



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

February 16, 2012

NOTICE OF VIOLATION

Matt Larson
Walgreens #06995
1788 Old Hudson Road
St. Paul, MN 55119

RE: All licenses held by Walgreens #06995 d/b/a Walgreens #06995 for the premises located at 1788 Old Hudson Road in Saint Paul
License ID #20020005083

Dear Mr. Larson:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Walgreens #06995 d/b/a Walgreens #06995 for the premises located at 1788 Old Hudson Road in Saint Paul. The basis for the recommendation is as follows:

On December 19, 2011, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for two (2) CRITICAL-MINOR and one (1) CRITICAL-MAJOR Environmental Health Code violation which was: Cold food not maintained at 41 degrees Fahrenheit or less (*Oscar Mayer sub sandwich 49.2°F with a 12/25/2011 date, Ballpark Franks 47°F*).

On December 20, 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 January 18, 2012.

On January 23, 2012, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for the same CRITICAL-MAJOR Environmental Health Code violation that had not been corrected by the January 18, 2012 deadline: Cold food not maintained at 41 degrees Fahrenheit or less (*Oscar Mayer sub sandwich 53.2°F with a 12/25/2011 date, Ballpark Franks 52.9°F*).

This is a violation of Minnesota Administrative Rules part 4626.0395: "*Maintain all cold potentially hazardous foods at 41 degrees Fahrenheit or below under mechanical refrigeration, to prevent bacterial growth and/or toxin production....*"

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$200.00 matrix penalty and suspension of your licenses until the violation is 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 (2) things:
 - 1) Pay the \$200.00 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, February 27, 2012**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Oren Larson, R.S. Environmental Health Specialist at (651) 266-9140 by **Monday, February 27 2012**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$200.00 matrix penalty and correction of the violation 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, February 27, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$200.00 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, February 27, 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.

If you have not contacted me or the Environmental Health Specialist by Monday, February 27, 2012, I will assume that you are not contesting the imposition of the \$200.00 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.

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
Bill Gunther, Environmental Health Manager
Walgreens Tax Department, P.O. Box 901, Unit Tax, Deerfield, IL 60015
Betsy Leach, Executive Director, District 1 Community Council, Sunray Shopping Center, 2105 ½ Old Hudson Road, Saint Paul, MN 55119

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

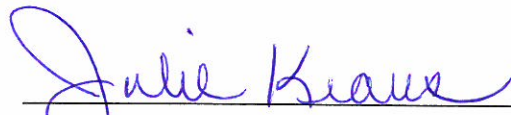
Julie Kraus, being first duly sworn, deposes and says that on the 16th day of February, she served the attached **NOTICE OF VIOLATION** by placing a true and correct copy thereof in an envelope addressed as follows:

Matt Larson
Walgreens #06995
1788 Old Hudson Road
St. Paul, MN 55119

Walgreens Tax Department
P.O. Box 901, Unit Tax
Deerfield, IL 60015

Betsy Leach, Executive Director
District 1 Community Council
Sunray Shopping Center
2105 ½ Old Hudson Road
Saint Paul, MN 55119

(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 16th day of February, 2012



Notary Public

