



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 18, 2012

### NOTICE OF VIOLATION

Dethvongxay Sonvanaphong  
Thai Ginger Deli  
1001 Johnson Parkway, Unit #7  
St. Paul, MN 55106

RE: All licenses held by Dethvongxay Sonvanaphong d/b/a Thai Ginger Deli for the premises located at 1001 Johnson Parkway, Unit #7 in Saint Paul  
License ID #20100003775

Dear Dethvongxay Sonvanaphong:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Dethvongxay Sonvanaphong d/b/a Thai Ginger Deli for the premises located at 1001 Johnson Parkway, Unit #7 in Saint Paul. The basis for the recommendation is as follows:

**On August 30, 2012, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for two (2) CRITICAL-MINOR and three (3) CRITICAL-MAJOR Environmental Health Code violations two of which were: 1) Potentially hazardous hot foods not being maintained at proper temperatures (*Steam rolls at 120°F*) and 2) foods have not been properly marked with time and when they must be consumed or discarded (*items on front counter*).**

**On September 4, 2012, 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 September 29, 2012.**

On October 4, 2012, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for the same two (2) CRITICAL – MAJOR Environmental Health Code violations that had not been corrected by the September 29, 2012 deadline: 1) Potentially hazardous hot foods not being maintained at proper temperatures (*Steam rolls at 118°F*) and 2) foods have not been properly marked with time and when they must be consumed or discarded (*items on front counter: banana/sticky rice, fried noodles, steams roll, stuffed pork ball, beef lab, egg roll salad, Nam Khao, steamed fish, steamed chicken, baked eggs and sour pork. All these items were unlabeled, partially labeled or incorrectly labeled. All items were removed from sale and discarded voluntarily*).

These are violations of Minnesota Administrative Rules part 4626.0395: “*Maintain all hot, potentially hazardous foods at 140 degrees Fahrenheit or above to prevent bacterial growth and/or toxin production.....*”

Also, Minnesota Administrative Rules part 4626.0410: “*When using tie 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.*”

Per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$375.00 matrix penalty for the two violations and suspension of your licenses until the violations are 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 (2) things:
  - 1) Pay the \$375.00 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 29, 2012**. A self-addressed envelope is enclosed for your convenience.
  - 2) You also need to contact Mark Kaisersatt, R.S. Environmental Health Specialist at (651) 266-1908 by **Monday, October 29, 2012**, to schedule a re-inspection in order to verify that the violations have been corrected. Payment of the \$375.00 matrix penalty and correction of the two violations 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 no later than **Monday, October 29, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$375.00 matrix penalty and suspension of your licenses. 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 29, 2012**. 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 the DSI Inspector by Monday, October 29, 2012, I will assume that you are not contesting the imposition of the \$375.00 matrix penalty and suspension of your licenses. 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,



Daphne Lundstrom  
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI  
Pete Kishel, Interim Environmental Health Manager  
Dethvongxay Sonvanaphong, 173 Robert Street South, St. Paul, MN 55107  
Dethvongxay Sonvanaphong, 8991 Hidden Meadows Road, Woodbury, MN 55125  
Karin DuPaul, Community Organizer, Dayton's Bluff District 4 Community Council  
798 East Seventh Street, St. Paul, MN 55106-6625

COUNTY OF RAMSEY )

Julie Kraus, being first duly sworn, deposes and says that on the 18<sup>th</sup> day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:


Dethvongxay Sonvanaphong  
Thai Ginger Deli  
1001 Johnson Parkway, Unit #7  
St. Paul, MN 55106

Dethvongxay Sonvanaphong  
173 Robert Street South  
St. Paul, MN 55107


Dethvongxay Sonvanaphong  
8991 Hidden Meadows Road  
Woodbury, MN 55125

Karin DuPaul, Community Organizer  
Dayton's Bluff District 4 Community Council  
798 East Seventh Street  
St. Paul, MN 55106-6625

(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 18<sup>th</sup> day of October, 2012

  
Notary Public

