



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

June 27, 2011

NOTICE OF VIOLATION

Yusuf Ali Ahmed
Ashama Grocery & Meat Market
804 University Avenue West
St. Paul, MN 55102

RE: All licenses held by Asham Grocery & Meat Market, Inc. d/b/a Ashama Grocery & Meat Market for the premises located at 804 University Avenue West in Saint Paul
License ID #20050003178

Dear Yusuf Ali Ahmed:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Asham Grocery & Meat Market, Inc. d/b/a Ashama Grocery & Meat Market for the premises located at 804 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On March 16, 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 (*egg in glass door refrigeration unit at 53 degrees*).

On March 18, 2011, you were sent a Notice of New Critical Violations listing the three violations and stating that they needed to be corrected. You were then informed that a re-inspection would take place on or after April 15, 2011.

On May 23, 2011, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for same CRITICAL-MAJOR violation that had not been corrected by the April 15, 2011 deadline: Cold food not maintained at 41 degrees Fahrenheit or less (*egg in glass door refrigeration unit at 53 degrees*).

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 \$200.00 matrix penalty.

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 \$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 **Friday, July 8, 2011**. 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, July 8, 2011**, 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 **Friday, July 8, 2011**. 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 no later than **Friday, July 8, 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 Friday, July 8, 2011, 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,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Bill Gunther, Environmental Health Manager
Yusuf Ali Ahmed, 1600-6th Street South, Unit B404, Minneapolis, MN 55454
Irna Landrum, Executive Director, Summit-University Planning Council, 627 Selby Avenue, St. Paul, MN 55104

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

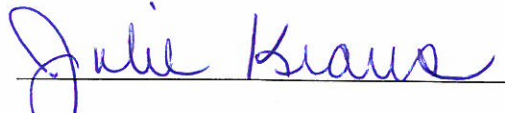
Julie Kraus, being first duly sworn, deposes and says that on the 27th day of June, she served the attached **NOTICE OF VIOLATION** a correct copy thereof in an envelope addressed as follows:

Yusuf Ali Ahmed
Ashama Grocery & Meat Market
804 University Avenue West
St. Paul, MN 55102

Yusuf Ali Ahmed
1600-6th Street South, Unit B404
Minneapolis, MN 55454

Irna Landrum, Executive Director
Summit-University Planning Council
627 Selby Avenue
St. Paul, MN 55104

(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 27th day of June, 2011



Notary Public

