

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 12th day of March, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$1000 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Sole Cafe
684 Snelling Avenue North
St. Paul, MN 55104
Attn: Kyong Ye Firnstahl


Nam M. Ho
559 Heinel Drive
Roseville, MN 55113-2108

Kate Mudge, Executive Director
Hamline Midway Coalition
1558 Minnehaha West
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 12th 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 12, 2020

**NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$1000
MATRIX PENALTY**

Kyong Ye Firnstahl- Licensee
d/b/a Sole Cafe
684 Snelling Avenue North
St. Paul, MN 55104

RE: Malt On Sale (3.2) and Wine On Sale License held by Kyong Ye Firnstahl d/b/a Sole Cafe for the premises located at 684 Snelling Avenue North in Saint Paul
License ID #: 19980001653

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against Malt On Sale and Wine On Sale licenses held by Kyong Ye Firnstahl d/b/a Sole Cafe for the premises located at 684 Snelling Avenue North in Saint Paul.

On October 7, 2019, a RENEWAL INVOICE was sent by the Department of Safety and Inspections (DSI) for the Wine On Sale and Malt On Sale (3.2) license. The RENEWAL INVOICE directed you to submit proof of current insurance and a copy of your state sales and tax statements for the previous 12 months from the Department of Revenue for Verification of gross food and beverage sales.

On December 6, 2019, DSI spoke with you concerning your Gross sales receipts and you told them you would will call back the next week to get information. On December 13, 2019 DSI Customer Service Specialist Marie Notarino shared her email for you to provide Gross sales receipts.

As of today, we have not received the Gross sales receipts from the Department of Revenue. Failure to provide them is a violation of Saint Paul Legislative Code § 409.15 (e) and a basis for Adverse Action under §310.05 (m)(2) as a violation of the provisions of the legislative code relating to the licensed activity.

Saint Paul Legislative Code § 409.15 (e) states: "A holder of an on-sale wine license issued pursuant to this section who is also licensed to sell on-sale 3.2 percent malt liquor and whose gross receipts are at least sixty (60) percent attributable to the sale of food may be permitted by the city council to also sell intoxicating malt liquors at on sale in conjunction with the sale of food without having to pay any additional license fee. Such authorization, if approved by the council, shall be noted upon the licenses issued by the

inspector. This provision is enacted pursuant to authority granted by Minnesota Statutes, section 340A.404(5).”

Records on file at the Department indicated that on 1/10/2018 Council file #18-31 suspended your license for 10 days due to a lapse in liquor liability coverage.

As a result of these violations, per Saint Paul Legislative Code § 409.15(e), the licensing office will recommend a \$1,000.00 matrix penalty.

At this time, 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 26, 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 Agenda for approval of the proposed remedy.
2. You can pay the recommended \$1,000.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **March 26, 2020**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you 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 to the facts and requesting a public hearing. I will need to receive your letter by **March 26, 2020**. The matter will then be scheduled before the City Council to determine whether to impose the \$1,000.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **March 26, 2020**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by March 26, 2020, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. 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 me at 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Pong Yun Kim, 684 Snelling Avenue, Saint Paul, MN 55104
Nam M. Ho, 559 Heinel Drive, Roseville, MN 55113-2108
Kate Mudge, Executive Director, 1558 Minnehaha West, Saint Paul, MN 55104



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

October 7, 2019

NOV 26 2019

RECEIVED IN D.S.I.

KYONG YE FIRNSTAHL
SOLE CAFE
684 SNELLING AVE N
ST PAUL MN 55104-1840

Invoice #: 1070148

Invoice Due Date: 12/04/2019

Account Balance: \$2,612.00

Pay this Amount: \$2,612.00
If paying only 1st half Liquor, please pay: \$1,624.00

HOME PHONE: 612-239-0058 BUSINESS PHONE: 651-644-2068

| Transaction Description | Transaction Total |
|-------------------------|-------------------|
|-------------------------|-------------------|

| | |
|---|----------|
| 980001653 Wine On Sale Expires: 12/04/2019 @ 684 SNELLING AVE N | 1,976.00 |
| 980001653 Malt On Sale (3.2) Expires: 12/04/2019 | 636.00 |

| | |
|--------------|--------------------------------|
| Requirements | Invoice Amount Due: \$2,612.00 |
|--------------|--------------------------------|

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): Same as above
 Business Phone #s (include fax, cell, & pager if applicable):
 Applicant Name, Date of Birth, Home Address, & Phone #'s: Kyong Ye Firnstahl, 5/17/53 612-239-0058
 Manager Name, Date of Birth, Address & Phone #'s:
 Liquor is served in the following rooms: Dinning

*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.

*For Malt On Sale 3.2 percent malt liquor 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!

12/13 Gave email address to send gross sales receipts. Have been trying to contact since 12/2. Spoke w/ Kyong on 12/6 said she will call me next week to get my info.
 12/23 Forwarded info to Kris S, regarding gross sales receipts.

Attn: Kris
 Dred. U

Licensee: KYONG YE FIRNSTAHL

DBA: SOLE CAFE

License #: 19980001653

12/13/2019 Gave my email address so they could send gross sales receipts for food and beverage. MN
 1/31/18 Hand delv. susp. notice to licensee. KS
 01/10/2018 Council file #18-31 suspends lic. for ten (10) days due to a lapse in liq. liab. coverage. Suspension will begin at 12:00 a.m. (midnight) on Wed. 01/31/2018 and end at 11:59 p.m. Friday 02/09/2018. JWF
 12/7/17 To CAO for lapse in insurance. KS
 12/07/2017 Lapse in Liquor Liability from 10/15/2017 to 12/04/2017. Lic exp date now 12/4/2018. LAB
 11/17/17 Delivered letter notifying no sale, service or consup. of liq. until insur. is recd. KS
 11/03/2017 Oct '16 to Sep '17 revenue receipts reviewed and approved by Kris for wine on sale. LAB
 11/16/2016 2016 revenue receipts reviewed and approved by Kris for wine on sale. LAB
 10/25/2016 Sent delinquent letter. Response deadline date is November 15, 2016. Max
 08/05/2016 License expiration date changed from 9/30 to 10/15 with no lapse in liquor liability coverage. LAB
 03/16/2016 2015 revenue receipts reviewed and approved by Kris for wine on sale. LAB
 03/16/2016 Rec'd Receipts, to Kris for approval. LAB
 01/15/2016 Orders issued submit liq. liab. ins. & tax rcpts (09/30/2014 to 09/30/2015), 01/29/2016 response date. JWF
 11/24/2015 Sent another letter requesting requirements still needed to complete renewal. AJJ
 10/15/2015 Sent letter requesting rest of paperwork. AJJ
 10/01/2015 Paid \$4.94 outstanding fee due. LAB
 09/25/2015 sent letter requesting 12 months of gross sales receipts, current insurance and remaining \$4.94 due for first half. AJJ
 04/07/2015 Submitted \$1,242.00 refund for 6-month license prorated. LAB
 04/07/2015 Licenses prorated 6 months from 3/21/2015 to 9/30/2015 to expire with liquor liability. LAB
 03/18/2011 Cancelled Entertainment-A license per licensee's request. LAB
 04/20/2010 2009 revenue receipts reviewed and approved by CAR for wine on sale. LAB
 6/27/08 Conditions OK RWJ
 02/26/2007 Sent congratulation letter for passing liquor compliance check. SLH
 12/22/2006 Congrats letter sent. MED
 12/13/2006 Passed alcohol compliance check conducted by SPPD. CAR
 02/24/2006 Rcvd \$500.00 for liquor sales violation. AMW
 02/13/2006 CAO sent Notice of Violation for selling strong alcohol when only licensed to sell wine/malt(3.2); recommended penalty is a \$500 fine; deadline to respond is 2/24/06. RS
 02/01/2006 Police report indicates that there was smoking in the bar. Information has been forwarded to Ramsey County for inspection since smoking is prohibited in restaurants. CAR
 02/01/2006 To CAO for license action. LIEP recommends \$500 penalty - matrix violation. CAR
 1/26/2006 Received complaint that Sole is selling strong alcohol. KS inspected location with SPPD officers. CN05-187237 indicates that strong beer and wine over 14% were being sold. Inspector's report indicated that licensee admitted that alcohol was purchased retail at a liquor store(state violation, will be sent to state inspector). Restaurant was very dirty. Complaint sent to EH for inspection. CAR
 12/22/05 Passed alcohol compliance check conducted by SPPD. MD
 06/15/2005 Inspected business at 7:45PM. Complaint was received that business is not serving food but is selling liquor. Food was being served, patrons with alcohol were consuming meals. RJ
 03/25/2005 Sole Cafe has wine and 3.2 beer so owner is not required to demonstrate 60% food sales. CAR
 03/25/2004 rcvd signed doc removing Pong Yun Kim from license. Administrative resolution completed. caa
 03/24/2004 OK to process the license renewal per CAR. Still waiting for written and signed doc removing Pong Yun Kim from the license. Ins rcvd w/Firnstahl's name only (United States Liab Ins Co CL1143750 exp 01/22/2005) liq liab ins exp date should be changed to 03/21/2005. Kyong is aware of all the requirements still needed in order to complete the renewal requirements. She states this information will be provided by the end of this week. caa
 03/19/2004 Over the counter - Kyong Ye Firnstahl, once again, claims Pong Yun Kim has withdrawn as co owner of the license. Kyong was informed that she needs a written and signed document acknowledging this withdrawal. caa
 03/15/2004 Kyong Ye Firnstahl came to the counter this date and stated Pong Yun Kim is no longer an owner. I told her to contact Corinne.
 03/02/2004 Rec'd insurance only in Kyong Ye Firnstahl's name. Needs Pong Yun Kim's name added to cert. LAB
 11/25/2003 per email from police record check, Kim Firnstahl's printout (suspense file) is in the pickup bin. jr/caa
 11/21/2003 Record check request sent on additional family member Kyong Ye Kim Firnstahl. LKK
 11/20/2003 Information entered for request to add a family member, Pong's sister, Kyong, to the license. LKK
 06/18/2003 Sent congratulations letter for passing compliance check. CMK.
 05/20/2003 Passed DPS alcohol compliance check conducted by SPPD. CMK.
 12/10/2002 Sent congratulations letter for passing alcohol compliance check. CMK.
 12/05/2002 Passed DPS Alcohol Compliance Check conducted by SPPD. CMK.
 02/25/2000 Planning Commission denied request for SCUP for a billiard hall. CAR
 11/04/1999 passed second alcohol compliance check-DL
 04/28/1999 completed required alcohol awareness training-DL
 04/06/1999 failed alco check; "unofficial" warning-training due 5/12/99-DL
 08/12/1998 CF 98-742 approved licenses. CAR
 06/12/1998 - Notification response date 07/24/98, notices mailed 06/12/98; 90M, 11O & 46EM/jl

Licensee: KYONG YE FIRNSTAHL

DBA: SOLE CAFE

License #: 19980001653

1. License holder shall retain the current lease of at least (6) six off-street parking spaces from Kim's Oriental Foods across the street at 689 N. Snelling Ave. The (6) six spaces are required by the zoning code for the license upgrade and shall be in addition to the (5) five spaces presently located at the back of your restaurant. If for some reason this lease agreement is discontinued, the License holder shall notify the City of the lease termination and provide the City with plans to either, develop additional parking, secure another lease or apply for a variance of the parking requirements. Status of the lease will be evaluated each year upon renewal of your business license.
2. Patron area is limited to 506 square feet.

409.15 e

Properties for Licensee Contact

Name | Address | Phone | Email | Groups

Street #: 684
Street Name: SNELLING
Street Pre Direct: <All>
Street Type: AVE
Street Post Direct: North
Unit #:
Unit Abbrev:
P.O. Box #:
City: ST PAUL
State: MN
Country: U.S.A.
Zip Code: 55104
Zip+4: 1840

Enter Office Address:

[Empty text box for office address]

Browse

Override Formatted Address for Mailing
US Post Formatted Address:
[Empty text box for formatted address]
Last Upload: 01/01/1997

OK | Cancel | Help | Save Changes to History

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 02/20/20 01:16 PM

House#: 684

Last updated from Ramsey County data on:

Street Name: SNELLING

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

682 Snelling Ave N / 684 Snelling Ave N - Sole Cafe - 55104-1840 - [Other Applications](#)

| | | | | |
|--------------------------|----------------------------|---------------------------|--------------------------|-------------------------------|
| PIN: 342923220178 | Census Track: 32100 | Census Block: 1001 | Council Ward: 4 | District Council: 11 |
| Year Built: | Foundation Sq Feet: | Loan Company: | Land Value: 66000 | Building Value: 147500 |

Unverified Usage: 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:** 0

Zoning: T2

Legal Desc: LINDEMANN PLACE LOT 8 BLK 2

Owner:
Nam M Ho
559 Heinel Dr
Roseville MN 55113-2108