



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 6, 2011

NOTICE OF VIOLATION

Sherry Berkowitz
Signature Dining/DNR Cafeteria
520 Lafayette Road
St. Paul, MN 55155

RE: All licenses held by Taher Acquisition Corp. d/b/a Signature Dining for the premises located at 520 Lafayette Road in Saint Paul
License ID #20020002732

Dear Ms. Berkowitz:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Taher Acquisition Corp. d/b/a Signature Dining for the premises located at 520 Lafayette Road in Saint Paul. The basis for the recommendation is as follows:

On April 20, 2011, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one (1) CRITICAL-MINOR and one (1) CRITICAL-MAJOR Environmental Health Code violations which was: Cold food not maintained at 41 degrees Fahrenheit or less (*chicken Caesar salad 50.7°F, chicken in display cooler 57°F, turkey strips 55.6°F and ground beef 49°F*).

On April 25, 2011 you were sent a Notice of New Critical Violations listing these violations and stating that they needed to be corrected. You were then informed that a re-inspection would take place on or after May 20, 2011.

On July 27, 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 May 20, 2011, deadline: Cold food not maintained at 41 degrees Fahrenheit or less (*Display case: chicken Caesar salad 44.6°F, grilled asparagus chicken salad 45.5°F. Salad bar: sliced ham 43.8°F, seafood chunks 45.1°F and turkey strips 41.6°F*)

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.”

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$150.00 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 things:
 - 1) Pay the \$150.00 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 17, 2011**. 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 **Monday, October 17, 2011**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$150.00 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 17, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$150.00 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 by **Monday, October 17, 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 17, 2011, I will assume that you are not contesting the imposition of the \$150.00 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
Sherry Berkowitz, 5570 Smetana Drive, Minnetonka, MN 55343
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. #130, St. Paul, MN 55130

STATE OF MINNESOTA)
) ss.)

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

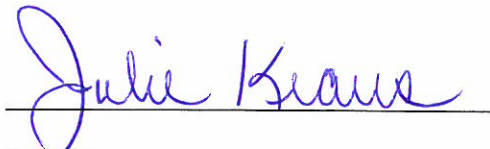
Julie Kraus, being first duly sworn, deposes and says that on the 6th day of October she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Sherry Berkowitz
Signature Dining/DNR Cafeteria
520 Lafayette Road
St. Paul, MN 55155


Sherry Berkowitz
5570 Smetana Drive
Minnetonka, MN 55343

Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. #130
St. Paul, MN 55130

(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 6th day of October, 2011


Notary Public

