



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

November 3, 2011

NOTICE OF VIOLATION

Gidget Bailey
Tin Cup Bar & Restaurant
1220 Rice Street
St. Paul, MN 55117

RE: All licenses held by GNJ Enterprises, LLC d/b/a Tin Cup Bar & Restaurant for the premises located at 1220 Rice Street in Saint Paul.
License ID #: 20110002214

Dear Ms. Bailey:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by GNJ Enterprises, LLC d/b/a Tin Cup Bar & Restaurant for the premises located at 1220 Rice Street in Saint Paul. The basis for the recommendation is as follows:

On October 5, 2011, the Department of Safety and Inspections (DSI) received an electronic mail from Kerry Antrim, Executive Director of District 6 Planning Council. The electronic mail indicated that District 6 Planning Council had received several calls concerning outdoor barbequing, tents, tables set up with food and beverages being served in your parking lot around 12 noon on October 2, 2011.

This is in violation of Saint Paul Legislative Code § 409.11 (b) which requires you obtain a Temporary Extension of Service Area license before holding any special event. Also, according to DSI records, you do not have the necessary license to allow you to set up tents and serve food and beverages outside of your licensed establishment.

Therefore, per Saint Paul Legislative Code § 310.05(m) (2), licensing department will recommend a \$500.00 matrix penalty.

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

1. If you wish to admit to the violation you can pay the \$500.00 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, November 14, 2011**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty 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 \$500.00 matrix 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 no later than **Monday, November 14, 2011**. 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, November 14, 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 by Monday, November 14, 2011, I will assume that you are not contesting 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,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Gidget Bailey, 5607 Sheldon Street, Shoreview, MN 55126
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

STATE OF MINNESOTA)
)

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)


Julie Kraus, being first duly sworn, deposes and says that on the 3rd day of November she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Gidget Bailey
Tin Cup Bar & Restaurant
1220 Rice Street
St. Paul, MN 55117

Gidget Bailey
5607 Sheldon Street
Shoreview, MN 55126

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 3rd day of November, 2011


Notary Public

