



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 11, 2013

NOTICE OF INTENT TO SUSPEND LICENSES

Kevin Birky
Cosmic's Coffee
189 Snelling Avenue North
Saint Paul, MN 55104

RE: Restaurant (3) 13-50 Seats license held by Cosmic Ventures, LLC d/b/a Cosmic's Coffee for the premises located at 189 Snelling Avenue North in Saint Paul
License ID #20100003437

Dear Mr. Birky:

The Department of Safety and Inspections (DSI) has recommended suspension of the Restaurant (3) 13-50 Seats license held by Cosmic Ventures, LLC d/b/a Cosmic's Coffee for the premises located at 189 Snelling Avenue North in Saint Paul. The basis for the recommendation is as follows:

On November 7, 2012, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspection stating your Restaurant (3) 13-50 Seats license was delinquent. You currently owe \$907.00 in delinquent license and late fees. You were also asked to submit a completed Certificate of Compliance Minnesota Workers' Compensation Law form.

You were given until November 28, 2012, to pay the delinquent license and late fees and submit the requested information. As of today's date, neither the payment nor the requested information has been received.

In addition to the suspension of your Restaurant (3) 13-50 Seats 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 requested information in order to maintain your license.

At this time, you have three (3) options on how to proceed:

1. You can submit payment of the delinquent license and late fees and the requested information. If this is your choice you should send the information directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 21, 2013**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent license and late fees and submission of the requested information will be considered to be a waiver of the hearing to which you are entitled.

2. 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 no later than **Monday, January 21, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your license and impose the \$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 no longer wish to do business in the City of Saint Paul, you will need to send a written statement to that effect to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 21, 2013**. Information should be directed to the attention of Christine Rozek.

If you have not contacted me by Monday, January 21, 2013, I will assume that you do not contest the 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,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Kevin Birky, 665 Holly Avenue, Saint 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 11th day of January she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and correct copy thereof in an envelope addressed as follows:

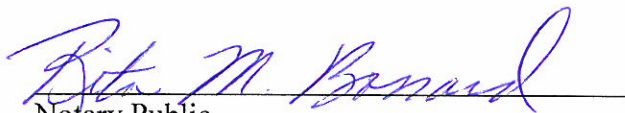
Kevin Birky
Cosmic's Coffee
189 Snelling Avenue North
Saint Paul, MN 55104

Kevin Birky
665 Holly Avenue
Saint 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

Subscribed and sworn to before me
this 11th day of January, 2013


Notary Public

