



## **NORTH END - DIVA'S VERDICT DOESN'T SUIT CITY - PATRON IS IN PRISON, BUT OFFICIALS STILL WANT TO ACT AGAINST BAR**

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A St. Paul man who opened fire inside Diva's Overtime Lounge, killing one and injuring two others, is now behind bars. City officials, citing that incident and a host of other problems, still want to take action against the Rice Street bar, possibly closing it for good.

But Diva's is not going down without a fight. An attorney for the bar suggested the city's motivation for targeting Diva's could be race.

Attorney Andrew Dawkins accused the city of making Diva's a scapegoat for crime and quality-of-life problems the city is battling along Rice Street in the city's North End. Dawkins said he suspects the city is taking aim at Diva's because its late-night clientele is predominantly black.

"People are unhappy with the way their neighborhood has turned. I don't blame them," Dawkins said. "But to blame Diva's because it has mostly a black clientele isn't right."

City officials say public safety, not race, is driving their actions. Four people were shot in or near the bar in the past year, including the one fatality.

"It's absolutely not related to race," said St. Paul City Council Member Lee Helgen. "It's related to problem behavior and an unwillingness to work with the city on problem behavior."

But the Diva's attorney points to a recent order from an administrative law judge that recommends the bar be sanctioned, not shut down. The judge, Eric Lipman, described the precarious balance the bar must achieve when policing patrons without discriminating.

Lipman wrote that the bar owner sits atop a "razor's edge of competing legal interests." Diva's cannot deny access based on color, creed, gender, sexual orientation or national origin, the judge said, yet the city is trying to hold the bar accountable for the "clientele it attracts."

In his order, Lipman concluded Diva's is achieving that balance -- instituting a set of rules that eliminate bad behavior but do not arbitrarily exclude whole classes of customers. Diva's prohibits patrons from wearing head bandanas known as do-rags. The bar prohibits gang-related colors and references to gang activity. It has changed its music format and enhanced its security and requires that patrons be 25 or older.

City officials counter that they can't ignore the bloodshed.

On Wednesday morning, Maurice Lovell Anderson stood before Ramsey County District Judge Margaret Marrinan for sentencing. The 26-year-old brought a gun into Diva's on July 14, 2006. When an argument erupted with fellow bar patron Julian Roland, Anderson pulled his weapon and started firing.

Roland, 25, suffered multiple gunshot wounds and was pronounced dead at Regions Hospital. Two bystanders suffered leg wounds.

A jury convicted Anderson of second-degree murder and two counts of assault. Judge Marrinan sentenced Anderson to 26 years and 10 months in prison, denying a request for a more lenient prison term.

After the shooting, city officials fed up with allegations of fights, noise complaints, after-hours drinking and gun violence launched a two-pronged effort to close the bar. The city sought to have the bar's liquor license revoked and, in a separate action, asked a judge to label the bar a nuisance.

In the liquor license proceedings, the city cited fights among bar patrons, construction of a smoking patio without a permit, failure to pay \$3,300 in fines and fees in a timely manner and failure to make video surveillance recordings immediately available to police.

"The evidence against Diva's speaks loudly about the problems that the bar has caused to the surrounding neighborhood," said John Choi, city attorney. "At some point, the bar owner and her attorney need to stop making excuses and accusations about the city's motivations and take some responsibility."

After a series of hearings, Lipman, the administrative law judge, recommended a "weighty administrative sanction" for some of the violations rather than yanking Diva's license altogether. The City Council -- which is not bound by the judge's ruling -- is expected to take up the matter in the near future.

"To be sure, some of Diva's patrons have been frighteningly quick to violence," Lipman wrote. "Yet the record as a whole does not establish that (Diva's) or its employees prompted this violence, encouraged it or were slow to confront it when it erupted."

In the nuisance action, the city asked a Ramsey County District judge to shut down Diva's. Like Lipman, Ramsey County Judge Marybeth Dorn seemed skeptical that the bar should be blamed for every incident city officials linked to it.

Dorn issued an order in December imposing operating conditions the bar must meet to remain open. In June, the city attorney accused the bar of violating one of those conditions. A hearing is scheduled for July 31. Bar owner Deb Johnson declined to comment, but Dawkins said she's doing what it takes to make Diva's safe.

"Deb Johnson hated this killing committed by Maurice Anderson at this bar as much as anybody else," Dawkins said. "Ever since this shooting, she has hired top-notch security consultants and changed the way she runs the bar."

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**Caption:** Photo Maurice Lovell Anderson, sentenced to prison for 2006 bar shooting

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