



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 7, 2010

NOTICE OF VIOLATION

Ernesto Reyes-Diaz
La Fonda Mexican Eats
433 Robert Street South
St. Paul, MN 55107

RE: All licenses held by La Fonda, LLC d/b/a La Fonda Mexican Eats for the premises located at 433 Robert Street South in Saint Paul
License ID #: 20090002674

Dear Mr. Reyes-Diaz:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by La Fonda, LLC d/b/a La Fonda Mexican Eats for the premises located at 433 Robert Street South in Saint Paul. The basis for the recommendation is as follows:

According to Department of Safety and Inspections (DSI) records, the initial liquor liability certificate you submitted when you applied for your licenses was cancelled by your insurance company for non-payment effective September 16, 2009. DSI never received a notice of that cancellation.

On September 7, 2010, you submitted a Certificate of Liquor Liability Insurance with a lapse in coverage. When DSI staff called your agent to verify the dates of the lapse, it was discovered that your lapse in coverage was from September 16, 2009 through August 10, 2010.

Therefore, per Saint Paul Legislative Code § 409.26 (b) (12) the licensing office will recommend a ten (10) day closure of your establishment for failure to comply with statutory and ordinance requirements for liability insurance.

La Fonda Mexican Eats
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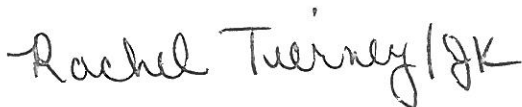
At this time, you have two options on how to proceed:

1. If you wish to admit the facts but 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 the facts and requesting a public hearing. We will need to receive your letter by **Monday, October 18, 2010**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the ten (10) day suspension of your licenses. You will have an opportunity to appear before the Council to make a statement on your own behalf.
2. If you dispute the above facts, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine each other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please advise me no later than **Monday, October 18, 2010**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by that date, I will assume that you do not contest the ten (10) day suspension of your licenses. In that case, the matter will be placed on the Council's 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,

Handwritten signature of Rachel Tierney in cursive script, followed by the initials 'JK'.

Rachel Tierney
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Ernesto Reyes-Diaz, 8857 Irving Avenue South, Minneapolis, MN 55431
Martha Varela, Executive Director, West Side Safe Neighborhood Council
209 W. Page Street, 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 7th day of October, she served the attached **NOTICE OF VIOLATION** by placing a true and correct copy thereof in an envelope addressed as follows:

Ernesto Reyes-Diaz
La Fonda Mexican Eats
433 Robert Street South
St. Paul, MN 55107


Ernesto Reyes-Diaz
8857 Irving Avenue South
Minneapolis, MN 55431

Martha Varela, Executive Director
West Side Safe Neighborhood Council
209 W. Page Street
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

Subscribed and sworn to before me
this 7th day of October, 2010


Notary Public

