

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

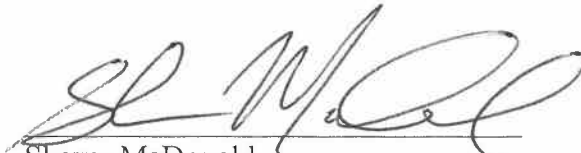
Shawn McDonald, being first duly sworn, deposes and says that on the 19th day of September, he served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Bark and The Bite
2186 Marshall Avenue
Saint Paul, MN 55104

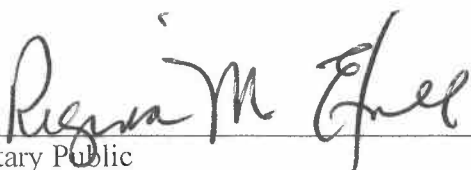
Abdulrahman Wako, Executive Director
Union Park District Council
1821 University Avenue West, Suite 308
Saint Paul, MN 55104

Kvasnik Properties Li LLC
2190 Marshall Avenue
Saint Paul, MN 55104

(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 19th day of September 2022


Notary Public





September 19, 2022

NOTICE OF INTENT TO SUSPEND LICENSE

Bark and The Bite
2186 Marshall Avenue
Saint Paul, MN 55104

RE: Liquor On Sale – 100 seats or less license held by Bark and The Bite for the premises located at 2186 Marshall Avenue in Saint Paul.
License ID #: 20190000556

Dear Licensee:

The Department of Safety and Inspections (“Department”) will recommend suspension of the Liquor On Sale – 100 seats or less license held by Bark and The Bite (“Licensee”) for the premises located at 2186 Marshall 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 July 21, 2022, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections indicating your Liquor On Sale – 100 seats or less fees were now delinquent.

You were told to pay the delinquent license and late fees by August 11, 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 **October 3, 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.



2. You can pay the delinquent Liquor On Sale – 100 seats or less 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 **October 3, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent Liquor On Sale – 100 seats or less license and late fees will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit 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 **October 3, 2022**. The matter will then be scheduled before the City Council to determine whether to suspend your Liquor On Sale – 100 seats or less 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 **October 3, 2022**.

If you have not contacted me by October 3, 2022, I will assume that you do not contest the suspension of your Liquor On Sale – 100 seats or less 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
License No.: 0240989



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

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

Cc: Abdulrahman Wako, Executive Director, Union Park District Council, 1821 University Avenue West,
Suite 308, Saint Paul, MN 55104
Kvasnik Properties Li LLC, 2190 Marshall Avenue, Saint Paul, MN 55104

Attachments: Copy of Renewal invoice
Copy of Letter sent
REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL
LIEP Customer Transaction Detail Report
Eclips System Screen shots
Saint Paul Legislative Code § 310.05 (m)

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

*The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.*



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
RICARDO X. CERVANTES, DIRECTOR

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

Delin

July 21, 2022

Bark And The Bite
2186 Marshall Ave
St Paul MN 55104

RE: License ID # 20190000556
@ 2186 Marshall 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 Aug 11, 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
Department of Safety and Inspections

Enclosure(s)



SAINT PAUL
MINNESOTA

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.

August 2, 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

BARK AND THE BITE LLC
BARK AND THE BITE
2186 MARSHALL AVE
ST PAUL MN 55104

BUSINESS PHONE: 651-528-7928

Invoice #: 1128094

Invoice Due Date: Upon Receipt

Account Balance: \$4,266.37

Pay this Amount: \$1,820.87

Transaction Description

Transaction Total

Inv: 1125353 190000556 Liq On Sale - 100 seats or less Expires: 07/01/2022 @ 2186 MARSHALL AVE	1,516.87
Inv: 1127708 Late Fee 7-30 days late (10%)	152.00
Late Fee 31-60 days late (10%)	152.00

Requirements	Invoice Amount Due: \$1,820.87
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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: _____
 Signature & Title of Applicant: _____

Submit with First Half payment only:
 *State renewal certificate
 *Proof of current liquor liability insurance (expiration must coincide with your license expiration date)

Your Taxpayer Identification is on file. Thank you.

Please give us your email address: _____

Please return this invoice with your payment!

Patron Key	Patron Name			DBA Name				Business Address				
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379702 BARK AND THE BITE LLC BARK AND THE BITE 2186 MARSHALL AVE ST PAUL MN 55104

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
03/08/2019	1050045	844946	2109310	2,397.50		0.00	Sales	190000556 Liq On Sale - 100 seats or less (Second H	7/1/2022	6	Delinquent	Y
03/08/2019	1050046	844946	2109311	2,397.50		0.00	Sales	190000556 Liq On Sale - 100 seats or less (Second H	7/1/2022	6	Delinquent	Y
03/08/2019	1050045	844945	2109312	200.00		0.00	Sales	190000556 Liquor On Sale - Sunday	7/1/2023	4	Active Pending	Y
03/08/2019	1050045	844944	2109313	76.00		0.00	Sales	190000556 Patio Service	7/1/2023	1	Active Pending	Y
03/08/2019			2109314		-5,071.00	0.00	Payment	Payment				Y
05/15/2019		844946	2121769		-791.00	0.00	Sales Adju:	190000556 Liq On Sale - 100 seats or less (Second H	7/1/2022	6	Delinquent	Y
05/15/2019		844946	2121770		-791.00	0.00	Sales Adju:	190000556 Liq On Sale - 100 seats or less (Second H	7/1/2022	6	Delinquent	Y
05/15/2019		844945	2121771		-66.00	0.00	Sales Adju:	190000556 Liquor On Sale - Sunday	7/1/2023	4	Active Pending	Y
11/19/2019	1072752	844944	2168759	76.00		0.00	Sales	190000556 Patio Service	7/1/2023	1	Active Pending	Y
11/19/2019	1072752	844946	2168760	2,397.50		0.00	Sales	190000556 Liq On Sale - 100 seats or less	7/1/2022	6	Delinquent	Y
11/19/2019	1072753	844946	2168761	2,397.50		0.00	Sales	190000556 Liq On Sale - 100 seats or less (Second H	7/1/2022	6	Delinquent	Y
11/19/2019	1072752	844945	2168762	200.00		0.00	Sales	190000556 Liquor On Sale - Sunday	7/1/2023	4	Active Pending	Y
01/07/2020			2184167		-3,423.00	0.00	Payment	Payment				Y
11/19/2020	1100561	844944	2261276	58.00		0.00	Sales	190000556 LIQUOR - OUTDOOR SERVICE (PATIO)	7/1/2023	1	Active Pending	Y
11/19/2020	1100561	844946	2261277	1,834.00		0.00	Sales	190000556 LIQUOR ON SALE - 100 SEATS OR LES:	7/1/2022	6	Delinquent	Y
11/19/2020	1100562	844946	2261278	1,834.00		0.00	Sales	190000556 LIQUOR ON SALE - 100 SEATS OR LES:	7/1/2022	6	Delinquent	Y
11/19/2020	1100561	844945	2261279	200.00		0.00	Sales	190000556 Liquor On Sale - Sunday	7/1/2023	4	Active Pending	Y
01/25/2021	1103831		2278102			0.00	Penalty	Late Fee 7-30 days late (10%) - Manager Waived				Y
02/17/2021	1104768		2281993			0.00	Penalty	Late Fee 31-60 days late (10%) - Manager Waived				Y
03/19/2021	1105812		2287259			0.00	Penalty	Late Fee 61-90 days late (10%) - Manager Waived				Y
04/18/2021	1106824		2291132			0.00	Penalty	Late Fee 91-120 days late (10%) - Manager Waived				Y
05/18/2021	1108235		2295054			0.00	Penalty	Late Fee 121+ days late (10%) - Manager Waived				Y
06/24/2021			2299391		-1,834.00	0.00	Payment	Payment				N
07/07/2021		844944	2300790		-38.97	0.00	Sales Adju:	Per Mayoral EO 2020-40, Business was Inactive for 8 i	7/1/2023	1	Active Pending	Y
07/07/2021		844946	2300791		-1,834.00	0.00	Sales Adju:	Per Mayoral EO 2020-40, Business was Inactive for 8 i	7/1/2022	6	Delinquent	Y
07/07/2021		844946	2300792		-1,426.66	0.00	Sales Adju:	Per Mayoral EO 2020-40, Business was Inactive for 8 i	7/1/2022	6	Delinquent	Y
05/02/2022	1125353	844945	2348305	200.00		0.00	Sales	190000556 Liquor On Sale - Sunday	7/1/2023	4	Active Pending	Y
05/02/2022	1125353	844944	2348306	79.00		0.00	Sales	190000556 Patio Service	7/1/2023	1	Active Pending	Y
05/02/2022	1125353	844946	2348307	2,445.50		1,516.87	Sales	190000556 Liq On Sale - 100 seats or less	7/1/2022	6	Delinquent	Y
05/02/2022	1125354	844946	2348308	2,445.50		2,445.50	Sales	190000556 Liq On Sale - 100 seats or less (Second H	7/1/2022	6	Delinquent	Y
07/08/2022	1127708		2357680	152.00		152.00	Penalty	Late Fee 7-30 days late (10%)				Y
07/31/2022	1128094		2360074	152.00		152.00	Penalty	Late Fee 31-60 days late (10%)				Y

Customer Totals: 19,542.00 -15,275.63

Customer Account Balance: 4,266.37

Grand Total for all pages: 19,542.00 -15,275.63 4,266.37

REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL

I/We, _____, respectfully request to withdraw

the following license(s):

Application/Business address: _____

Reason(s) for request: _____

Applicant(s) Printed Name, Signature and Title Date

Please return this completed request by any of the following:

Mail Dept. of Safety and Inspections
Attn: D. LaCasse
375 Jackson St, Ste 220
Saint Paul MN 55101

E-Mail diane.lacasse@ci.stpaul.mn.us

FAX 651-266-9124

Thank you

Sec. 310.05. - Hearing procedures.

(m) *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

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
(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
(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

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
 - (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
 - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
 - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
 - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
 - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)