

OFFICE OF THE CITY ATTORNEY

Sara Grewing, City Attorney



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 26, 2013

NOTICE OF INTENT TO DENY LICENSES

Esayas M. Sahle, Owner
Piassa Market
512 North Snelling Avenue
Saint Paul, MN 55104

RE: Malt Off Sale and Cigarette/Tobacco license applications submitted by Piassa, LLC d/b/a Piassa Market for the premises located at 512 Snelling Avenue North in Saint Paul
License ID #: 20130003553

Dear Esayas M. Sahle:

The Department of Safety and Inspections will recommend denial of the Malt Off Sale and Cigarette/Tobacco license applications submitted by Piassa, LLC d/b/a Piassa Market for the premises located at 512 Snelling Avenue North in Saint Paul. The basis for the recommendation is based on the following information:

As part of the application process, the Department of Safety and Inspections (DSI) does a criminal record check of applicants. During that check, DSI found that on January 14, 2013, you were convicted in Ramsey County District Court of Misdemeanor Attempt Receiving Stolen Property (Attempt to Commit) in violation of Minn. Stat. § 609.53.1.

In addition, a DSI Inspector stopped by your establishment on August 15, 2013, and observed cigarettes displayed behind the counter and bottles and cans of beer in the cooler. She spoke to your brother and informed him that you did not have a valid Cigarette/Tobacco and Malt Off Sale license.

Based on these findings, the licensing office is recommending denial of your license applications based on the above findings and the following grounds:

Section 310.06 (b) (6) (a): "The licensee or applicant (or any person whose conduct may be law impute to licensee or applicant) has violated, or performed any act which is a violation of, any of the provision of these chapters or of any statute, ordinance or regulations reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection, therewith;"

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

1. 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 no later than **Thursday, September 5, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
2. 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 **Thursday, September 5, 2013**. 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).

3. You can withdraw your license applications. Send a written statement to that effect to the Department of Safety and Inspections at 375 Jackson Street, Suite 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, September 5, 2013**. A self-addressed envelope is enclosed for your convenience. Any request for a refund of the license application fees must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me or DSI by Thursday, September 5, 2013, I will assume that you do not contest the denial of your 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,



Geoffrey Karls
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Esayas M. Sahle, 5337 Oliver Avenue North, Minneapolis, MN 55430-3030
Michael Jon Olson, Executive Director, Hamline Midway Coalition
1558 Minnehaha Avenue West, Saint Paul, MN 55104-1264

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 26th day of August she served the attached **NOTICE OF INTENT TO DENY LICENSES** and a correct copy thereof in an envelope addressed as follows:

Esayas M. Sahle, Owner
Piassa Market
512 North Snelling Avenue
Saint Paul, MN 55104

Esayas M. Sahle
5337 Oliver Avenue North
Minneapolis, MN 55430-3030

Michael Jon Olson, Executive Director
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 26th day of August, 2013

Rita M. Bossard
Notary Public

