



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

September 2, 2011


Boris Parker
Parker & Wenner, P.A.
220 South Sixth Street
1700 U.S. Bank Plaza
Minneapolis, MN 55402-3707

RE: All licenses held by Mazatlan, LLC d/b/a Mazatlan for the premises located at 567 Stryker Avenue in Saint Paul.
License ID #: 20070001948
OAH Docket #: 8-6020-22021-3

Dear Mr. Parker:

Enclosed is a copy of Exceptions to the August 16, 2011 Report of Administrative Law Judge I submitted to the Saint Paul City Clerk today in preparation for the public hearing scheduled on September 21, 2011.

Sincerely,


Kyle Lundgren
Assistant City Attorney

cc: Diane Nordstrom, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620
Christine Rozek, Deputy Director of DSI
Jorge Sanchez, Mazatlan, 567 Stryker Avenue, St. Paul, MN 55107
Lydia Nobello, Community Organizer, West Side Citizens Organization, 127 Winifred Street West
St. Paul, MN 55107-2128

SAINT PAUL CITY COUNCIL

In Re adverse action against all licenses held by
Mazatlan, LLC d/b/a Mazatlan ,

DEPARTMENT OF SAFETY AND
INSPECTION'S EXCEPTIONS TO
AUGUST 16, 2011 REPORT OF
ADMINISTRATIVE LAW
JUDGE

EXCEPTIONS TO AUGUST 16, 2011 REPORT OF ADMINISTRATIVE LAW JUDGE :

In his Findings of Fact, Administrative Law Judge Eric L. Lipman, made 37 Findings of Fact. Based on the testimony provided and exhibits submitted at the hearing held on November 16, 2010, the Department of Safety and Inspections submits the following additional and amended:

FINDINGS OF FACT

26. On that same day, DSI wrote to Mazatlan instructing it to furnish player software to the Department so that the recordings could be viewed. The letter established a deadline of ~~January 31, 2011~~ February 11, 2011 for Mazatlan to furnish the needed software.

Based on the Findings of Fact of the Administrative Law Judge, as amended and added above, the Department of Safety and Inspections requests that the Council make the following amended

CONCLUSIONS OF LAW

4. Failure to timely remit video surveillance recordings from ~~January 15, 2011~~ May 14, 2010 constitutes a third violation of the conditions of Mazatlan's license within an eighteen month period.


5. Failure to timely remit video surveillance recordings from January 15, 2011 and January 22, 2011 constitutes a fourth violation of the conditions of Mazatlan's license within a twenty-four month period.

9. As to the fourth violation of the conditions of Mazatlan's licenses, there are no substantial or compelling reasons in the record to deviate from the application of the presumptive penalty.

The Department of Safety and Inspections further requests that the Council decline to adopt the accompanying recommendation and memorandum of the Administrative Law Judge.

Respectfully Submitted,

Dated: 9-2-11



Kyle A. Lundgren
Assistant City Attorney
Representing the Dept. of Safety and Inspections

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 September she served the attached the **EXCEPTIONS TO AUGUST 16, 2011 REPORT OF ADMINISTRATIVE LAW JUDGE** and correct copy thereof in an envelope addressed as follows:

Boris Parker
Parker & Wenner, P.A.
220 South Sixth Street
1700 U.S. Bank Plaza
Minneapolis, MN 55402-3707

Diane Nordstrom
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

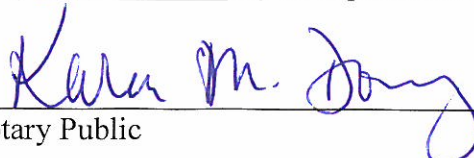
Jorge Sanchez
Mazatlan
567 Stryker Avenue
St. Paul, MN 55107

Lydia Nobello, Community Organizer
West Side Citizens Organization
127 Winifred Street West
St. Paul, MN 55107-2128

(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 2nd day of September, 2011


Notary Public

