



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

March 27, 2012

NOTICE OF VIOLATION

Lisa Clark, CEO  
Mojo Monkey  
1169 - 7<sup>th</sup> Street West  
St. Paul, MN 55102

RE: All licenses held by The Depot Express, LLC d/b/a Mojo Monkey for the premises located at 1169-7<sup>th</sup> Street West in Saint Paul  
License ID #20110001314

Dear Ms. Clark:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by The Depot Express, LLC d/b/a Mojo Monkey for the premises located at 1169-7<sup>th</sup> Street West in Saint Paul. The basis for the recommendation is as follows:

On January 17, 2012, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one (1) CRITICAL-MAJOR Environmental Health Code violation: Cold food not maintained at 41 degrees Fahrenheit or less (*1 ½ gallons of milk 62.1°F, 9 quarts of heavy whipping cream 57.3°F – 66.3°F, 3 quarts of ½ & ½ 61°F to 62°F, 5 pounds of sour cream 56.2°F, 2-24 oz. sour cream at 54.7°F-60.3°F and eggs at 60.6°F.*) and one (1) CRITICAL-MINOR Environmental Health Code violation: Bulk food in open containers (*open bags of flour and other baking ingredients*).

On January 18, 2012, the inspector returned with the Notice of New Critical Violations report 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 February 16, 2012.

On January 18, 2012, you were also cited for a second (2<sup>nd</sup>) CRITICAL-MAJOR Environmental Health Code violation: Cold food not maintained at 41 degrees Fahrenheit or less (*cream filled donuts are not shelf stable and not kept under refrigeration*).

On January 19, 2012, you were sent a second (2<sup>nd</sup>) Notice of New Critical Violations listing this new violation and stating that it needed to be corrected. You were then informed that a re-inspection would take place on or after February 17, 2012.

On February 21, 2012, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for one (1) of the same CRITICAL – MAJOR Environmental Health Code violation that had not been corrected by the February 16, 2012 deadline: Cold food not maintained at 41 degrees Fahrenheit or less (*temperature of a cracked egg in the cooler was 46°F*).

This is a violation of Minnesota Administrative Rules part 4626.0395: “Immediately, maintain all cold readily perishable food at 41 degrees Fahrenheit or less.”

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$175.00 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 \$175.00 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 **Friday, April 6, 2012**. A self-addressed envelope is enclosed for your convenience.
  - 2) You also need to contact Diane Olson, R.S. Environmental Health Specialist at (651) 266-9138 by **Friday, April 6, 2012**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$175.00 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 **Friday, April 6, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$175.00 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 **Friday, April 6, 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 Friday, April 6, 2012, I will assume that you are not contesting the imposition of the \$175.00 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  
Lisa Clark, 3307 Plymouth Road, Minnetonka, MN 55305  
Betty Moran, Community Organizer, West Seventh/Fort Road Federation, 974 West Seventh Street  
St. Paul, MN 55102-3520

STATE OF MINN (OTA)  
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY )


Julie Kraus, being first duly sworn, deposes and says that on the 27<sup>th</sup> day of March she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Lisa Clark, CEO  
Mojo Monkey  
1169 - 7<sup>th</sup> Street West  
St. Paul, MN 55102

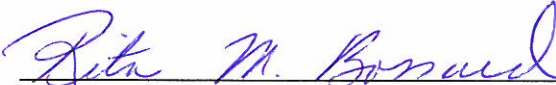
Lisa Clark  
3307 Plymouth Road  
Minnetonka, MN 55305

Betty Moran, Community Organizer  
West Seventh/Fort Road Federation  
974 West Seventh Street  
St. Paul, MN 55102-3520

(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 27<sup>th</sup> day of March, 2012

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

