



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

April 1, 2014

NOTICE OF VIOLATION

Kyrina Sengmavong, President
Thai Ginger
173 Robert Street South
St. Paul, MN 55107

RE: All licenses held by Thai Ginger Restaurant, Inc. d/b/a Thai Ginger for the premises located at
173 Robert Street South in Saint Paul.
License ID #: 20080000932

Dear Kyrina Sengmavong:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Thai Ginger Restaurant, Inc. d/b/a Thai Ginger for the premises located at 173 Robert Street South in Saint Paul. The basis for the recommendation is as follows:

On January 13, 2014, you received a NOTICE OF AGENCY ACTION from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division. The notice described an inspection of your establishment by an agent on December 11, 2013. During this inspection, the agent found evidence that you had purchased alcoholic beverages from another retailer while you were posted to the Minnesota Department of Revenue's Tax Delinquent Liquor Posting in violation of Minn. Stat. § 340A.415.

Minnesota Rule 7515.0520 requires that "all retail dealers shall purchase their stock of alcoholic beverages only from duly licensed Minnesota manufacturers, brewers and wholesale distributors". As a result, you were assessed a \$250.00 fine and given until February 3, 2014 to pay the fine or contest the matter. You failed to respond to the letter to pay the fine or contest the matter, and as a result, your licenses were suspended for three days from February 13, 2014 until February 16, 2014 and an inspector posted signs on the front entrance and back door.

In addition, during the course of the inspection, the inspector also observed four (4) silver cases under the bar which contained poker chips and playing cards. Saint Paul Legislative Code § 409.08 (6) states: *"no licensee shall keep, possess or operate, or permit the keeping, possession or operation of, on any licensed premises or in any room adjoining the license premises any slot machine, dice or any gambling device or apparatus, nor permit any gambling therein (whether or not licensed by the state)...."*

On March 3, 2014, you were sent a second (2nd) NOTICE OF AGENCY ACTION from the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division. The notice described a second inspection of your establishment by an agent on February 13, 2014. During this inspection, the agent found evidence that you had again purchased alcoholic beverages from another retailer while you were posted to the Minnesota Department of Revenue's Tax Delinquent Liquor Posting in violation of Minn. Stat. § 340A.415. The inspector also found evidence that you refilled liquor bottles which is a violation of Minn. Stat. § 340A.508.

This was the second violation within a five (5) year period and you were assessed a \$750.00 penalty which you paid and the file was closed. However, as of today's date you are still on the Minnesota Department of Revenue's Tax Delinquent Liquor Posting in violation of Minn. Stat. § 340A.415.

As a result of these multiple violations, per Saint Paul Legislative Code § 409.26 (8) and Saint Paul Legislative Code § 310/05 (m) (2), the licensing department will recommend a \$1,500.00 matrix penalty.

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

1. You can pay the recommended \$1,500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, April 11, 2014**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,500.00 matrix penalty will be considered to be 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 **Friday, April 11, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,500.00 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 **Friday, April 11, 2014**. 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.

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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 contacted me by Friday, April 11, 2014, I will assume that you do not contest the imposition of the \$1,500.00 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,



Geoffrey Karls
Assistant City Attorney

cc Dan Niziolek, Deputy Director - DSI
Kyrina Sengmavong, 8991 Hidden Meadow Road, Woodbury, MN 55125
Mike McManus, Senior Special Investigator, Minnesota Department of Public Safety, Alcohol and Gambling Enforcement, 444 Cedar Street, Ste. 222, Saint Paul, MN 55101
Mason Wells, Community Organizer, West Side Community Organization, 1 West Water Street, Ste. 260 Saint Paul, MN 55107

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 1st day of April she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

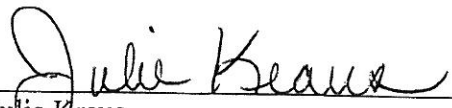
Kyrina Sengmavong, President
Thai Ginger
173 Robert Street South
St. Paul, MN 55107

Kyrina Sengmavong
8991 Hidden Meadow Road
Woodbury, MN 55125

Mike McManus, Senior Special Investigator
Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
444 Cedar Street, Ste. 222
Saint Paul, MN 55101

Mason Wells, Community Organizer
West Side Community Organization
1 West Water Street, Ste. 260
Saint Paul, MN 55107

(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 1st day of April 2014


Notary Public

