7th Street West Unit 106
Saint Paul, MN 55102

RE: Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses held by O'Cheeze LLC d/b/a O'Cheeze for the premises located at 928 7th Street West Unit 106 in Saint Paul.
License ID #: 20210001008

Dear Mr. Anthony Fritz:

The Department of Safety and Inspections ("Department") will recommend cancellation of the Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses held by O'Cheeze LLC d/b/a O'Cheeze ("Licensee") located at 928 7th Street West Unit 106 in Saint Paul.

Legal Basis for Canceling License:

Saint Paul Legislative Code § 310.07, explains automatic termination of licenses, stating:

"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 shall 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 shall not be 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 § 310.05. License is null and void during the lapse.”

Saint Paul Legislative Code § 409.06(j), states:

“An on-sale license renewal may be denied for any licensee who is delinquent in any payment”.

Factual basis for cancelation of Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses:

On June 23, 2023, as per the Department’s records, your liquor liability insurance expired, and you failed to provide any proof that you renewed or obtained a new liquor liability insurance policy.

On June 23, 2023, as per the Department’s records, the following licenses expired: Gambling Location, Liquor On Sale – Sunday, and Liquor On Sale – 100 seats or less. You have failed to renew the licenses.

On September 27, 2023, the Department emailed you at tony@ocheeze.com letting you know that your licenses were delinquent. Then again on October 6, 2023, the Department emailed you at tony@ocheeze.com and at contactus@ocheeze.com stating that your licenses were delinquent since you still owed money for the licenses.

On October 6, 2023, Microsoft Outlook emailed the Department stating it had been unable to deliver the email message to tony@ocheeze.com and contactus@ocheeze.com because the addresses were either misspelled or did not exist anymore. The Department also tried to contact you by phone but was unable to get a hold of you.

Finally, the Department searched for O’Cheeze on google and found that the establishment was listed as permanently closed.

The email stated that if you failed to take appropriate action in this matter, the Department of Safety and Inspections would recommend that adverse action be taken to cancel your licenses.



Adverse Action Recommendation:

Because the required insurance for the licensed premises has lapsed, because you have been notified several times that your license fees have not been paid, because you cannot be reached due to an incorrect or inactive email, and because the Department of Safety and Inspections has called you several times and the phone calls have gone unanswered, the Department of Safety and Inspections will recommend cancellation of the Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses based on violation to Saint Paul Legislative Code § 310.07(a) and § 409.06(j).

As of today, the Department of Safety and Inspections has not been contacted to cure the delinquent licenses.

You have five (5) options on how to proceed:

1. If I have not heard from you by **December 4, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Agenda for approval of the proposed remedy and cancellation of your license.
2. Submit the required information requested to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **December 4, 2023**.
3. If you wish to admit the facts but you contest the penalty, 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 public hearing no later than **December 4, 2023**. The matter will then be scheduled before the City Council to determine whether or not your Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses should be canceled. 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 **December 4, 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 §310.05 (k).

5. You can cancel Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses. Please let me know that you want to cancel your license no later than **December 4, 2023**.

If you have not contacted me by December 4, 2023, I will assume that you do not contest the denial of your Liquor On Sale – 100 seats or less, Liquor On Sale – Sunday, Gambling Location and pending Liquor – Outdoor Service Area (Patio) licenses. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Law Clerk, Alan Tellez Berkowitz at (651) 266-8744 or alan.tellez@ci.stpaul.mn.us.

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0402652

Cc: Anthony Fritz, 4995 138th Street West – Apple Valley, MN 55124
Skh Spe LLC, 930 Southview Boulevard South – Saint Paul, MN 55075
Julia McColley, Executive Director, West Seventh Street / Fort Road Federation
882 West 7th Street, Suite 6, Saint Paul, MN 55102



Attachment: LIEP Customer Transaction Detail Report
ECLIPS Screenshot
Google search showing establishment is permanently closed
Email from Microsoft Outlook sent to Department
Email from Department sent to tony@ocheeze.com; 9/27/2023
Email form Department sent to tony@ocheeze.com and
contactus@ocheeze.com 10/6/2023
310.07 – St. Paul, MN Code of Ordinance
409.06 – St. Paul, MN Code of Ordinance

Patron Key		Patron Name			DBA Name		Business Address					
386671		GAZTA & ENHANCEMENTS LLC			O'CHEEZE		928 7TH ST W UNIT 106 ST PAUL MN 55102					
Tx Date	Invoice Key	Service Key	Detail Key	Sales Amt (DR)	Pmt Amt (CR)	Unapplied Balance	Tx Type	Description	Exp Date	Req unmet	Status	V
06/02/2021	1108864	886902	2296823	2,445.50		0.00	Sales	210001008 Liq On Sale - 100 seats or less	6/23/2023	6	Delinquent	Y
06/02/2021	1108865	886902	2296824	2,445.50		0.00	Sales	210001008 Liq On Sale - 100 seats or less (Second H	6/23/2023	6	Delinquent	Y
06/02/2021			2296827		-4,891.00	0.00	Payment	Payment				Y
07/09/2021	1109865	887370	2301264	200.00		0.00	Sales	210001008 Liquor On Sale - Sunday	6/23/2023	4	Delinquent	Y
08/24/2021			2304181		-200.00	0.00	Payment	Payment				Y
10/12/2021	1118951	901128	2321563	77.00		0.00	Sales	210001008 Gambling Location	6/23/2023	2	Delinquent	Y
10/25/2021	1119328	901435	2322784	77.00		0.00	Sales	210001008 Gambling Location	6/23/2022	10	Withdrawn	Y
10/25/2021			2322785			0.00	Payment	Payment				Y
10/25/2021		901435	2322788		-77.00	0.00	Sales Adjus	210001008 Gambling Location	6/23/2022	10	Withdrawn	Y
10/25/2021			2322789		-77.00	0.00	Payment	Payment				Y
04/25/2022	1125183	901128	2347030	78.00		0.00	Sales	210001008 Gambling Location	6/23/2023	2	Delinquent	Y
04/25/2022	1125183	886902	2347038	2,445.50		0.00	Sales	210001008 Liq On Sale - 100 seats or less	6/23/2023	6	Delinquent	Y
04/25/2022	1125184	886902	2347039	2,445.50		2,445.50	Sales	210001008 Liq On Sale - 100 seats or less (Second H	6/23/2023	6	Delinquent	Y
04/25/2022	1125183	887370	2347041	200.00		0.00	Sales	210001008 Liquor On Sale - Sunday	6/23/2023	4	Delinquent	Y
05/06/2022	1125832	904421	2349328	79.00		79.00	Sales	210001008 Patio Service	5/6/2023	1	Pending	Y
06/30/2022	1127230		2356663	272.00		0.00	Penalty	Late Fee 7-30 days late (10%)				Y
07/23/2022	1127944		2359775	272.00		0.00	Penalty	Late Fee 31-60 days late (10%)				Y
08/01/2022			2360459		-3,267.50	0.00	Payment	Payment				Y
12/30/2022	1140119		2396723	245.00		245.00	Penalty	Late Fee 7-30 days late (10%)				Y
01/22/2023	1140551		2400925	245.00		245.00	Penalty	Late Fee 31-60 days late (10%)				Y
02/21/2023	1141505		2407646	245.00		245.00	Penalty	Late Fee 61-90 days late (10%)				Y
03/23/2023	1142449		2413705	245.00		245.00	Penalty	Late Fee 91-120 days late (10%)				Y
04/22/2023	1143292		2420150	242.00		242.00	Penalty	Late Fee 121+ days late (10%)				Y
04/24/2023	1143293	901128	2420173	78.00		78.00	Sales	210001008 Gambling Location	6/23/2023	2	Delinquent	Y
04/24/2023	1143293	887370	2420174	200.00		200.00	Sales	210001008 Liquor On Sale - Sunday	6/23/2023	4	Delinquent	Y
04/24/2023	1143293	886902	2420175	2,445.50		2,445.50	Sales	210001008 Liq On Sale - 100 seats or less	6/23/2023	6	Delinquent	Y
04/24/2023	1143294	886902	2420176	2,445.50		2,445.50	Sales	210001008 Liq On Sale - 100 seats or less (Second H	6/23/2023	6	Delinquent	Y
07/05/2023	1145352		2435216	272.00		272.00	Penalty	Late Fee 7-30 days late (10%)				Y
07/23/2023	1145977		2439736	272.00		272.00	Penalty	Late Fee 31-60 days late (10%)				Y
08/22/2023	1146914		2447289	272.00		272.00	Penalty	Late Fee 61-90 days late (10%)				Y
09/21/2023	1147713		2453964	272.00		272.00	Penalty	Late Fee 91-120 days late (10%)				Y
10/21/2023	1154747		2475256	272.00		272.00	Penalty	Late Fee 121+ days late (10%)				Y

Customer Totals: 18,788.00 -8,512.50

Customer Account Balance: 10,275.50

Patron Key		Patron Name				DBA Name		Business Address				
377639		GAZTA AND ENHANCEMENTS LLC				GAZTA AND ENHANCEMENTS LLC		14897 96TH AVE N MAPLE GROVE MN 55369				
Tx Date	Invoice Key	Service Key	Detail Key	Sales Amt (DR)	Pmt Amt (CR)	Unapplied Balance	Tx Type	Description	Exp Date	Req unmet	Status	V
08/09/2018	1029990	827710	2056021	2,397.50		0.00	Sales	180002846 Liq On Sale - 100 seats or less	9/14/2019	6	Canceled	Y
08/09/2018	1029991	827710	2056022	2,397.50		0.00	Sales	180002846 Liq On Sale - 100 seats or less (Second H	9/14/2019	6	Canceled	Y
08/09/2018	1029990	827711	2056023	200.00		0.00	Sales	180002846 Liquor On Sale - Sunday	9/14/2019	4	Canceled	Y
08/09/2018			2056025		-2,597.50	0.00	Payment	Payment				Y
02/16/2019	1048655		2105873	240.00		0.00	Penalty	Late Fee 7-30 days late (10%)				Y
03/11/2019	1050222		2109635	240.00		0.00	Penalty	Late Fee 31-60 days late (10%)				Y
04/10/2019	1052292		2115887	240.00		0.00	Penalty	Late Fee 61-90 days late (10%)				Y
05/10/2019	1054583		2121191			0.00	Penalty	Late Fee 91-120 days late (10%) - Manager Waived				Y
05/20/2019			2122653		-3,117.50	0.00	Payment	Payment				Y
07/16/2019	1058946	827711	2133108	200.00		0.00	Sales	180002846 Liquor On Sale - Sunday	9/14/2019	4	Canceled	Y
07/16/2019	1058946	827710	2133109	2,397.50		0.00	Sales	180002846 Liq On Sale - 100 seats or less (Second H	9/14/2019	6	Canceled	Y
07/16/2019	1058947	827710	2133110	2,397.50		0.00	Sales	180002846 Liq On Sale - 100 seats or less (Second H	9/14/2019	6	Canceled	Y
09/21/2019	1062970		2144098			0.00	Penalty	Late Fee 7-30 days late (10%) -				Y
10/14/2019	1070607		2160714			0.00	Penalty	Late Fee 31-60 days late (10%) -				Y
10/28/2019		827710	2163319		-2,397.50	0.00	Sales Adjus	180002846 Liq On Sale - 100 seats or less (Second H	9/14/2019	6	Canceled	Y
10/28/2019		827710	2163320		-2,397.50	0.00	Sales Adjus	180002846 Liq On Sale - 100 seats or less (Second H	9/14/2019	6	Canceled	Y
10/28/2019		827711	2163321		-200.00	0.00	Sales Adjus	180002846 Liquor On Sale - Sunday	9/14/2019	4	Canceled	Y

Customer Totals: 10,710.00 -10,710.00

Customer Account Balance: 0.00

Grand Total for all pages: 29,498.00 -19,222.50 10,275.50

Properties For License 928 7TH ST W UNIT 106

Pay

Print

Warn

Hist

Summ

Licensee

GAZTA & ENHANCEMENTS LLC

DBA

O'CHEEZE

License

Lic. Types

Insurance

Bond

Requirements

License Type:

Liquor On Sale - 100 seats or less

Insurance Type:

Liquor Liability Insurance

Policy #:

CWP149433Q

Company:

Westfield Insurance Co

Address:

Phone #:

() -

Effective:

06/23/2021

Expiration:

06/23/2023

Continuous

☐

City Insured

☐

Liability Limits

\$1,000,000

\$1,000,000

Insurance Rec'd

08/01/2022

Days To Cancel:

10

Canceled:

00/00/0000

Cancel Rec'd:

00/00/0000

Agency

Dolliff Insurance

Address

6465 Wayzata Blvd Ste 850 St. Louis Park, MN 55426

Phone #

(952) 593-7400

Contact:

Rochelle Cossette

New

Delete

Copy

<<

5 of 5

>>

License #

210001008

Save Changes to History

OK

Cancel

Help

<

1 of 1

>

Vehicles

O'Cheeze

3.6 ★★★★★ (77)

Permanently closed

Overview

Reviews

About

Community



Directions



Save



Nearby



Send to
phone



Share



Keg and Case Market, 928 7th St W, St Paul, MN
55102

Floor 1 · Keg and Case Market



Permanently closed



Menu

places.singleplatform.com



ocheeze.com



(612) 710-4346



WVHG+C3 St Paul, Minnesota



LGBTQ+ friendly



Identifies as women-owned



Add a label

Palace Park

Vance St

ph Ave

Public House

aken Commu



Layers

Joseph Voyda

From: Microsoft Outlook
To: tony@ocheeze.com; contactus@ocheeze.com
Sent: Friday, October 6, 2023 10:51 AM
Subject: Undeliverable: 928 7th Street Delinquent Liquor License



Your message couldn't be delivered to multiple recipients.

The recipients weren't found at ocheeze.com.

ross.haddow	Office 365	Recipients
Action Required		Recipients
Unknown To address		

Couldn't deliver to the following recipients:
tony@ocheeze.com, contactus@ocheeze.com

How to Fix It

The address may be misspelled or may not exist. Try one or more of the following:

- Send the message again following these steps: In Outlook, open this non-delivery report (NDR) and choose **Send Again** from the Report ribbon. In Outlook on the web, select this NDR, then select the link "**To send this message again, click here.**" Then delete and retype the entire recipient address. If prompted with an Auto-Complete List suggestion don't select it. After typing the complete address, click **Send**.
- Contact the recipient (by phone, for example) to check that the address exists and is correct.
- The recipient may have set up email forwarding to an incorrect address. Ask them to check that any forwarding they've set up is working correctly.
- Clear the recipient Auto-Complete List in Outlook or Outlook on the web by following the steps in this article: [Fix email delivery issues for error code 5.1.1 in Office 365](#), and then send the message again. Retype the entire recipient address before selecting **Send**.

If the problem continues, forward this message to your email admin. If you're an email admin, refer to the **More Info for Email Admins** section below.

Was this helpful? [Send feedback to Microsoft.](#)

More Info for Email Admins

Status code: 550 5.1.1

This error occurs because the sender sent a message to an email address outside of Office 365, but the address is incorrect or doesn't exist at the destination domain. The error is reported by the recipient domain's email server, but most often it must be fixed by the person who sent the message. If the steps in the **How to Fix It** section above don't fix the problem, and you're the email admin for the recipient, try one or more of the following:

The email address exists and is correct - Confirm that the recipient address exists, is correct, and is accepting messages.

Synchronize your directories - If you have a hybrid environment and are using directory synchronization make sure the recipient's email address is synced correctly in both Office 365 and in your on-premises directory.

Errant forwarding rule - Check for forwarding rules that aren't behaving as expected. Forwarding can be set up by an admin via mail flow rules or mailbox forwarding address settings, or by the recipient via the Inbox Rules feature.

Mail flow settings and MX records are not correct - Misconfigured mail flow or MX record settings can cause this error. Check your Office 365 mail flow settings to make sure your domain and any mail flow connectors are set up correctly. Also, work with your domain registrar to make sure the MX records for your domain are configured correctly.

For more information and additional tips to fix this issue, see [Fix email delivery issues for error code 550 5.1.1 in Office 365](#).

Original Message Details

Created Date:	10/6/2023 3:51:03 PM
Sender Address:	ross.haddow@ci.stpaul.mn.us
Recipient Address:	tony@ocheeze.com, contactus@ocheeze.com
Subject:	928 7th Street Delinquent Liquor License

Error Details

Error:	550-5.1.1 The email account that you tried to reach does not exist. Please try 550-5.1.1 double-checking the recipient's email address for typos or 550-5.1.1 unnecessary spaces. Learn more at 550 5.1.1
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<https://support.google.com/mail/?p=NoSuchUser bs188-20020a6328c5000000b0056952b496efsi1664751pgb.366 - gsmtip>

Message rejected by: mx.google.com

Notification Details

Sent by: SA1PR09MB9430.namprd09.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	10/6/2023 3:51:03 PM	DM8PR09MB7335.namprd09.prod.outlook.com	DM8PR09MB7335.namprd09.prod.outlook.com	mapi
2	10/6/2023 3:51:03 PM	DM8PR09MB7335.namprd09.prod.outlook.com	SA1PR09MB9430.namprd09.prod.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_

Original Message Headers

ARC-Seal: i=1; a=rsa-sha256; s=arcselector9901; d=microsoft.com; cv=none;

b=d291tDHX+p2jDq7vtnEwyuxJFSmbcKZr/raB/WzUORPICTHplkDDmuK4QRt54O4azQ/LDKCFXRibXPWU1J/IjIh
PYIZ7+eZ3A0n5kq3D0lyEoKC3iRrBroz2iybHb3jOJPCJMo0lRhve4fufjduMbYIUovllT4e/B86IBm7SDE7meSuZ
unmGMai/wrq/a5snXkJBLIdlMNd92GP8ihZ3BAWfo0S7YT5+dbVFILKBVEUT8AMgUV/3+f43miswpb2rWN3MkcBvx
zDlibKRRqUlywS3Qx3oElso9Wr/QTG6oe8sfWVkc4VkBefxtx6Sgid86hXVEhuOYx13Be+kzdi0EA==

ARC-Message-Signature: i=1; a=rsa-sha256; c=relaxed/relaxed; d=microsoft.com;
s=arcselector9901;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-AntiSpam-
MessageData-ChunkCount:X-MS-Exchange-AntiSpam-MessageData-0:X-MS-Exchange-AntiSpam-
MessageData-1;

bh=MdJzppF+8Wr9pYIat4okB6PSuMarsijW7eB5HERVqkc=;

b=Vo0UFQlqtHOXIE8pebXQH/vuwUaOs4s4VKT03KdLcIUpDENoLmMKsfvqpA9PmOf5tTIwnhbdDcDexQcBfX4mz2g
YREzGZy9wFK174GAYRRTLft/A0eL6EOqMPsOiU+B3HhJa1fFZ5GWGVqyg5dLyJOxYtmUz2gYUIxIO26SCAVK56Qug
uGBwf6VB/NKin/DENKvmoeKqfpjMii8a9mjkh6kYtwM4HYL5fyUHUxjEMx6klp2l4rwnBLSgiVpovreQ5+eaqPiWm
IpKOpvn19CnmErwKHvoOqnVtFWJrf52pTy6dpn7tL9aOb9Cs0lHB+qUc6SMwr2Z2IkYHK8qxzqERA==

ARC-Authentication-Results: i=1; mx.microsoft.com 1; spf=pass

smtp.mailfrom=ci.stpaul.mn.us; dmarc=pass action=none

header.from=ci.stpaul.mn.us; dkim=pass header.d=ci.stpaul.mn.us; arc=none

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=ci.stpaul.mn.us;
s=selector2;

h=From:Date:Subject:Message-ID:Content-Type:MIME-Version:X-MS-Exchange-SenderADCheck;

bh=MdJzppF+8Wr9pYIat4okB6PSuMarsijW7eB5HERVqkc=;

b=yFHRKyikJjddpnWbxOUmp7xsacRfQvv16zbnYwAWGUVg6UBIiluyC5nFDPPiBvtu6+owsu8D060VbNWAXm93UOA
q7E/Vd7WXh2oMFGFnnooMe680HZsRtNeMFShXnIQTxCaTuN9zkjfuyzRCAQ+PQFnCzfzZHsgnF7SbklycJhgvh9NQ
vm8V2tPzokaBc+2dJsCEPQbc0487g48G7w6BXm/B4bDoXEoiPkWRujYXM82rhDiSohWdxTSJY9rQqv2sv+r76ElP9
B6TTQo+J65CX4i71yq7LRPFNklCiBF1m7FmxJi2H5D/xbwBjorb7ubwkC7YQrjcmGBDqSf6rwr6ow==

Received: from DM8PR09MB7335.namprd09.prod.outlook.com (2603:10b6:5:2e8::15)

by SA1PR09MB9430.namprd09.prod.outlook.com (2603:10b6:806:274::13) with

Microsoft SMTP Server (version=TLS1_2,

cipher=TLS_ECDHE_RSA_WITH_AES_256_GCM_SHA384) id 15.20.6838.29; Fri, 6 Oct 2023 15:51:03 +0000

Received: from DM8PR09MB7335.namprd09.prod.outlook.com ([fe80::74a3:47d8:6ed1:3437]) by DM8PR09MB7335.namprd09.prod.outlook.com ([fe80::74a3:47d8:6ed1:3437%4]) with mapi id 15.20.6838.028; Fri, 6 Oct 2023 15:51:03 +0000

From: Ross Haddow <ross.haddow@ci.stpaul.mn.us>

To: "tony@ocheeze.com" <tony@ocheeze.com>, "contactus@ocheeze.com" <contactus@ocheeze.com>

Subject: 928 7th Street Delinquent Liquor License

Thread-Topic: 928 7th Street Delinquent Liquor License

Thread-Index: Adn4bHytfxdfcZOGRRqRP2AlSiGIeg==

Date: Fri, 6 Oct 2023 15:51:03 +0000

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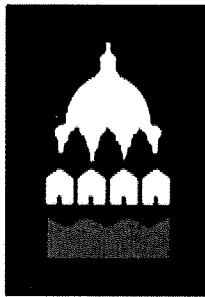
Ross Haddow

From: Ross Haddow
Sent: Wednesday, September 27, 2023 9:06 AM
To: tony@ocheeze.com
Subject: Update on Liquor Licenses

Tony,

This email is to see if you are still operating your location at the keg and case building. I am showing that you still owe the second half for year 2022 and that you have been delinquent this year since 06/23/23. Please let me know immediately if you would like to pay the outstanding fees to continue operating or if you would like to cancel your licenses.

Thank you,
Ross



SAINT PAUL MINNESOTA

Ross Haddow
Project Facilitator
Pronouns: He/Him/His
Department of Safety and Inspections
375 Jackson St.
Suite #220
Saint Paul, MN 55101
P: 651-266-9143
Ross.Haddow@ci.stpaul.mn.us
www.StPaul.gov
[Business Licenses And Permits | Saint Paul Minnesota \(stpaul.gov\)](#)

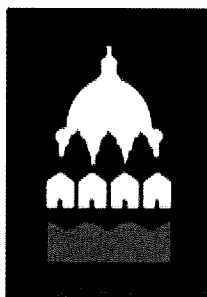
Ross Haddow

From: Ross Haddow
Sent: Friday, October 6, 2023 10:51 AM
To: tony@ocheeze.com; contactus@ocheeze.com
Subject: 928 7th Street Delinquent Liquor License

Tony,

I am following up again to see if you are still serving alcohol at your Keg and Case location. Your license went delinquent on 6/23/23 and you still owe the second half of your liquor license for 2022. Please let me know if you would like to keep the liquor licenses or if you would like to cancel them. If I have not heard from you by 10/13/23, I will need to send your licenses for adverse action. Please let me know immediately what you are planning on doing.

Thank you,
Ross



SAINT PAUL MINNESOTA

Ross Haddow
Project Facilitator
Pronouns: He/Him/His
Department of Safety and Inspections
375 Jackson St.
Suite #220
Saint Paul, MN 55101
P: 651-266-9143
Ross.Haddow@ci.stpaul.mn.us
www.StPaul.gov
[Business Licenses And Permits | Saint Paul Minnesota \(stpaul.gov\)](#)

Sec. 310.07. - 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 shall 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 shall not be 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 § 310.05. 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 shall be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall 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, shall first be approved as to form by the city attorney.
- (3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.
- (4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.

- (c) *Termination of bonds and insurance required by city.* Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the

requirements of Chapter 8 of the Saint Paul Legislative Code.

- (d) *Expiration date to be concurrent with term of license or permit.* The expiration date of all such policies, bonds, guarantees or certifications shall be concurrent with the expiration date of the license or permit.

(Code 1956, § 510.07; Ord 12-74, § 1, 11-28-12)

Sec. 409.06. - Licensing requirements.

For Class N licenses issued under this chapter, the Uniform License Procedures laid out in Chapter 310.02(2) of the Saint Paul Legislative Code pertaining to applications, new applications investigation and review, notice, levels of approval, objections and renewal procedures for Class N licenses apply.

For any Class T or temporary license issued under this chapter, the Uniform License Procedures laid out in Chapter 310.02(3) of the Saint Paul Legislative Code pertaining to applications, new applications investigation and review, notice, levels of approval, objections and renewal procedures for Class T licenses apply.

- (a) *Application.* In accordance with Saint Paul Legislative Code Section 310.02(2)(a) and Minnesota Statute 340A.412, Subd. 2a. Any person desiring a license to sell intoxicating liquor must make their verified application in writing upon a form prescribed by the liquor control commissioner of the state and with any additional information as the City requires.
- (b) Notice requirements for applications to sell intoxicating liquor are outlined in the Uniform License Procedures for Class N licenses section of 310.02(2)(d) of the Saint Paul Legislative Code.
- (c) *One license only.* With the exception of off-sale brewers who meet the requirements under Minn. Stat. § 340A.29 more than one (1) off-sale retailer's license may be directly or indirectly issued to any one (1) person or for any one (1) place in this city, nor may any retailer's off-sale license be directly or indirectly issued for any place for which a license of another class has been granted. It is not a violation of this paragraph for a person who owns, directly or indirectly, or who has an interest in any intoxicating liquor license in this city additionally to own directly or indirectly or to have an interest in one (1) or more corporations owning or operating a hotel holding an intoxicating liquor license in connection therewith; provided, that such hotel must have at least one hundred fifty (150) or more rental units.
- (d) *Premises of license.* No on-sale or off-sale license is effective beyond the compact and contiguous space named in such license and for which the same was granted, except that an on-sale license granted for sales in the dining room of any hotel may permit sales of liquor with meals in additional dining rooms open to the public and specified in the license if meals are regularly served to guests therein. If meals are regularly served to guests in guest rooms in any such hotel, liquor may be sold in such guest rooms but only with meals; provided, that such guest rooms must be specified in the license granted. No sales may be made upon the premises of an on-sale licensee except upon the ground floor; provided, however, that this limitation does not apply to a hotel duly licensed to sell on another floor as in this section provided; and provided further, that a licensee shall be permitted to sell at a place in a building other than the ground floor if a license has been granted for sales on a floor other than such ground floor. Licenses granted to a private nonprofit college need not be compact

and contiguous as long as the space described is on the premises of the private nonprofit college. All licenses granted hereunder must set forth the exact location within the building structure where such sales may be made and no sale is permitted except in that part of the premises defined in the license, except as provided in the following subsection (e).

- (e) *Seasonal outside service areas.* The council may, by resolution, permit any licensee to sell or serve intoxicating liquors in areas outside the building structure on public or private property which are compact and contiguous with the structure containing the licensed premises. Property which is not connected to the licensed premises cannot be used as an outside service area if it is located across a right-of-way such as a street or alley; however curbside seating may be allowed at a sidewalk café subject to the restrictions of Chapter 106 of the Saint Paul Legislative Code. Such outside service areas shall be seasonal, and must not involve an enlargement of the building structure. The seasonal outside service area license will not be granted unless all the conditions of subsections (1) through (7) and all pertinent provisions of the zoning code are satisfied.
- (1) Seasonal outside seating area permits follow the uniform license procedures for the grant, issuance or transfer of the license, new application investigation and review, notice, levels of approval, objections and renewal procedures for Class N licenses laid out in Saint Paul Legislative Code Section 310.02 (2) and 310.09 except that in the event that the council wishes to revoke a seasonal outside seating area permit, the procedures outlined in Subd. 4 must be followed.
- (2) No outside service area is permitted unless the licensee provides, in addition to other requirements of law, safety barriers or other enclosures to protect patrons from any hazards, including vehicular traffic.
- (3) No outside service area may be located on public property or upon any street, alley or sidewalk, nor may such outside service areas hinder or obstruct vehicular or pedestrian traffic on any street, alley or sidewalk. Notwithstanding the foregoing, the sale and service of alcoholic beverages within a sidewalk cafe which is in compliance with the provisions of section 106.01 of the Legislative Code, is permitted.
- (4) In addition to the levels of approval and grounds for denial or revocation laid out in Saint Paul Legislative Code Section 310.02 (2), the council may, by resolution, impose conditions on or deny any application for an outside service area where it has reason to believe, or may revoke its permission for such an outside service area where it is satisfied, that the impact of such outside service area on adjoining property will be, or has been, any of the following:
- a. Loud, boisterous or disturbing noise levels;
 - b. Hazardous traffic conditions;

- c. Offensive, obnoxious or disturbing odors;
 - d. Excessive litter;
 - e. Excessive artificial lighting;
 - f. Substantial decrease in adjoining property values; or
 - g. Any other condition inconsistent with the reasonable use and enjoyment of adjoining property and inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community.
- (5) *Revocation of a seasonal outside seating area permits.* Permission to sell and serve intoxicating liquor in or upon any outside service area may be revoked by the council on three (3) days' notice to the licensee, pursuant to information received at a public hearing before said council. The information need not be received under oath but must reasonably satisfy the council as to the existence of any or all of the conditions listed in subparagraph (4). The public hearing must be conducted with such formal or informal procedures as the council may permit, so long as the licensee and any complaining parties have an opportunity to be heard.
- (6) The licensee shall, with respect to any outside service area, comply with all applicable provisions of law and regulations in regard to the sale and service of intoxicating liquor, including, without limitation by reason of this specification, all applicable regulations contained all sections of this chapter.
- (7) *Private nonprofit colleges.* Private nonprofit colleges may sell or serve intoxicating liquors in areas outside of building structures as long as said areas are clearly described in the application materials submitted under section 409.06(a)(2). Such areas are exempt from the additional public hearing and consent process described in section 409(g), subdivisions 1 and 2.
- (f) *Zoning restrictions.* No license may be issued for premises located within an area wherein such use of the premises is prohibited by the zoning code, nor within an area where such sales are forbidden by the state law or any other ordinance of the city. A license issued to a private nonprofit college must not be issued for premises located within an area where such sales are prohibited by state law.
- (g) *Off-Sale License location restrictions.* These restrictions do not apply to off-sale/brew pub license, off-sale brewery licenses, small brewer off-sale—128 ounces licenses or off-sale micro-distillery licenses.
- (1) No off-sale license may be issued for any place where nonintoxicating malt beverages are sold for consumption on the premises.
 - (2) No off-sale license may be issued to any location within a half-mile radius of any existing off-sale establishment, subject to the following exceptions:

- a. In the downtown business district, the distance restriction is reduced to a radius of three hundred (300) feet.
 - b. For off-sale liquor establishments outside of the downtown business district that were licensed prior to January 15, 2003, the council may waive the half-mile distance restrictions provided that council finds by resolution that:
 1. The off-sale liquor establishment is relocating to a location that is within one-half ($\frac{1}{2}$) mile radius of its current location; and
 2. The relocation of the off-sale liquor establishment is related to hardship or circumstances outside of the licensee's control; and
 3. The new location of the off-sale liquor establishment meets the intent of the ordinance in preventing the over-concentration of off-sale liquor establishments; and
 4. The new location of the off-sale liquor establishment is not inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community. Factors which may be considered include, but are not limited to, the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.
- (3) No license may be issued for an off-sale location which is within three hundred (300) feet of residentially zoned property, a park or a licensed child-care center, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the off-sale liquor license to the property line of any residentially zoned property, park or child care center in the area for which the license is sought.
- a. The council may waive the restrictions set forth in paragraph (3) above relating to distance if it makes findings that such a license is not inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community. Factors which may be considered include, but are not limited to, the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.
 - b. A request to vary the license location restrictions must be noticed in accordance with the uniform procedures for Class N licenses laid out in Saint Paul Legislative Code Section 310.02(2) (d) and approved per Saint Paul Legislative Code Section 310.02(2)

(e).

- c. An establishment holding a valid license on the effective date of this amendment is not affected by this limitation and will be entitled to have such license renewed so long as they are in compliance with all other requirements of law and there exist no grounds for adverse action against such license.
- (h) *Other required permit.* No license granted hereunder is effective until a permit is issued to such licensee by the United States if any such permit is, in fact, required.
- (i) *State restrictions.* No license may be issued to any person in connection with the premises of another to whom no license could be issued under the provisions of the state liquor control act; provided, however, that this provision must not prevent the granting of a license to a proper lessee by reason of the fact that they are leasing the premises of a minor, noncitizen or a person who has been convicted of a crime other than a violation of this chapter or the liquor control act.
- (j) *Renewals.*
 - (1) An on-sale license renewal may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust.
 - (2) *On-sale.* Renewal of on-sale licenses are subject to the provisions of Minnesota Statute 340A.412, Subd. 13 and may not be renewed if the holder of the license has not made on-sales authorized by the license at any time during the one-year period immediately prior to the date of the renewal:
 - i. Subject to of Minnesota Statute 340A.412, Subd. 13., if on or before the expiration of the license the licensed business has discontinued its operation or closed for any reason, the council must I, by resolution, renew said license only upon the condition that the licensee must reopen and restore the licensed business to full operation within the terms of the renewed license, or in the alternative, that the licensee must make application for and obtain passage, approval and publication of a resolution for the transfer of said license within the term of the renewed license to another person.
 - ii. No license issued upon condition pursuant to this subsection may be further renewed unless one (1) or the other of the above conditions has been fully met; provided, however, that the council may reissue a license for a business which has not been in full operation during the prior license year if the licensed premises were acquired by eminent domain or under the threat of eminent domain and the licensee has made a good faith attempt to relocate the business to another location.
 - (3) *Off-sale.* If on or before the expiration of an off-sale license, the licensed business has discontinued its operation or closed for any reason, the council may, by resolution, renew said license only upon the condition that the licensee must reopen and restore the

licensed business to full operation within the terms of the renewed license. In the alternative, the licensee may make application for and obtain passage, approval and publication of a resolution for the transfer of said license within the term of the renewed license to another person.

- i. No license issued upon condition pursuant to this subsection may be further renewed unless one (1) or the other of the above conditions has been fully met; provided, however, that the council may reissue a license for a business which has not been in full operation during the prior license year if the licensed premises were acquired by eminent domain or under the threat of eminent domain and the licensee has made a good faith attempt to relocate the business to another location.
- (k) *Off-sale license location restrictions.* No license may be issued for any premises located within three hundred (300) feet from any school, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the liquor license to the property line of any school in the area for which the license is sought until the notice and approval provisions outlined under Saint Paul Legislative Code Section 310.02(2)(c) and (d) are followed. This prohibition does not apply to on-sale wine and culinary licenses issued under section 409.13, off-sale brewer licenses issued under Minn. Stat., § 340A.301, subdivision 6(d), brewer taproom licenses issued under section 409.24, a license issued to a private nonprofit college, or licenses issued or located within the Downtown Business District.

Any licenses in force and effect on November 10, 1962, the location of which license is in conflict with the provisions hereof, may be renewed, transferred or otherwise dealt with in accordance with law, it being the intent of this paragraph that it be applied prospectively for proposed locations of licenses, and further it being the intent of this paragraph that the limitations set forth in this paragraph will, in no manner be applicable to any hotel or motel.
- (l) *Unlawful use of weapons.* If during any twelve-month period there are reported two (2) or more incidents involving unlawful use or handling of firearms, assault weapons or knives, as defined in section 225.01, on any licensed on-sale premises, a public hearing must be conducted by the council. Any adverse action may be considered by the council pursuant to the hearing provisions of section 310.05.
- (m) *Prohibited interests.* A holder of a license as a manufacturer, brewer or wholesaler may not have any interest or ownership, in whole or in part in a business holding a retail intoxicating liquor license or in the license so held, but a manufacturer or wholesaler of intoxicating or nonintoxicating liquor may use or have property rented for retail intoxicating liquor sales if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. This provision does not apply to off-sale/brew pub licenses, off-sale brewery licenses or small brewer off-sale 128 ounce licenses.

- (n) *Prohibited interests: off-sale/brew pub, off sale brewery, small brewer off-sale 128 ounces.* A brewer holding an off-sale/brew pub, off-sale brewery or a small brewer off-sale 128 ounces license may hold or have an interest in other retail on-sale licenses but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brewer holding an off-sale/brew pub, off-sale brewery or a small brewer off-sale 128 ounces license may be an affiliate or subsidiary company of a brewery licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:
- (1) Manufacture licensed under Minn. Stat. § 340A.301, Subd. 6, clause (d);
 - (2) Manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or
 - (3) Manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under Minn. Stat. § 340A.301, Subd. 6, clause (d), on January 1, 1995. Except as provided in Minn. Stat. § 340A.301, Subd. 7a, no brewer as defined in Minn. Stat. § 340A.304, Subd. 7a or importer may have any interest, in whole or in part, directly or indirectly in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.
- (o) *Interest.* For the purposes of paragraphs (m) and (n) of this section, the term "interest":
- (1) Includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, and a person who receives money from time to time directly or indirectly from a licensee, in the absence of consideration and excluding gifts or donations, has a pecuniary interest in the retail license; and
 - (2) Does not include loans, rental agreements; open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, supplies to the establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a liquor license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license; and
 - (3) In determining whether an "interest" exists, the transaction must have been bona fide, and the reasonable value of the goods and things received as consideration for a payment by the licensee and all other facts reasonably tending to prove or disprove the existence of a purposeful scheme or arrangement to evade the restrictions of this paragraph must be considered.
- (p)

Nonconforming clubs; transition. The restrictions and requirements in sections 409.06(f), 409.06(k), and 409.08(11) of this chapter do not apply to licenses issued to a club under this chapter which at the time of application for an on-sale license held a private club license under former chapter 404 of this Code for the same premises for which a license hereunder is sought or will be issued, for so long as the on-sale license remains at that location and the licensed premises is neither enlarged nor transferred. Such licensed premises will be deemed a lawful nonconforming use under the zoning code.

(Ord 22-47, § 7, 11-9-22)