

OFFICE OF THE CITY ATTORNEY

Sara Grewing, City Attorney



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

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January 23, 2015

NOTICE OF INTENT TO SUSPEND LICENSES

Mee Lee Moua
Malina's Sports Bar and Grill
691 Dale Street North
St. Paul, MN 55103

RE: All licenses held by Mee Lee Moua d/b/a Malina's Sports Bar and Grill for the premises located at 691 Dale Street North in Saint Paul
License ID #20010002326

Dear Mee Lee Moua:

The Department of Safety and Inspections (DSI) will recommend suspension of all licenses held by Mee Lee Moua d/b/a Malina's Sports Bar and Grill for the premises located at 691 Dale Street North in Saint Paul. The basis for the recommendation is as follows:

On December 22, 2014, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections (DSI) stating that the Liquor On Sale – 100 Seats or less (2nd Half) license fees were past due. You were given until January 8, 2015 to submit payment. As of today's date that payment has not been received.

In addition, according to DSI records, you have failed to respond to Fire Inspections in order to schedule a Fire Certificate of Occupancy inspection. Saint Paul Legislative Code § 40.04 (c) states: "Prior to obtaining a fire certificate of occupancy, all buildings shall obtain a safety code inspection to determine whether the building is in compliance with all safety codes...." also Saint Paul Legislative Code § 40.01 states: "All existing buildings in the city are required to have and maintain a fire certificate of occupancy...."

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 **Monday, February 2, 2015**, I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

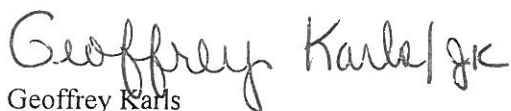
2. You can pay the delinquent license and late fees. If this is your choice, you should contact the Department of Safety and Inspections (DSI) to determine the total amount due. You may then send in the payment and information directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, February 2, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent license and late fees 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 **Monday, February 2, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your licenses. 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 **Monday, February 2, 2015**. 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 Monday, February 2, 2015, I will assume that you are not contesting the 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,



Geoffrey Karls

Assistant City Attorney

cc: Dan Niziolek, DSI Deputy Director
Mee Lee Moua, 3205 Libby Lane, Vadnais Heights, MN 55127-5089
Sam Buffington, Community Organizer, Frogtown Neighborhood Association (District 7)
685 Minnehaha Avenue West, St. Paul, MN 55104

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 23rd day of January she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES** and correct copy thereof in an envelope addressed as follows:

Mee Lee Moua
Malina's Sports Bar and Grill
691 Dale Street North
St. Paul, MN 55103

Mee Lee Moua
3205 Libby Lane
Vadnais Heights, MN 55127-5089

Sam Buffington, Community Organizer
Frogtown Neighborhood Association
685 Minnehaha Avenue West
St. 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.

Julie Kraus
Julie Kraus

Subscribed and sworn to before me
this 23rd day of January, 2015

Karen M. Doumany
Notary Public

