



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

January 25, 2012

NOTICE OF INTENT TO DENY LICENSES

Reverend James Michaud
Executive Director
Kingdom Pathways
426 Oxford Street North
Saint Paul, MN 55104-4721

RE: Food/Boarding Facility and Rooming House and Boarding Supervised license applications submitted by Kingdom Pathways d/b/a Kingdom Pathways for the premises located at 426 Oxford Street North in Saint Paul License ID #: 20120000187

Dear Reverend Michaud:

The Department of Safety and Inspections will recommend denial of the Food/Boarding Facility and Rooming House and Boarding Supervised license applications submitted by Kingdom Pathways d/b/a Kingdom Pathways for the premises located at 426 Oxford Street North in Saint Paul. The basis for the recommendation is based on the following information:

On January 9, 2012, you submitted a Class R license application for a Food/Boarding Facility and Rooming House and Boarding-Supervised license at 1038 Aurora Avenue and 426 Oxford Street.

During the application process, it was determined by the Project Facilitator, that the property located at 426 Oxford did not meet the zoning requirements for a community residential facility because it is too close to 1038 Aurora Avenue and the other residential facility located at 932 Concordia.

The property at 426 Oxford Street, for zoning purposes, can only be considered as a two (2) family dwelling with no more than four (4) unrelated persons living in each of the units. The definitions in both Saint Paul Legislative Code § 65.171 and Saint Paul Legislative Code § 321.01 are identical referring to a rooming house as a living arrangement of "five or more".

The permitted living arrangement for 426 Oxford Street does not meet either of these definitions for a rooming house and therefore does not require a license. A business license cannot be issued for a rooming house when zoning would not allow such a use.

At this time, you have three 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 no later than **Monday, February 6, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
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 no later than **Monday, February 6, 2012**. At the hearing 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.
3. You may withdraw your license applications. Send a written statement to that effect to the Department of Safety and Inspections at 375 Jackson Street, Suite 220, St. Paul, Minnesota 55101-1806 no later than **Monday, February 6, 2012**. Information should be directed to the attention of Christine Rozek. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me by Monday, February 6, 2012, I will assume that you do not contest the denial 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
Reverend James Michaud, 11825 Bittersweet Street NW, Coon Rapids, MN 55433
Irna Landrum, Executive Director, Summit-University Planning Council
627 Selby Avenue, Saint Paul, MN 55104-6615

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 January she served the attached the **NOTICE OF INTENT TO DENY LICENSES** and correct copy thereof in an envelope addressed as follows:

Reverend James Michaud
Executive Director
Kingdom Pathways
426 Oxford Street North
Saint Paul, MN 55104-4721


Reverend James Michaud
11825 Bittersweet Street NW
Coon Rapids, MN 55433

Irna Landrum, Executive Director
Summit-University Planning Council
627 Selby Avenue
Saint Paul, MN 55104-6615

(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 January 2012


Notary Public

