

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 16th day of March, he served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Pimento Incorporated
d/b/a Pimento Jamaican Kitchen
928 7th Street West #104
Saint Paul, MN 55102
Attn: Derek Beevas

Emily Northey, Executive Director
West 7th Street/Fort Road Federation
882 West 7th Street, Suite 6
Saint Paul, MN 55102

Schmidt Keg House Manager LLC/C/O Anderson Property Mgt
6205 Parkwood Road
Edina, MN 55436-1140

Derek Beevas
53 Oliver Avenue South
Minneapolis, MN 55408

(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 16th day of March 2020


Notary Public





CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

March 16, 2020

NOTICE OF INTENT TO SUSPEND LICENSE

Pimento Incorporated
d/b/a Pimento Jamaican Kitchen
928 7th Street West #104
Saint Paul, MN 55102
Attn: Derek Beevas

RE: Liquor On Sale- 100 seats or less (Second Half) license held by Pimento Incorporated d/b/a Pimento Jamaican Kitchen for the premises located at 928 7th Street West Unit 104 in Saint Paul.
License ID #: 20180004365

Dear Licensee:

The Department of Safety and Inspections ("Department") will recommend suspension of the Liquor On Sale (Second Half) license held by Pimento Incorporated d/b/a Pimento Jamaican Kitchen ("Licensee") for the premises located at 928 7th Street West Unit 104 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 February 6, 2020, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections indicating your Liquor On Sale- 100 seats or less (Second Half) fees were now delinquent.

You were told to pay the delinquent license and late fees by February 18, 2020 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 **March 30, 2020**, 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 (Second Half) 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 **March 30, 2020**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent Liquor On Sale (Second Half) 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 **March 30, 2020**. The matter will then be scheduled before the City Council to determine whether to suspend your Liquor On Sale (Second Half) 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 **March 30, 2020**.

If you have not contacted me by March 30, 2020, I will assume that you do not contest the suspension of your Liquor On Sale- 100 seats or less (Second Half) 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,

A handwritten signature in blue ink that reads "Therese Skarda / s.m.".

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Emily Northey, Executive Director, West 7th Street/Fort Road Federation, 882 West 7th Street, Suite 6, Saint Paul, MN 55102
Schmidt Keg House Manager LLC/C/O Anderson Property Mgt, 6205 Parkwood Road, Edina, MN 55436-1140
Derek Beevas, 53 Oliver Avenue South, Minneapolis, MN 55408

Attachments: February 6, 2020 letter with attached Renewal Invoice dated November 27, 2019
REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL
STAMP- Ownership/Zoning Information
Saint Paul Legislative Code § 310.05 (m)



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

February 6, 2020

Pimento Jamaican Kitchen
Attn: Derek A Beevas
53 Oliver Ave S
Minneapolis MN 55408

RE: License ID # 20180004365
@ 928 7th St W

Dear Licensee:

Our records indicate that 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 18, 2020 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 that information in writing.

If you have questions regarding this notice, or wish to dispute that 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)



Renewal Invoice

CITY OF SAINT PAUL

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

Department of Safety and Inspections
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101-1806
 PHONE: (651) 266-8989
 FAX: (651) 266-9124
 An Equal Opportunity Employer

November 27, 2019

<p>PIMENTO INCORPORATED PIMENTO JAMAICAN KITCHEN CONTACT: DEREK A BEEVAS 53 OLIVER AVE S MINNEAPOLIS MN 55408</p> <p>HOME PHONE: 202-306-0645 BUSINESS PHONE: 612-850-8685</p>	<p>Invoice # : 1044152 Invoice Due Date : 02/01/2020 Account Balance: \$2,397.50 Pay this Amount: \$2,397.50</p>
---	---

Transaction Description	Transaction Total
180004365 Liq On Sale - 100 seats or less (Second Half) @ 928 7TH ST W Liquor Service Area: BAR AREA # of Seats: 100 OR LESS Establishment Type: Restaurant	2,397.50

Requirements	Invoice Amount Due: \$2,397.50
--------------	---------------------------------------

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!

STAMP - Ownership / Zoning Information[New Search](#)[Help using this report](#)**Run Date:** 03/10/20 01:28 PM**House#:** 928**Last updated from Ramsey County data on:****Street Name:** 7TH

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

928 7th St W - Keg House - Schmidt Brewery - 55102-3641 - [Other Applications](#)

PIN: 122823230137	Census Track:	Census Block:	Council Ward: 2	District Council: 9
Year Built:	Foundation Sq Feet:	Loan Company:	Land Value: 0	Building Value: 0

Existing Primary Use: I- Legality of Use:
Food/Bev. Processing/Mfg.**Occupancy Group Type:** A-2
Units: 0**Zoning:** T3 / HPL-JSB**Heritage Preservation: HP Property Name:** Keg House / **HP Architect/Builder:** W.W. Magee / **HP Date Built:** 1937**Legal Desc:** Schmidt Brewery Addition Lot 1 Blk 1**Owner:**Schmidt Keg House Manager Llc/C/O Anderson Property Mgt
6205 Parkwood Rd
Edina MN 55436-1140
651-443-6060**Certificate of Occupancy Responsible Party:**Martha or Jane Anderson
Anderson Property Management
6205 Parkwood Road
Edina MN 55436
952-931-9538

Licensee: PIMENTO INCORPORATED

DBA: PIMENTO JAMAICAN KITCHEN

License #: 20180004365

3/10/20 To CAO for adverse action SuspensionKS

3/3/20 left return # on voice mail. KS

2/28/2020 Dropped off invoice for delinquent Liquor On Sale license with the day time manager Mateo. ARM

02/26/2020 left message on voicemail to call me re. delinquent 2nd 1/2 .KS

02/25/2020 No response to 2nd half dlnqt. ltr. to KS for follow-up. JWF

02/06/2020 Delinquent 2nd half liq. letter sent, response date 02/18/2020. JWF

1/14/2020 Sent letter requesting petition signatures or withdrawal for Patio Lic with a final date of 2/14/2020. RJH

11/27/2019 Mailed 2nd half invoice (\$2,397.50) if payment rcvd. by 02/01/2020 waive late fees. JWF

08/01/2019 Per licensee have not been issued Buyer's Card by AGED due to AGED waiting on City authorization. Reviewed file and notice AGED certification paperwork not correct (both versions). Rcvd. revised COI & took paperwork to AGED. Emailed AGED and licensee. Resent eff./exp. date of lic. to period 08/01/2019 to 08/01/2020. 2nd half liq. lic. fee due 02/01/2020 (cancel late fees if paid by due date. JWF

07/12/2019 To KS for follow-up on non-payment of liq. 2nd half. Emailed RH for review of when lic. issued, when should have been issued, when opened, and if any fee adjustment due. JWF

06/19/2019 Sent delinquent letter. Response deadline date is July 10, 2019. Max

04/02/2019 Ross Haddow to follow-up on pending Liq. Out. Serv. (Patio). petition submission. App. Jeff's desk by nameplate. JWF

03/11/2019 No obj. to lic. notice indoor liq. on-sale lic. per Nhia Vang, Leg. Hearing Officer. JWF

02/20/2019 State AGED informed DSI that paperwork has incorrect address. New State AGED certification paperwork taken over. KS/jwf

02/11/2019 Lic. approved and State AGED certification paperwork with COI taken to AGED. RJH/jwf

02/06/2019 CF #19-169 approves 45-day waiver for issuance of lic. once req. met. JWF

01/23/2019 Letter sent incomplete Liq. Patio app., response date 03/08/2019. JWF

01/17/2019 License notice sent, 46M/35EM, response date 03/08/2019. NOTICE NOT SENT FOR LIQ. PATIO LIC. APP. Rcvd. signed lic. cond. affidavit & 45-day waiver letter from DC, to KS for CA action to waive 45-day notice waiting period. jwf

12/28/2018 App. to RH for review with EH for public notification including a separate draft app. incomplete letter regarding pnd. liq. patio lic. JWF

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)

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