

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Riddhi Mistry, being first duly sworn, deposes and says that on the eighth day of October she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY AND LICENSE SUSPENSION** and a correct copy thereof in an envelope addressed as follows:

The Neighborhood Café Inc.
d/b/a The Neighborhood Cafe
1570 Selby Ave.
Saint Paul, MN 55104
Attn: Kristina Masanz

Kristina Masanz
1570 Selby Ave.
Saint Paul, MN 55104

1564 Selby LLC
1564 Selby Ave, Unit # 9
St. Paul, MN 55104

Leah Timberlake Sullivan, Executive Director
Union Park District Council
1600 University Avenue West
Suite # 301
Saint 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.

Riddhi Mistry

Subscribed and sworn to before me
This eighth day of October 2024

Christine M. Haas
Notary Public





October 8, 2024

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$500 MATRIX PENALTY AND LICENSE SUSPENSION**

The Neighborhood Café Inc.
d/b/a The Neighborhood Cafe
1570 Selby Ave.
Saint Paul, MN 55104
Attn: Kristina Masanz

RE: Wine on Sale, Malt on Sale (Strong), Liquor Outdoor Service Area (Patio) and Liquor Outdoor Service Area (Sidewalk) license held by The Neighborhood Café Inc. d/b/a The Neighborhood Cafe for the premises located at 1570 Selby Ave., in Saint Paul.
License ID #: 20120000960

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Wine on Sale, Malt on Sale (Strong), Liquor Outdoor Service Area (Patio) and Liquor Outdoor Service Area (Sidewalk) License held by The Neighborhood Café Inc. ("Licensee"). The Neighborhood Café located at 1570 Selby Ave. (Licensed Premises").

Legal Basis for Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. Adverse action includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. Adverse action also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code §310.03 (m) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.



Saint Paul Legislative Code §310.02 (2)(e)(3) states: "*Revocation or suspension.* If the director determines that the application for renewal does not meet all of the requirements of law or that there exist no grounds for revocation or suspension of a Class N License, the director must follow the hearing procedures as outlined in Saint Paul Legislative Code §310.03."

Saint Paul Legislative Code §310.03 (m)2(10)(12): "Presumptive penalties for certain violations" shown below:

Type of Violation	1 st	2 nd	3 rd	4 th
(10) Failure to make application for license renewal prior to license expiration date.	\$500.00 fine	6-day suspension	18-day suspension	Revocation
(12) Failure to comply with statutory, and ordinance requirements for liability insurance.	10-day suspension	Revocation	N/A	N/A

Saint Paul Legislative Code §310.04(b)(14) states: "The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license."

Saint Paul Legislative Code § 409.05(a) states: "*Term.* All licenses for the sale of intoxicating liquor are be for a term of one (1) year from the date of issuance or renewal, except as provided herein. The date shall be determined by the inspector and entered upon the license."

Saint Paul Legislative Code § 409.05(b) states: "*License fees, on-sale; semiannual installments.* The fees required for licenses is be established by ordinance as specified in section 310.01 of the Legislative Code. Said sum must be paid in two (2) equal amounts, the first to be paid before the license is issued or renewed, the second payment to be made within six (6) months from the date of the issuance or renewal."

Saint Paul Legislative Code § 409.05(e) states: "*Late fees.* Notwithstanding the provisions of section 310.01, an applicant for renewal of an on-sale liquor license must be charged a late fee in an amount of ten (10) percent of the installment due for such license for each thirty-day period or portion thereof which had elapsed



after the expiration date of such license or semiannual period, and the late fee must not exceed fifty (50) percent of the annual fee.”

Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a \$500.00 matrix penalty and suspension of your license for violating Saint Paul Legislative Code § 310.02(2)(e)(3), 310.03(m)2(10)(12), 310.04(b)(14), and 409.05(a)(b)(e). This is due to your failure to provide required information, fee payment to renewal license, failure to respond to delinquent letter of August 6, 2024, and email of August 6, 2024. Your license will stay suspended until you cure these issues.

Factual Basis for the \$500 matrix penalty and license suspension:

On August 6, 2024, you received a letter from Licensing Manager, Eric Hudak at the Department of Safety and Inspections (DSI). The letter requested that you complete a renewal of your license by August 27, 2024. You were informed that DSI could submit your delinquent/expired license to the City Attorneys’ office for adverse action. You were provided with a copy of the renewal invoice. On August 6, 2024, an email was sent to you at krismasanz@gmail.com from DSI Inspector, Jeffrey Fischbach who also provided you with a copy of the letter, renewal invoice, and paperwork informing you that the license is delinquent. You were given a deadline of August 27, 2024, to provide the required information to DSI.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **October 18, 2024**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for imposition of the \$500 matrix penalty and suspension of your License.
2. You can complete the renewal process including payment of the renewal fee. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **October 18, 2024**. Please contact the Department immediately.
3. If you wish to admit the facts but you contest the \$500 matrix penalty and suspension of your License, you may have a 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 Council hearing no later than **October 18, 2024**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix



penalty and License suspension. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. 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 **October 18, 2024**. 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 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 § 310.03 (k).

If you have not contacted me by October 18, 2024, I will assume that you do not contest the suspension of your License and imposition of the \$500 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 contact my Paralegal Riddhi Mistry at riddhi.mistry@ci.stpaul.mn.us , (651) 266-8835.

Sincerely,

Sly Onyia
Assistant City Attorney
License No. 0402320

Cc: Kristina Masanz, 1570 Selby Ave., Saint Paul, MN 55104
1564 Selby LLC, 1564 Selby Ave. Unit # 9, Saint Paul, MN 55104
Leah Timberlake Sullivan, Executive Director, Union Park District Council, 1600 University Avenue West, Suite # 301, Saint Paul, MN 55104

Attachments: Renewal Invoice – 9/25/2024
Renewal Invoice – 8/6/2024



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8571 | Fax: 651-298-5619

Letter from Licensing Manager, Eric Hudak to The Neighborhood Café – 8/6/2024
Email from DSI Inspector, Jeffrey Fischbach to krismasanz@gmail.com – 8/6/2024
Email from DSI Inspector, Jeffrey Fischbach to krismasanz@gmail.com – 7/19/2024
Email from DSI Inspector, Jeffrey Fischbach to krismasanz@gmail.com – 7/18/2024
Minnesota Department of Public Safety Alcohol & Gambling Enforcement Division Renewal
Certificate of Compliance Minnesota Worker's Compensation Law
Saint Paul Legislative Code §310.02 (2)(e)(3)
Saint Paul Legislative Code §310.03 (m)2(10)(12)
Saint Paul Legislative Code §310.04 (b)(14)
Saint Paul Legislative Code §409.05 (a)(b)(e)