



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

January 6, 2011

NOTICE OF INTENT TO SUSPEND LICENSE

Joe Perales
Perales Roast Corn
332 Waters Edge Drive
Chaska, MN 55318

RE: Mobile Food Vehicle license held by Joe Perales d/b/a Perales Roast Corn for the City of Saint Paul
License ID #20090003797

Dear Mr. Perales:

The Department of Safety and Inspections (DSI) has recommended suspension of the Mobile Food Vehicle license held by Joe Perales d/b/a Perales Roast Corn for the City of Saint Paul. The basis for the recommendation is as follows:

On November 30, 2010, you were sent a RENEWAL INVOICE stating that your Mobile Food Vehicle license expired as of August 29, 2010. You now owe \$340.00 in delinquent license and late fees.

You were also asked to submit the following information: 1) a current menu of all foods to be served from the licensed vehicle; 2) letter of permission from the owner of your commissary allowing you to use the facility and state the location of the commissary; 3) the renewal invoice with full payment by check or money order; 4) state location of food sales with site plan; 5) state location of vehicle storage with site plan, 6) detailed vehicle information (VIN, plate#, year, make and model) and 7) a completed Certificate of Compliance Minnesota Workers' Compensation Law form. You also have not called to arrange a Mobile Food Vehicle Inspection.

The delinquent license fees, late fees and information requested were due upon receipt of the RENEWAL INVOICE. As of today's date, neither the license payments nor the requested information has been received.

In addition to the suspension of your Mobile Food Vehicle license, per 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.

Perales Roast Corn

January 6, 2011

Page 2

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 \$340.00 in delinquent license and late fees and submit the required information. You can send the payment and information to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 17, 2011**. Information is to be sent to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Oren Larson at (651) 266-9140 by **Monday, January 17, 2011** to schedule a Mobile Food Vehicle Inspection. Payment of the delinquent license and late fees, submission of the requested information and a completed Mobile Food Vehicle inspection 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 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, January 17, 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 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). 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 **Monday, January 17, 2011**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Monday, January 17, 2011, I will assume that you do not contest the immediate suspension of your license and 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

STATE OF MINNESOTA)
) ss.

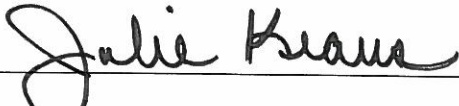
AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 6th day of January, she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** placing a true and correct copy thereof in an envelope addressed as follows:


Joe Perales
Perales Roast Corn
332 Waters Edge Drive
Chaska, MN 55318

(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 6th day of January 2011



Notary Public

