



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 13, 2010

NOTICE OF VIOLATION

Eric Hui
American Cajun Grill
56-6th Street East, #210
St. Paul, MN 55101-1714

RE: All licenses held by American Cajun Grill d/b/a American Cajun Grill for the premises located at 56-6th Street East in Saint Paul
License ID #19990006183

Dear Mr. Hui:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by American Cajun Grill d/b/a American Cajun Grill for the premises located at 56-6th Street East in Saint Paul. The basis for the recommendation is as follows:

On March 29, 2010, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one (1) CRITICAL-MINOR violation: The chlorine sanitizing solution is not at the proper concentration (*there is no sanitizer used for wiping cloths*).

On March 30, 2010, you were sent a Notice of New Critical Violations regarding this violation and stating that it needed to be corrected. You were then informed that a re-inspection would take place on or after April 28, 2010.

On May 10, 2010, the Environmental Health Division of DSI conducted a re-inspection and cited you for the same CRITICAL-MINOR violation that had not been corrected by the April 28, 2010 deadline: The chlorine sanitizing solution is not at the proper concentration (*there is no sanitizer used for wiping cloths*).

You were then sent a 2nd Notice of Critical-Minor Violations regarding this violation and stating that it needed to be corrected. You were then informed that a second re-inspection would take place on or after May 25, 2010.

On July 29, 2010, the Environmental Health Division of DSI conducted a second re-inspection and cited you for the same CRITICAL-MINOR violation that had not been corrected by the May 25, 2010 deadline: The chlorine sanitizing solution is not at the proper concentration (*there is no sanitizer used for wiping cloths*).

This is a violation of Minnesota Administrative Rules part 4626.0805: "Provide and use an approved sanitizer at the concentration of 50 to 200 ppm of free chlorine or equivalent. For best results a concentration of 100 to 200 ppm is recommended."

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$125.00 matrix penalty and require that you comply with the orders issued after the inspection.

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

1. You can pay the recommended \$125.00 matrix penalty. If this is your choice, please send the payment to the Department of Safety and Inspections (DSI) at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, September 23, 2010**. Payment should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$125.00 matrix penalty and compliance with the orders issued will be considered a waiver of the hearing to which you are entitled.

You will also need to contact Fong Lor, R.S Environmental Health Specialist at (651) 266-9098 to schedule a re-inspection in order to verify that the violation has been corrected. If the violation has not been corrected, the matter will then be placed on the City Council Consent Agenda for suspension of your licenses.

2. If you wish to admit the facts but 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 the facts and requesting a public hearing. We will need to receive your letter by **Thursday, September 23, 2010**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$125.00 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 above facts, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine each other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please advise me no later than **Thursday, September 23, 2010**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by that date, I will assume that you are not contesting the imposition of the \$125.00 matrix penalty and 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,



Rachel Tierney
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Bill Gunther, Environmental Health Manager
Eric Hui, 1105 – 10th Avenue, Newport, MN 55055
Katie Sabaka, Exec. Director, CapitolRiver Council District 17, US Bank Center, 101 East 5th Street
Ste. 240, St. Paul, MN 55101

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 13th day of September, she served the attached **NOTICE OF VIOLATION** by placing a true and correct copy thereof in an envelope addressed as follows:

Eric Hui
American Cajun Grill
56-6th Street East, #210
St. Paul, MN 55101-1714

Eric Hui
1105 - 10th Avenue
Newport, MN 55055

Katie Sabaka, Executive Director
CapitolRiver Council District 17
US Bank Center
101 East 5th Street, Ste. 240
St. Paul, MN 55101

(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 13th day of September, 2010


Notary Public

