



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 16, 2011

AMENDED 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. According to DSI records, you did 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.

Your response to the initial Notice of Violation dated November 10, 2011 disputed the facts noted above and requested a hearing before an Administrative Law Judge. However, in your response you also admitted to grilling food outside the building, which was then served inside the building to your patrons. In doing so you admitted to violating the terms of your Restaurant - (5) and Restaurant - (D) licenses, in that you prepared food outside of the designated kitchen area and prepared food on equipment which was never inspected by the Department of Safety and Inspections.

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

1. You may admit to the violation by paying 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 28, 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 28, 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 wish to deny the original allegations and deny the preparation of food outdoors as referenced in your letter and outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter requesting an administrative hearing no later than **Monday, November 28, 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 28, 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.

Please Note: Saint Paul Legislative Code § 310.05 (k) states: Imposition of costs. *"The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith or made for the purpose of delay or harassment... (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation..."*

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
Maureen Foss, 1476 Granada Avenue North, Oakdale, MN 55128
Joan Knippenberg, 1169 Ferndale Street North, Maplewood, MN 55119
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

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 16th day of November she served the attached the **AMENDED 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

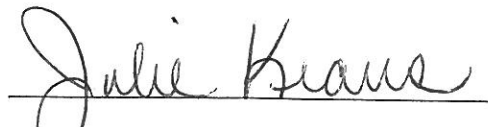
Gidget Bailey
5607 Sheldon Street
Shoreview, MN 55126

Maureen Foss
1476 Granada Avenue North
Oakdale, MN 55128

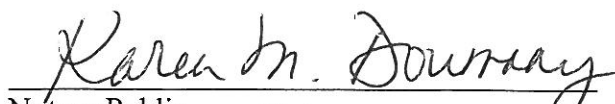
Joan Knippenberg
1169 Ferndale Street North
Maplewood, MN 55119

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 17th day of November, 2011


Notary Public

