



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

February 22, 2011

NOTICE OF VIOLATION

Marcia Hanson
Hampden Park Co-op
928 Raymond Avenue
St. Paul, MN 55114

RE: All licenses held by Raymond Avenue Cooperative At Hampden d/b/a Hampden Park Co-op for the premises located at 928 Raymond Avenue in Saint Paul
License ID #0047695

Dear Ms. Hanson:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Raymond Avenue Cooperative At Hampden d/b/a Hampden Park Co-op for the premises located at 928 Raymond Avenue in Saint Paul. The basis for the recommendation is as follows:

On November 19, 2010, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one (1) CRITICAL-MAJOR Environmental Health code violation: (Walk-in Cooler – the walk-in cooler was running warm. The only prepared food in the walk-in was soup, everything else was factory packaged. The temperature of the soup was 49°F – to be discarded).

On November 22, 2010, you were sent a Notice of New Critical Violation listing this violation and stating that it needed to be corrected. You were then informed that a re-inspection would take place on or after December 19, 2010.

On December 22, 2010, the Environmental Health Division of DSI conducted a second re-inspection and cited you for same CRITICAL – MAJOR Health Code violation that had not been corrected by the December 19, 2010 deadline: (Walk-in Cooler – the walk-in cooler was running warm. The only prepared food in the walk-in was soup, everything else was factory packaged. The temperature of the soup was 49°F – to be discarded)

You were also cited for a new CRITICAL-MAJOR Health Code violation: (Walk-in Cooler) Potentially hazardous foods are not being cooled within the required time period (soup from the previous day had not yet cooled to the correct temperature. Soup is not being cooled rapidly enough. Temperatures taken: winter vegi (12/21/10 - 45°F); Minestrone (12/21/10 - 48°F); vegetables (two unlabeled containers made 12/21/10 according to staff ranged from 45°F - 55° F)

On December 23, 2010, you were sent a second Notice of New Critical Violation listing the new violation and stating that it needed to be corrected. You were then informed that a re-inspection would take place on or after January 21, 2011.

On January 26, 2011, the Environmental Health Division of DSI conducted a re-inspection and found that you had abated both of the violations and you were now in compliance.

However, even though you are now in compliance you were cited for a violation of Minnesota Administrative Rules part 4626.0395: "Provide adequate, approved mechanical refrigeration to maintain cold potentially hazardous foods at 41 degrees Fahrenheit except during preparation, cooking or cooling."

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will only recommend a \$175.00 matrix penalty for this violation.


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

1. If you wish to admit to the violation and you do not contest the penalty you can pay the \$175.00. 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 **Friday, March 4, 2011**. A self-addressed envelope is enclosed for your convenience. Payment of the \$175.00 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 \$175.00 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 by **Friday, March 4, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$175.00 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). 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 **Friday, March 4, 2011**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Friday, March 4, 2011, I will assume that you are not contesting the imposition of the \$175.00 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
Bill Gunther, Environmental Health Manager
Amy Sparks, Exec. 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 22nd day of February, she served the attached **NOTICE OF VIOLATION** true and correct copy thereof in an envelope addressed as follows:

Marcia Hanson
Hampden Park Co-op
928 Raymond Avenue
St. Paul, MN 55114


Amy Sparks, Exec. 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 22nd day of February 2011



Notary Public

