



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 26, 2013

NOTICE OF VIOLATION

Richard A. DeFoe
7265 Main Street
Hugo, MN 55038-9714

RE: All licenses held by Richard A. DeFoe Enterprises, Inc. d/b/a Wilebski's Blues Saloon for the premises located at 1638 Rice Street in Saint Paul
License ID #: 0096027

Dear Mr. DeFoe:

The Department of Safety and Inspections will recommend adverse action against all licenses held by Richard A. DeFoe Enterprises, Inc. d/b/a Wilebski's Blues Saloon for the premises located at 1638 Rice Street in Saint Paul. The basis for the recommendation is based on the following information:

On September 8, 2013, at approximately 1:45 a.m., Saint Paul Police came to your establishment on a Proactive Visit (CN# 13-193-962). When the officer arrived, he observed numerous patrons inside the bar and outside in the parking lot. There were also numerous vehicles parked in the bar parking lot and the large parking lot on the west side of Rice Street. While the officer was sitting in his squad car, he could see into the bar through large window and an open front door at the Rice Street entrance. He observed several bar patrons holding what appeared to be glass beer bottles and glasses of what appeared to be mixed drinks.

According to Minnesota Department of Public Safety Alcohol and Gambling Enforcement Division records, your 2AM license expired as of August 6, 2009 and you have not reapplied for the license. The Department of Safety and Inspections records show you do not currently hold a Liquor On Sale-2AM Closing license with the City of Saint Paul.

The Liquor On Sale 181-290 Seats and Liquor On Sale – Sunday licenses you hold with the City of Saint Paul does not allow patrons to remain inside the establishment after 1:30 a.m.

As a result of this violation, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty and you must immediately discontinue operating after 1:30 a.m. or obtain the appropriate 2AM Closing license from the State of Minnesota and the Department of Safety and Inspections.

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

1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, October 7, 2013**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered to be 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, October 7, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty. 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 **Monday, October 7, 2013**. 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 DSI by Monday, October 7, 2013, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. 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,



Geoffrey Karls
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Richard A. DeFoe, 200 Concord Exchange North, South Saint Paul, MN 55075-1103
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

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 26th day of September she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Richard A. DeFoe
7265 Main Street
Hugo, MN 55038-9714

Richard A. DeFoe
200 Concord Exchange North
South Saint Paul, MN 55075-1103

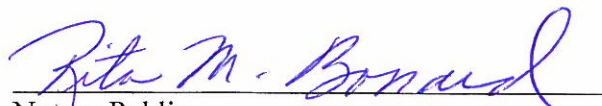
Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
St. Paul, MN 55117

(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 26th day of September, 2013



Notary Public

