



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

July 7, 2011

NOTICE OF VIOLATION

Leng Khou
Hot City Pizza
1017 – 7th Street West
St. Paul, MN 55102

RE: All licenses held by E & K Corporation d/b/a Hot City Pizza for the premises located at 1017 – 7th Street West in Saint Paul
License ID #20010005298

Dear Leng Khou:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by E & K Corporation d/b/a Hot City Pizza for the premises located at 1017 – 7th Street West in Saint Paul. The basis for the recommendation is as follows:

On May 6, 2011, 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: (Prep Area): Cold food not maintained at 41 degrees Fahrenheit or less (*cooked sliced turkey 50°F, sliced ham 52°F in front refrigerator prep unit*).

On May 9, 2011, you were sent a Notice of New Critical Violations 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 June 5, 2011.

On June 10, 2011, the Environmental Health Division of DSI conducted a re-inspection and cited you for same CRITICAL-MAJOR Environmental Health code violation that had not been corrected by the June 5, 2011 deadline: (Prep Area): Cold food not maintained at 41 degrees Fahrenheit or less (*sliced roast beef 51°F, sliced turkey 50°F on top of refrigerator prep unit, temperatures on interior of unit: cheddar cheese 48°F and provolone cheese 46°F*).

This is a violation of Minnesota Administrative Rules part 4626.0395: “Immediately, maintain all cold readily perishable food at 41 degrees Fahrenheit or less.”

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$250.00 matrix penalty.

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 need to do two things:
 - 1) Pay the \$250.00 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, July 18, 2011**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Diane Olson, R.S., Environmental Health Specialist at (651) 266-9138 by **Monday, July 18, 2011**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$250.00 matrix penalty and correction of the violation 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 \$250.00 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 **Monday, July 18, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$250.00 matrix penalty and license suspension. 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, July 18, 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 or the Environmental Health Specialist by Monday, July 18, 2011, I will assume that you are not contesting the imposition of the \$250.00 matrix penalty and license suspension. 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
Leng Khou, 15593 Fjord Avenue, Apple Valley, MN 55124
Betty Moran, Community Organizer, West Seventh/Fort Road Federation, 974 West Seventh Street
St. Paul, MN 55102-3520

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 7th day of July, she served the attached **NOTICE OF VIOLATION** correct copy thereof in an envelope addressed as follows:

Leng Khou
Hot City Pizza
1017 – 7th Street West
St. Paul, MN 55102

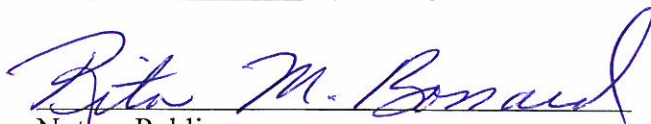
Leng Khou
15593 Fjord Avenue
Apple Valley, MN 55124

Betty Moran, Community Organizer
West Seventh/Fort Road Federation
974 West Seventh Street
St. Paul, MN 55102-3520

(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 7th day of July, 2011


Notary Public

