AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 29th day of June, he served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Abigail LLC d/b/a Carnitas Don Tacho 1193 Payne Avenue Saint Paul, MN 55130

Jack Byers, Executive Director Payne-Phalen Community Council 567 Payne Avenue Saint Paul, MN 55130

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

Shawn McDonald

Subscribed and sworn to before me This 29th day of June 2022

lotary Public





Civil Division, 15 Kellogg Blvd. West, 400 City Hall Saint Paul, MN 55102 Tel: 651-266-8710 | Fax: 651-298-5619

June 29, 2022

NOTICE OF INTENT TO SUSPEND LICENSE

Abigail LLC d/b/a Carnitas Don Tacho 1193 Payne Avenue Saint Paul, MN 55130

RE: Malt On Sale (Strong) and Wine On Sale license held by Abigail LLC d/b/a Carnitas Don Tacho for the premises located at 1193 Payne Avenue in Saint Paul.

License ID #: 20190002143

Dear Licensee:

The Department of Safety and Inspections ("Department") will recommend suspension of the Malt On Sale (Strong) and Wine On Sale license held by Abigail LLC d/b/a Carnitas Don Tacho ("Licensee") for the premises located at 1193 Payne Avenue in Saint Paul.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §310.05 (m) (8) by a preponderance of the evidence.

On January 31, 2022, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections indicating your Malt On Sale (Strong) and Wine On Sale fees were now delinquent.

You were told to pay the delinquent license and late fees by February 21, 2022, or adverse action would be taken. As of today, we have not heard from you.

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 **July 13, 2022,** 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 approval of the proposed remedy.

CITY OF SAINT PAUL MELVIN CARTER, MAYOR STPAUL.GOV



Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

- 2. You can pay the delinquent Malt On Sale (Strong) and Wine On Sale license and late fees. If this is your choice, you need to contact the Department of Safety and Inspections (651)

 266-8989 to determine the total amount due. You may then send the payment and information directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than July 13, 2022. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent Malt On Sale (Strong) and Wine On Sale license and late fees will be considered a waiver of the hearing to which you are entitled.
- 3. If you wish to <u>admit</u> the facts but contest the penalty, you may have a public hearing before the Saint Paul City Council, you will need to send me a letter with a statement admitting the facts and requesting a public hearing by **July 13, 2022**. The matter will then be scheduled before the City Council to determine whether to suspend your Malt On Sale (Strong) and Wine On Sale license. You will have an opportunity to appear before Council and make a statement on your own behalf.
- 4. If you no longer wish to do business in the City of Saint Paul, you will need to complete and return the attached REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **July 13, 2022.**

If you have not contacted me by July 13, 2022, I will assume that you do not contest the suspension of your Malt On Sale (Strong) and Wine On Sale license. 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 feel free to contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,

Therese Skarda

Assistant City Attorney

There Shala S.M.

License No.: 0240989

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV





Civil Division, 15 Kellogg Blvd. West, 400 City Hall Saint Paul, MN 55102 Tel: 651-266-8710 | Fax: 651-298-5619

Cc: Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130

Attachments: Copy of Renewal invoice

Copy of Letter sent

REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL

License Group Comments Text License Group Conditions Text

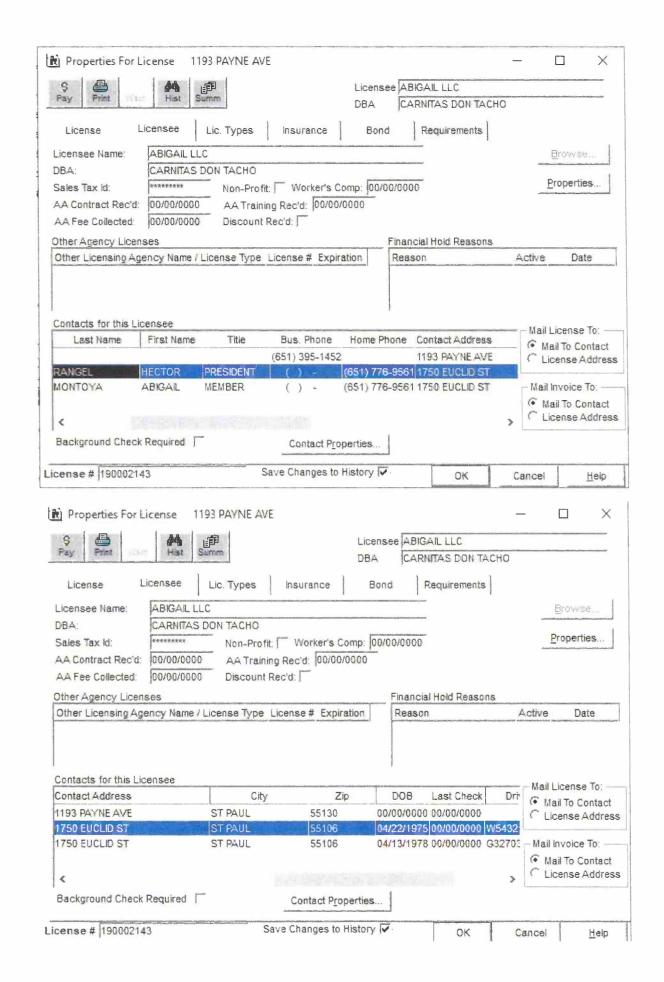
LIEP Customer Transaction Detail Report

Eclips System Screen shots

STAMP- Ownership/Zoning Information

Email to President about delinquent license fees

Saint Paul Legislative Code § 310.05 (m)



STAMP - Ownership / Zoning Information

New Search

Help using this report

Run Date:

05/17/22 01:09 PM

House#:

Last updated from Ramsey County data

on:

Street Name:

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

1187 Payne Ave / 1189 Payne Ave / 1191 Payne Ave / 1193 Payne Ave - Mr Deluxe Bakery - 55104-4607 - Other Applications

PIN: 292922120233

Census Track: 31000 Census Block: 5009

Council Ward: 6 District Council: 5

Year Built:

Foundation Sq Feet: Loan Company:

Land Value: 0 Building Value: 0

Existing Primary Use: C- Legality of Use:

Occupancy

Units:

Beauty Salon/Spa/Barber Shop

Group

Type: B

Zoning: B3

Legal Desc: JOSEPH R. WEIDE'S ADDITION JOSEPH R. WEIDE'S ADDITION LOTS 6 THRU LOT 8 BLK 1

Owner:

Bc Llc 1189 Payne Ave St Paul MN 55101-3642

Tax Owner:

Bc Llc 1189 Payne Ave St Paul MN

Licensee: ABIGAIL LLC

DBA: CARNITAS DON TACHO

License #: 20190002143

05/16/2022 Dinqt. 2nd half to JNV for CA adverse action to suspend license. JWF 04/06/2022 Email sent dInqt. matter to be sent to CAO. JWF 01/31/2022 Delinquent letter sent for second half. Response deadline date is February 21, 2022. SLH 10/27/21 Sent email requesting rev. recpt.KS 07/23/2021 Delinquent letter sent. Response deadline date is August 13, 2021. SLH 10/14/2020 Sept. '19 to Sept. '20 revenue receipts approved by Ross H for wine on sale. LAB 02/19/20 spoke to Hector he will be in on 2/20/20 to pay 2nd 1/2 fees and 2 delinq. fees. KS 02/14/2020 No response to dInqt. 2nd half ltr. to KS for follow-up. JWF 01/15/2020 Sent delinquent letter. Response deadline date is February 05, 2020. Max 09/09/2019 No objection to lic. notice per Nhia Vang's office, Leg. Hearing Officer. JWF 08/18/2019 Lic. notice sent, 47M/35EM, response date 09/06/2019. JWF 07/12/2019 App. to KS/EH for review. JWF

License Group Conditions Text

05/17/2022

Licensee: ABIGAIL LLC

DBA: **CARNITAS DON TACHO**

License #: 20190002143

1. Per City of Saint Paul Legislative Code 409.15(a)(2), On-sale wine license shall mean a license authorizing the sale of wine not exceeding fourteen (14) percent alcohol by volume, for consumption on the licensed premises only in conjunction with the sale and service of food (menu item only). The sale of Malt (Strong) will also take place only in conjunction with the sale and service of food.

2. Per City of Saint Paul Legislative Code 409.15(e), licensee must be able to show that gross receipts are at least sixty (60) percent attributable to the

sale of food.

3. Licensee will submit to the Department of Safety and Inspections (DSI) annual gross receipts for food and liquor for each year the license is renewed.

4. Licensee agrees to close the establishment at 12:00 a.m. midnight each day of the week. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per City Zoning Code (parking requirement).

Patron Key		Patro	n Name			DI	BA Name	Bu	siness Ado	iress		
380960	ABIGAIL	LLC		C	ARNITAS D	ON TACHO		1193 PAYNE AVE ST I	PAUL MN	55130		
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
07/08/2019	1058524	848422	2131639	635.00		0.00	Sales	190002143 Malt On Sale (Strong)	7/15/2022	5	Active Pendi	ng Y
07/08/2019	1058524	848423	2131640	988.00		0.00	Sales	190002143 Wine On Sale (Second Half) @ 1193 PAY	7/15/2022	8	Active Pendi	ng Y
07/08/2019	1058525	848423	2131641	988.00		0.00	Sales	190002143 Wine On Sale (Second Half) @ 1193 PAY	7/15/2022	8	Active Pendi	ng Y
07/08/2019			2131643		-1,623.00	0.00	Payment	Payment				N
09/11/2019		848423	2142226		-168.00	0.00	Sales Adjus	190002143 Wine On Sale (Second Half) @ 1193 PAY	7/15/2022	8	Active Pendi	ng Y
09/11/2019		848423	2142227		-168.00	0.00	Sales Adjus	190002143 Wine On Sale (Second Half) @ 1193 PAY	7/15/2022	8	Active Pendi	ng Y
09/11/2019		848422	2142228		-108.00	0.00	Sales Adjus	190002143 Malt On Sale (Strong)	7/15/2022	5	Active Pendi	ng Y
01/14/2020	1076757		2185407	54.00		0.00	Penalty	Late Fee 7-30 days late (10%)				Y
02/06/2020	1078228		2188988	54.00		0.00	Penalty	Late Fee 31-60 days late (10%)				Y
02/20/2020			2190565		-652.00	0.00	Payment	Payment				Y
05/18/2020	1084610	848423	2208609	750.00		0.00	Sales	190002143 WINE ON SALE - 25%	7/15/2022	8	Active Pendi	ng Y
05/18/2020	1084611	848423	2208610	750.00		0.00	Sales	190002143 WINE ON SALE - 25% (Second Half) @ 1	7/15/2022	8	Active Pendi	ng Y
05/18/2020	1084610	848422	2208611	487.00		0.00	Sales	190002143 MALT ON SALE (STRONG) - 25%	7/15/2022	5	Active Pendi	ng Y
07/22/2020	1088397		2221147	124.00		0.00	Penalty	Late Fee 7-30 days late (10%)				Y
08/14/2020	1089745		2230022	124.00		0.00	Penalty	Late Fee 31-60 days late (10%)				Y
09/10/2020			2233761		-2,235.00	0.00	Payment	Payment				Y
05/17/2021	1108109	848423	2294875	1,000.00		0.00	Sales	190002143 Wine On Sale	7/15/2022	8	Active Pendi	ng Y
05/17/2021	1108110	848423	2294876	1,000.00		1,000.00	Sales	190002143 Wine On Sale (Second Half) @ 1193 PAY	7/15/2022	8	Active Pendi	ng Y
05/17/2021	1108109	848422	2294877	649.00		0.00	Sales	190002143 Malt On Sale (Strong)	7/15/2022	5	Active Pendi	ng Y
07/22/2021	1110135		2302147	165.00		0.00	Penalty	Late Fee 7-30 days late (10%)				Y
08/14/2021	1110959		2303728	165.00		0.00	Penalty	Late Fee 31-60 days late (10%)				Y
09/13/2021	1111763		2305798	165.00		0.00	Penalty	Late Fee 61-90 days late (10%)				Y
09/30/2021			2306782		-2,144.00	0.00	Payment	Payment				Y
01/22/2022	1122013		2335323	100.00		100.00		Late Fee 7-30 days late (10%)				Y
02/14/2022	1122927		2338016	100.00		100.00	Penalty	Late Fee 31-60 days late (10%)				Y
03/17/2022	1124032		2341477	100.00		100.00	Penalty	Late Fee 61-90 days late (10%)				Y
04/15/2022	1125050		2346294	100.00				Late Fee 91-120 days late (10%)				Y
05/15/2022	1125975		2350923	100.00				Late Fee 121+ days late (10%)				Y
05/16/2022	1125976	848423	2351189	1,000.00		1,000.00	Sales	190002143 Wine On Sale	7/15/2022	8	Active Pendi	ng Y
05/16/2022	1125977	848423	2351190	1,000.00		1,000.00		190002143 Wine On Sale (Second Half) @ 1193 PAYI	7/15/2022	8	Active Pendi	ng Y
05/16/2022	1125976	848422	2351191	649.00		649.00		190002143 Malt On Sale (Strong)	7/15/2022	- 5	Active Pendir	ng Y
Customer Totals:			11,247.00	-7,098.00								

Customer Account Balance: 4,149.00

Grand Total for all pages: 11,247.00 -7,098.00 4,149.00



2nd half delinguent

375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806 Tel: 651-266-8989 | Fax: 651-266-9124

January 31, 2022

Carnitas Don Tacho 1750 Euclid St St Paul MN 55106

RE: License ID # 20190002143 @ 1193 Payne Ave

Dear Licensee:

Our records indicate the above referenced license(s) which were issued to you have expired and are now delinquent. Renewal of the license(s) is required if you intend to engage in the licensed activity within the City of St Paul.

You must complete the renewal of your license(s) by Feb 21, 2022 or we may submit your delinquent/expired license(s) to the City Attorney's office for adverse action. To complete the renewal process, submit to this department payment of the renewal fee (including any late fees) and all required supporting documentation as stated on the enclosed invoice.

For your convenience, a copy of the referenced invoice and a self-addressed return envelope is enclosed. If you are no longer working within the City of Saint Paul, please advise our office of the information in writing.

If you have questions regarding this notice or wish to dispute your license is delinquent/expired, please contact our office at 651-266-8989, Monday through Friday, between 8:00 AM and 4:30 PM.

Sincerely,

Eric Hudak

Licensing Manager

Millell -

Department of Safety and Inspections

Enclosure(s)

LICENSE ID: 20190002143



Renewal Invoice

☐ Check this box if making any name, mailing address or phone # corrections. Please write the changes on this form. If your business license address is changing, please request a new business license application.

April 6, 2022

CITY OF SAINT PAUL

Department of Safety and Inspections 375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806 PHONE: (651) 266-8989

> FAX: (651) 266-9124 www.stpaul.gov

> Invoice #: 1124032

Invoice Due Date: Upon Receipt Account Balance: \$1,300.00

Pay this Amount: \$1,300.00

Invoice Amount Due: \$ 1,300.00

ABIGAIL LLC CARNITAS DON TACHO CONTACT: HECTOR A RANGEL 1750 EUCLID ST **ST PAUL MN 55106**

HOME PHONE: 651-776-9561

Transaction	Description
-------------	-------------

Inv: 1108110 190002143 Wine On Sale (Second Half) @ 1193 PAYNE AVE

Inv: 1122013 Late Fee 7-30 days late (10%) Inv: 1122927 Late Fee 31-60 days late (10%)

Late Fee 61-90 days late (10%) Requirements

Transaction Total

1,000.00 100.00

100.00

100.00

Your account is overdue. Please mail payment today!!

Please complete the following information for your First Half renewal (disregard if invoice is for the 2nd half payment): Company & DBA Names (if different than above):

Business Phone #s (include fax, cell, & pager if applicable):

Applicant Name, Date of Birth, Home Address, & Phone #'s: Manager Name, Date of Birth, Address & Phone #'s:

Liquor is served in the following rooms:

*For Wine On Sale licenses:

Submit current insurance

Send a copy of your state sales and use tax statements for the previous 12 months from the Department of Revenue for verification of gross food and beverage sales.

If sales were less than \$25,000 for the preceding year, insurance is not required. Licensee may submit an affidavit stating that sales were less than \$25,000.

Submit with first half payment only:

*State Wine renewal certificate

*Proof of current liquor liability insurance (expiration must coincide with your license expiration date) or waiver letter if your sales are less than \$10,000 per year and you do not hold an On Sale Malt (Strong Beer) license.

Your Taxpayer Identification is on file. Thank you.

Please give us your email address:

Please return this invoice with your payment!

Remit Payment to:

INVOICE #: 1122013 CUSTOMER: ABIGAIL LLC

Expiration Date: Account Number:

Discover

American Express

MasterCard

City of Saint Paul Department of Safety and Inspections 375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806

Make Checks Payable to: The City of Saint Paul

Cardholder Signature (required for all charges):
Beginning April 1, 2021, a 2.49% convenience fee will be charged for credit card transactions and will appear as a separate transaction on your card statement. This fee is charged by the service provider the Department of Safety and Inspections uses to handle credit card transactions. The City will not receive any of the convenience fees. Checks and cash payments will still be accepted at 375 Jackson St., #220.
IF PAYING BY CREDIT CARD PLEASE COMPLETE THE FOLLOWING INFORMATION:

Security Code:

Amount: \$__

Fischbach, Jeffrey (CI-StPaul)

From:

Fischbach, Jeffrey (CI-StPaul)

Sent:

Wednesday, April 6, 2022 2:32 PM 'HECTORRARIAS@GMAIL.COM'

To: Subject:

1193 Payne Ave - Abigail LLC / DBA Carnitas Don Tacho - Delinquent License ID #

201090002143

Attachments:

20220406143952453.pdf

Hector,

See attached letter mailed to you on 01/31/2022 regarding delinquent license fees for the above referenced.

The Department of Safety and Inspections will be sending this matter to the City Attorney for adverse action if payment is not received by 04/15/2022.

Let me know if you have any questions.

Thanks,

Jeff Fischbach City of St Paul DSI Licensing Division 375 Jackson St Suite 220 St Paul MN 55101 651-266-9106

----Original Message-----

From: noreply@ci.stpaul.mn.us <noreply@ci.stpaul.mn.us>

Sent: Wednesday, April 6, 2022 2:40 PM

To: Fischbach, Jeffrey (CI-StPaul) < jeffrey.fischbach@ci.stpaul.mn.us>

Subject: Message from "SI-RicohADMOffice"

This E-mail was sent from "SI-RicohADMOffice" (IM C3500).

Scan Date: 04.06.2022 14:39:52 (-0500) Queries to: noreply@ci.stpaul.mn.us



CITY OF SAINT PAUL

Business Licensing Telephone: 651-266-8989
375 Jackson Street, Suite 220 Facsimile: 651-266-9124
Saint Paul, Minnesota 55101-1806 Web: www.stpaul.gov/dsi

Telephone: 651-266-8989

RE: REQUEST TO CANCEL	License ID #
I/We,	, respectfully request to cancel my/our
license(s) at the address listed below:	
List all licenses to be canceled:	
License holder/Business address:	
Reason(s) for request:	
License Holder Printed Name, Signature and Title	Date
License Holder Phone Number	
License Holder Printed Name, Signature and Title	Date
License Holder Phone Number	

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		
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation		
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation		

Type of Violation	Appearance					
	1st	2nd	3rd	4th		
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00	\$1,500.00	5-day suspension	Revocation		
(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00	Revocation	n/a	n/a		
(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a		
(8) Failure to pay license fees	Suspension	Revocation				
(9) Critical violations under 331A	\$250.00	\$500.00	\$1,000.00, 5-day suspension	Revocation		

Type of Violation	Appearance					
	1st	2nd	3rd	4th		
(10) Non-critical violation under 331A	\$150.00	\$250.00	\$500.00	\$1,000.00		
(11) Taxi fail to display driver's license as required by 376.16(f)	\$100.00	\$250.00	\$500.00	Revocation		
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	\$100.00	\$250.00	\$500.00	Revocation		
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	\$200.00	\$400.00	\$800.00	Revocation		

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 2nd day of June, he served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Abigail LLC d/b/a Carnitas Don Tacho 1193 Payne Avenue Saint Paul, MN 55104 Attn: Hector Rangel

Jack Byers, Executive Director Payne-Phalen Community Council 567 Payne Avenue Saint Paul, MN 55130

Bc LLC 1189 Payne Avenue Saint Paul, MN 55101

Hector Rangel 1750 Euclid Street Saint Paul, MN 55106

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

Shawn McDonald

Subscribed and sworn to before me This 2nd day of June 2022

Notary Public

