



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 3, 2011

NOTICE OF VIOLATION

Yusuf Ali
Fa Khir
2430 University Avenue West
St. Paul, MN 55114

RE: Cigarette/Tobacco license held by Fa Khir, Inc. d/b/a Fa Khir for the premises located at 2430 University Avenue West in Saint Paul.
License ID #: 20090001645

Dear Yusuf Ali:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Fa Khir, Inc. d/b/a Fa Khir for the premises located at 2430 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On October 16, 2011, at approximately 12:25 a.m., Saint Paul Police came to your establishment on a disturbance call (CN #11-217-440). After officers spoke with you regarding the noise issue, they asked you about the occupancy capacity within your establishment. You told officers according to your license it was fifty-one (51).

Officers then told you they would conduct a head count of individuals inside the establishment. The officers counted a total of eighty (80) individuals and informed you of that total. You told officers that you were having a special event and you normally adhere to the allotted number required.

According to Department of Safety and Inspections (DSI) records, the occupancy limit set by Fire Inspection is forty-three (43) individuals.

Therefore, per Saint Paul Legislative Code § 310.05(m) (2), licensing department will recommend a \$500.00 matrix penalty.

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 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 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 \$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 14, 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 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, November 14, 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 14, 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.

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
Jeffery J. Fenske, Attorney at Law, Fenske Law Offices, P.C., 239 Cleveland Avenue North
St. Paul, MN 55104
Amy Sparks, Executive Director, St. Anthony Park Community Council, 890 Cromwell Avenue
St. Paul, MN 55114-1599

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

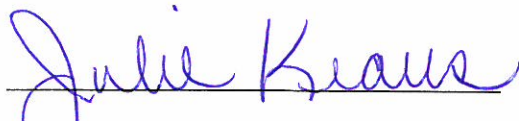
Julie Kraus, being first duly sworn, deposes and says that on the 3rd day of November she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Yusuf Ali
Fa Khir
2430 University Avenue West
St. Paul, MN 55114

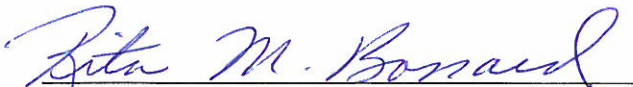
Jeffery J. Fenske
Attorney at Law
Fenske Law Offices, P.C.
239 Cleveland Avenue North
St. Paul, MN 55104

Amy Sparks, Executive Director
St. Anthony Park Community Council
890 Cromwell Avenue
St. Paul, MN 55114-1599

(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 3rd day of November, 2011


Notary Public

