



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

August 22, 2012

NOTICE OF INTENT TO SUSPEND LICENSES

Atnafu Yeshidagne
Fasika Ethiopian Restaurant
510 Snelling Avenue North
Saint Paul, MN 55104

RE: Wine on Sale and Malt On Sale (Strong) licenses held by Fasika, Inc. d/b/a Fasika Ethiopian Restaurant for the premises located at 510 Snelling Avenue North in Saint Paul
License ID #20010000419

Dear Atnafu Yeshidagne:

The Department of Safety and Inspections (DSI) has recommended suspension of the denial of the Wine on Sale and Malt On Sale (Strong) licenses held by Fasika, Inc. d/b/a Fasika Ethiopian Restaurant for the premises located at 510 Snelling Avenue North in Saint Paul. The basis for the recommendation is as follows:

On June 20, 2012, the Department of Safety and Inspections (DSI) sent you a SECOND REQUEST letter asking you to submit copies of your monthly state sales and use tax statement showing gross sales receipts for food and beverages from the previous twelve (12) months. Failure to provide this information is a violation of Saint Paul Legislative Code § 409.15 (e) which states:

“On-sale malt beverages. A holder of an on-sale wine license issued pursuant to this section who is also licensed to sell on-sale 3.2 percent malt liquor and whose gross receipts are at least sixty (60) percent attributable to the sale of food may be permitted by the city council to also sell intoxicating malt liquors at on sale in conjunction with the sale of food without having to pay any additional license fee. Such authorization, if approved by the council, shall be noted upon the licenses issued by the inspector. This provision is enacted pursuant to authority granted by Minnesota Statutes, section 340A.404 (5).”

These statement need to be submitted to allow DSI to determine compliance with the 60/40 sales split. You were given until July 5, 2012 to submit this information. As of today's date the information has not been received.

In addition to the suspension of your Wine on Sale and Malt On Sale (Strong) licenses, pursuant to Saint Paul Legislative Code §310.05 (m) (2), the licensing office will also recommend a \$500.00 matrix penalty for failure to submit the required information in order to maintain your license.

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

1. You will need to submit copies of the gross sales receipts for food and beverages from the previous twelve (12) months. If this is your choice, you should send the information directly to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, Saint Paul, MN 55101-1806 no later than **Monday, September 3, 2012**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Submission of the gross sales receipts for food and beverage from the previous twelve (12) months will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but 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 the facts and requesting a public hearing. I will need to receive your letter no later than **Monday, September 3, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your Wine On Sale and Malt On Sale (Strong) licenses. 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 no later than **Monday, September 3, 2012**, disputing the facts and requesting an administrative hearing. 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.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not submitted the gross sales receipts for food and beverages from the previous twelve (12) months to DSI or contacted me regarding a hearing by Monday, September 3, 2012, I will assume that you do not contest the suspension of your Wine On Sale and Malt On Sale (Strong) licenses. 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,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Atnafu Yeshidagne, 10016 Pillsbury Avenue South, Bloomington, MN 55420
Faith Krogstad, Community Organizer, Hamline Midway Coalition, 1558 Minnehaha Avenue West
Saint Paul, MN 55104-1264

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 August she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES** and correct copy thereof in an envelope addressed as follows:

Atnafu Yeshidagne
Fasika Ethiopian Restaurant
510 Snelling Avenue North
Saint Paul, MN 55104

Atnafu Yeshidagne
10016 Pillsbury Avenue South
Bloomington, MN 55420

Faith Krogstad, Community Organizer
Hamline Midway Coalition
1558 Minnehaha Avenue West
Saint Paul, MN 55104-1264

(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 22nd day of August, 2012

Rita M. Bossard
Notary Public

