



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 30, 2011

NOTICE OF VIOLATION

Lee Vang
Asian Special Drinks & Deli
217 Como Avenue, Unit #131
St. Paul, MN 55104

RE: All licenses held by Lee Vang d/b/a Asian Special Drinks & Deli for the premises located at 217 Como Avenue, Unit #131 in Saint Paul
License ID #20100002712

Dear Lee Vang:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Lee Vang d/b/a Asian Special Drinks & Deli for the premises located at 217 Como Avenue, Unit #131 in Saint Paul. The basis for the recommendation is as follows:

On August 7, 2011, 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: Foods have not been properly marked with the time when they must be consumed or discarded (*packaged spring rolls stored on front counter. Time as a public health control was not used*).

On August 12, 2011, 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 September 6, 2011.

On September 12, 2011, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for same CRITICAL – MAJOR Environmental Health Code violation that had not been corrected by the September 6, 2011 deadline: Foods have not been properly marked with the time when they must be consumed or discarded (*on front counter shelf: packaged spring rolls 83°F, rice rolls 95°F and vegetable egg noodles 88°F*).

This is a violation of Minnesota Administrative Rules part 4626.0410: “*When using time only rather than time and temperature as a public health control, for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, the food must be marked or otherwise identified with the time within which the food is to be cooked, served or discarded.*”

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$250.00 matrix penalty and suspension of your license until the violation is corrected.

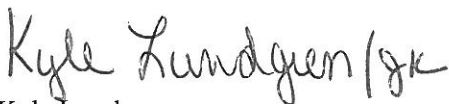
At this time, you have three options on how to proceed:

1. If you wish to admit to the violation and you do not contest the penalty you need to do two things:
 - 1) Pay the \$250.00 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 **Monday, October 10, 2011**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Abdinasir Museid, R.S. Environmental Health Specialist at (651) 266-9141 by **Monday, October 10, 2011**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$250.00 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 **Monday, October 10, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$250.00 matrix penalty and license suspension. 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 **Monday, October 10, 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 Monday, October 10, 2011, I will assume that you are not contesting the imposition of the \$250.00 matrix penalty and license suspension. 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
Lee Vang, 2217 Gunflint Trail, Brooklyn Park, MN 55444
Tait Danielson Castillo, Executive Director, Frogtown Neighborhood Association
685 Minnehaha Avenue West, St. Paul, MN 55104

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

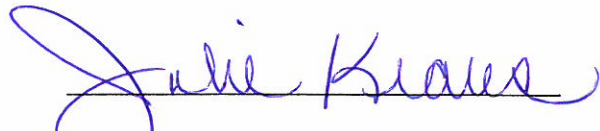
Julie Kraus, being first duly sworn, deposes and says that on the 30th day of September she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Lee Vang
Asian Special Drinks & Deli
217 Como Avenue, Unit #131
St. Paul, MN 55104

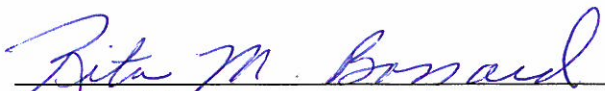
Lee Vang
2217 Gunflint Trail
Brooklyn Park, MN 55444

Tait Danielson Castillo, Executive Director
Frogtown Neighborhood Association
685 Minnehaha Avenue West
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 30th day of September, 2011


Notary Public

