



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

October 1, 2012

### NOTICE OF VIOLATION

Stephen R. Mike  
Wabasha Deli & Café  
32 Fillmore Avenue East  
St. Paul, MN 55107-1817

RE: All licenses held by Stephen R. Mike d/b/a Wabasha Deli & Café for the premises located at 32 Fillmore Avenue East in Saint Paul  
License ID #20080000391

Dear Mr. Mike:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Stephen R. Mike d/b/a Wabasha Deli & Café for the premises located at 32 Fillmore Avenue East in Saint Paul. The basis for the recommendation is as follows:

**On July 18, 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 violations: Cold food not maintained at 41 degrees Fahrenheit or less (*potato salad at 43.6°F in front deli case, egg salad at 45.8°F, cranberry salad at 44.2°F and sliced ham 43.4°F in deli case*).**

**On July 23, 2012, you were sent a Notice of New Critical Violations listing this violation and stating that it needed to be corrected. You were then informed that a re-inspection would take place on or after August 17, 2012.**

**On August 28, 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 August 17, 2012 deadline: Cold food not maintained at 41 degrees Fahrenheit or less (*potato salad 43.2°F in front deli case, sliced roast beef 47.8°F, sliced turkey 47.1°F and chicken salad 43.5°F in deli case*)**

**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.”**

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 **Thursday, October 11, 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 **Thursday, October 11, 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 no later than **Thursday, October 11, 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 suspension of your licenses. 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 no later than **Thursday, October 11, 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.

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 or the DSI Inspector by Thursday, October 11, 2012, I will assume that you are not contesting the imposition of the \$175.00 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,



Daphne Lundstrom  
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI  
Pete Kishel, Interim Environmental Health Manager  
Stephen R. Mike, 702 Delaware Avenue, St. Paul, MN 55107  
Mason Wells, Community Organizer, West Side Community Organization, 1 West Water Street, Ste. 260  
St. Paul, MN 55107

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 1st day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Stephen R. Mike  
Wabasha Deli & Café  
32 Fillmore Avenue East  
St. Paul, MN 55107-1817

Stephen R. Mike  
702 Delaware Avenue  
St. Paul, MN 55107

Mason Wells, Community Organizer  
West Side Community Organization  
1 West Water Street, Ste. 260  
St. Paul, MN 55107

(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 1st day of October, 2012

Rita M. Bossard  
Notary Public

