



CITY GIVES FROGTOWN BAR ULTIMATUM - SHOOTING FOLLOWS FATAL BEATING OUTSIDE MOONLIGHT MAGIC

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Nearly one month after a man was beaten to death outside the Moonlight Magic bar in St. Paul, someone fired a gunshot at the bar and an off-duty security guard returned fire seven times, according to a notice the city attorney sent the bar Friday.

The June 12 incident was the latest in a string of trouble at the Frogtown bar. Now, St. Paul is giving the owners a legal ultimatum: clean up the problems or risk being shut down.

City Attorney John Choi sent a notice Friday to nine people who are the bar's owners or interested parties.

"The nuisance behavior must cease or a lawsuit may be commenced seeking to close the property for any purpose for one year," Choi wrote.

Asked Monday how neighbors feel about the bar, St. Paul City Council Member Melvin Carter III said: "I think concerned would be an understatement. I've heard from a number of neighbors on that block who are frustrated and fed up."

Meanwhile, in a separate city administrative proceeding, the bar is facing temporary closure. The St. Paul Department of Safety and Inspections is recommending Moonlight Magic be shut for 30 days and fined \$2,000 "due to the number and frequency of your license condition violations," according to a letter sent to the bar June 16.

One of the owners, Moua Yang, was reached by phone Monday but said he was working and not available to talk. He didn't return a message left later Monday.

Choi's notice doesn't mention the May 10 killing of Tai Yang, 20, outside Moonlight Magic at Thomas and Western avenues because Choi said his office didn't want to interfere with prosecution of the case. Two other men were shot, leaving one critically injured, during the same gang-related fight.

Seven people have been charged with murder in the case.

The notice said the nuisances "being maintained or permitted in the building" included these incidents:

- On June 12, police were called about shots fired and learned someone in a van had fired one shot at Moonlight Magic. An off-duty security officer fired seven shots at the van as it drove away. The "guard explained that he was trying to protect the people and that he carried a firearm because of the gang problems at Moonlight Magic," the notice said. He didn't have a permit to carry the gun.

- On March 28, a performer at the bar reported to police that her car had been damaged by two bullet holes. She approached a security guard who told her police had been called, looked at her car and left. "Officers verified that there had been no such call," the notice said. The guard "explained that the owner does not like to cooperate with the police."

- On Feb. 1, police were sent to Moonlight Magic and a guard told them of a fight between gangs at Western and Thomas avenues. Five males returned with a submachine gun and several handguns and pointed them at the guard. The guard, who didn't have a permit to carry a firearm, then pointed his gun at the males.

Since Choi became city attorney in January 2006, he said he has filed a notice to abate public nuisance against a bar only one other time -- against Diva's Overtime Lounge in 2006. The Rice Street bar was the scene of a homicide and other violence.

Ultimately, the city filed a public nuisance lawsuit against the bar. In 2007, the city council revoked Diva's liquor license and the bar was closed.

Whether St. Paul will pursue a similar lawsuit against Moonlight Magic will depend on how the bar responds to the city's demand to clean itself up, Choi said.

In the wake of the homicide, the bar's owners met with police and the Department of Safety and Inspections on May 28. The owners agreed to close the bar at 1 a.m., instead of 2 a.m., from June 1 to Dec. 31, said Christine Rozek, deputy director of the city's Department of Safety and Inspections. They also agreed to other conditions.

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