



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

March 2, 2011

NOTICE OF INTENT TO SUSPEND LICENSE

Edward Carlson
Lucky Pizza's & Pasta's
1215 Randolph Avenue
St. Paul, MN 55105

RE: Restaurant (1) – No Seats license held by Lucky Pizza's & Pasta's LLC d/b/a Lucky Pizza's & Pasta's for the premises located at 1215 Randolph Avenue in Saint Paul.
License ID #: 20080003151

Dear Mr. Carlson:

The Department of Safety and Inspections (DSI) has recommended adverse action against Restaurant (1) – No Seats license held by Lucky Pizza's & Pasta's LLC d/b/a Lucky Pizza's & Pasta's for the premises located at 1215 Randolph Avenue in Saint Paul. The basis for the recommendation is as follows:

On February 10, 2011, you were sent a NOTICE OF VIOLATION and NOTICE OF INTENT TO SUSPEND LICENSE from this office which pertained to a smoking violation observed on your licensed premises by an Environmental Health Inspector on January 12, 2011. As a result of this violation, the licensing office recommended \$500.00 matrix penalty.

In addition, the letter mentioned a possible suspension of your license for failure to pay delinquent license and late fees in the amount of \$652.00. Records show that on February 14, 2011, you paid the delinquent license and late fees but you did not pay the \$500.00 matrix penalty which was also due by February 22, 2011.

PLEASE NOTE: You are responsible for payment of \$500.00 matrix penalty based on the smoking violation observed on January 12, 2011.

Separate from this violation, as per your renewed license, you are required to complete and return the enclosed Certificate of Compliance Minnesota Workers' Compensation Law form.

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 payments to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, March 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 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 by **Monday, March 14, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your Restaurant (1) – No Seats license for non-payment. 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). 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 this is your choice, please advise me no later than **Monday, March 14, 2011**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Monday, March 14, 2011, I will assume that you do not contest the suspension of your Restaurant (1) – No Seats license. 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
Edward Carlson, 108 Evergreen Drive East, Cannon Falls, MN 55009
Afton Martens, Exec. Director, Macalester Groveland Community Council, 320 South Griggs Street
St. Paul, MN 55105-2800

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 2nd day of March, she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** true and correct copy thereof in an envelope addressed as follows:

Edward Carlson
Lucky Pizza's & Pasta's
1215 Randolph Avenue
St. Paul, MN 55105

Edward Carlson
108 Evergreen Drive East
Cannon Falls, MN 55009

Afton Martens, Exec. Director
Macalester Groveland Community Council
320 South Griggs Street
St. Paul, MN 55105-2800

(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
Julie Kraus

Subscribed and sworn to before me
this 2nd day of March, 2011

Rita M. Bossard
Notary Public

