



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 26, 2011

AMENDED NOTICE OF VIOLATION

Bonnie Wright, Commander
Attucks-Brooks American Legion Post #606
976 Concordia Avenue
St. Paul, MN 55104

RE: All licenses held by Attucks-Brooks American Legion Post #606 d/b/a Attucks-Brooks American Legion Post #606 for the premises located at 976 Concordia Avenue in Saint Paul
License ID #0023519

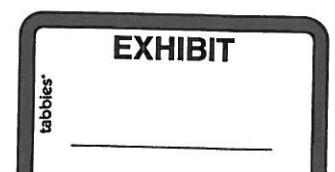
Dear Ms. Wright:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Attucks-Brooks American Legion Post #606 d/b/a Attucks-Brooks American Legion Post #606 for the premises located at 976 Concordia Avenue in Saint Paul. The basis for this determination is as follows:

On June 16, 2011, the Department of Safety and Inspections (DSI) received a notice from Western Insurance Agency stating that your liquor liability insurance had been cancelled effective May 28, 2011. On June 28, 2011, a letter was hand-delivered to your establishment requesting proof of replacement coverage. The letter also stated that there should be no service of alcohol until DSI receives a current liquor liability certificate showing an effective date of May 28, 2011.

On July 21, 2011, the City Attorney's Office received a faxed copy of a Certificate of Liability Insurance from your insurance agency. The certificate showed coverage from July 7, 2011 through July 7, 2012. After review by DSI, the insurance certificate was found to still have a lapse in insurance from May 28, 2011 through July 6, 2011.

On July 8, 2011, Saint Paul Police came to your establishment to do a bar check (CN #11-140-483). When officers tried to get into the legion the door was locked and they had to ring the buzzer to get in. Once inside, they observed a D.J. playing music, people dancing and drinking apparent cocktails and cans of Miller Lite Beer. There were two (2) bartenders with a full bar of hard alcohol pouring mixed drinks.



Providing a liquor liability certificate with a lapse in coverage and then continuing to serve alcohol is a violation of Saint Paul Legislative Code § 409.26 (b) (12). In addition, providing entertainment without obtaining the appropriate license is a violation of Saint Paul Legislative Code § 411.01 (a).

Pursuant to Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a ten (10) day suspension of your licenses and a \$500.00 matrix penalty. The Department of Safety and Inspections is also requesting that you submit a list of your current officers.

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

1. 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 by **Thursday, August 4, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the ten (10) day suspension of your licenses and \$500.00 matrix penalty. 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, August 4, 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 I have not heard from you by Thursday, August 4, 2011, I will assume that you do not contest the imposition of a ten (10) day suspension of your licenses and \$500.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

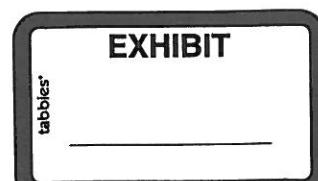
If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Bonnie Wright, Commander, Attucks-Brooks American Legion Post #606, c/o P.O. Box 4281, St. Paul, MN 55104
Irna Landrum, Executive Director, Summit-University Planning Council, 627 Selby Avenue
St. Paul, MN 55104



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 26th day of July, she served the attached AMENDED NOTICE OF VIOLATION correct copy thereof in an envelope addressed as follows:

Bonnie Wright, Commander
Attucks-Brooks American Legion Post #606
976 Concordia Avenue
St. Paul, MN 55104

Bonnie Wright, Commander
Attucks-Brooks American Legion Post #606
c/o P.O. Box 4281
St. Paul, MN 55104

Irna Landrum, Executive Director
Summit-University Planning Council
627 Selby Avenue
St. Paul, MN 55104

(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 July, 2011

Karen M. Doumany
Notary Public

