



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

September 30, 2011

## NOTICE OF VIOLATION

Dethvongxay Sonvanaphong  
Thai Ginger Deli  
1001 Johnson Parkway, Unit #7  
St. Paul, MN 55106

RE: All licenses held by Dethvongxay Sonvanaphong d/b/a Thai Ginger Deli for the premises located at 1001 Johnson Parkway, Unit #7 in Saint Paul  
License ID #20100003775

Dear Dethvongxay Sonvanaphong:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Dethvongxay Sonvanaphong d/b/a Thai Ginger Deli for the premises located at 1001 Johnson Parkway, Unit #7 in Saint Paul. The basis for the recommendation is as follows:

**On July 21, 2011, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for three (3) CRITICAL-MINOR and two (2) CRITICAL-MAJOR Environmental Health Code violations which were: 1) Potentially hazardous hot food not being maintained at proper temperatures (*pork rolls 98°F, other food items at 95°-100°F*) and 2) Foods have not been properly marked with the time when they must be consumed or discarded (*food items on display are unmarked as required*).**

**On July 22, 2011, you were sent a Notice of New Critical Violations listing these violations and stating that they needed to be corrected. You were then informed that a re-inspection would take place on or after August 20, 2011.**

**On August 22, 2011, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for same two (2) CRITICAL – MAJOR Environmental Health Code violations that had not been corrected by the August 20, 2011 deadline: 1) Potentially hazardous hot food not being maintained at proper temperatures (*pork rolls 98°F*) and 2) Foods have not been properly marked with the time when they must be consumed or discarded (*food items on display are unmarked as required*).**

**These are violations of Minnesota Administrative Rules part 4626.0395: “Maintain all hot, potentially hazardous foods at 140 degrees Fahrenheit or above to prevent bacterial growth and/or toxin production....” and Minnesota Administrative Rules part 4626.0410: “When using time only rather than time and temperature as a public health control, for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, the food must be marked or otherwise indentified with the time within which the food is to be cooked, served or discarded.”**

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$400.00 matrix penalty for the two (2) violations and suspension of your licenses until the violations are corrected.

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

1. If you wish to admit to the violation and you do not contest the penalty you need to do two things:
  - 1) Pay the \$400.00 matrix penalty. You can send the payment to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, October 10, 2011**. A self-addressed envelope is enclosed for your convenience.
  - 2) You also need to contact Mark Kaisersatt, R.S. Environmental Health Specialist at (651) 266-1908 by **Monday, October 10, 2011**, to schedule a re-inspection in order to verify that the violations have been corrected. Payment of the \$400.00 matrix penalty and correction of the violations will be considered a waiver of the hearing to which you are entitled.
2. 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, October 10, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$400.00 matrix penalty and license suspensions. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 **Monday, October 10, 2011**. 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.

**If you have not contacted me or the Environmental Health Specialist by Monday, October 10, 2011, I will assume that you are not contesting the imposition of the \$400.00 matrix penalty and license suspensions. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.**

Thai Ginger Deli  
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If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,

A handwritten signature in cursive script that reads "Kyle Lundgren / JK".

Kyle Lundgren  
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI  
Bill Gunther, Environmental Health Manager  
Dethvongxay Sonvanaphong, 173 Robert Street South, St. Paul, MN 55107  
Dethvongxay Sonvanaphong, 8991 Hidden Meadows Road, Woodbury, MN 55125  
Karin DuPaul, Community Organizer, Dayton's Bluff District 4 Community Council  
798 East Seventh Street, St. Paul, MN 55106-6625

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 30<sup>th</sup> day of September she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

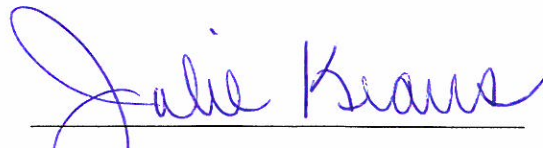
Dethvongxay Sonvanaphong  
Thai Ginger Deli  
1001 Johnson Parkway, Unit #7  
St. Paul, MN 55106

Dethvongxay Sonvanaphong  
173 Robert Street South  
St. Paul, MN 55107

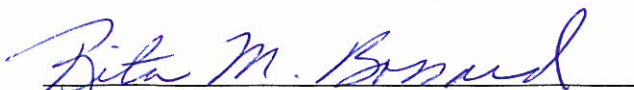
Dethvongxay Sonvanaphong  
8991 Hidden Meadows Road  
Woodbury, MN 55125

Karin DuPaul, Community Organizer  
Dayton's Bluff District 4 Community Council  
798 East Seventh Street  
St. Paul, MN 55106-6625

(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 30<sup>th</sup> day of September, 2011

  
\_\_\_\_\_  
Notary Public

