



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

April 25, 2012

NOTICE OF INTENT TO SUSPEND LICENSES

Mark Stevens
Carmelos Ristorante
238 Snelling Avenue South
St. Paul, MN 55105

RE: All licenses held by Mark Stevens d/b/a Carmelos Ristorante for the premises located at 238 Snelling Avenue South in Saint Paul
License ID #19970000021

Dear Mr. Stevens:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Mark Stevens d/b/a Carmelos Ristorante for the premises located at 238 Snelling Avenue South in Saint Paul. The basis for the recommendation is as follows:

On February 28, 2012, the Department of Safety and Inspections sent you a THIRD REQUEST for a current certificate of your liquor liability insurance. When you submitted the information on March 27, 2012, it was determined there was a lapse in coverage from August 29, 2011 through March 21, 2012.

This is a violation of Saint Paul Legislative Code § 409.065 which states: "No license under this chapter may be issued, maintained or renewed unless the licensee or applicant therefor complies with the insurance requirements imposed by Minnesota Statutes, Section 340A.409. Such insurance shall comply with the requirements of Minnesota Statutes, Section 340A.409 and Chapters 7 and 8 of this Legislative Code."

Per Saint Paul Legislative Code §409.26 (b) (12) the licensing office will recommend a ten (10) day suspension of your licenses.

At this time, you have two options on how to proceed:

1. 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 **Friday, May 4, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the ten (10) day suspension of your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.

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2. 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 by **Friday, May 4, 2012**. 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 Friday, May 4, 2012, I will assume that you are not contesting the imposition of the ten (10) day suspension of your licenses. 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,



Meghan Kisch
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Mark Stevens, 1677 Wellesley Avenue, St. Paul, MN 55116
Callie Recknagel, Community Organizer, Macalester Groveland Community Council
320 South Griggs Street, St. Paul, MN 55105-2800

STATE OF MINNESOTA`

, ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 25th day of April she served the attached the **NOTICE OF INTENT TO SUSPEND LICENSES** and correct copy thereof in an envelope addressed as follows:

Mark Stevens
Carmelos Ristorante
238 Snelling Avenue South
St. Paul, MN 55105

Mark Stevens
1677 Wellesley Avenue
St. Paul, MN 55116

Callie Recknagel, Community Organizer
Macalester Groveland Community Council
320 South Griggs Street
St. Paul, MN 55105-2800

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


Julie Kraus

Subscribed and sworn to before me
this 25th day of April, 2012


Notary Public

