



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

March 30, 2015

NOTICE OF INTENT TO DENY LICENSE

Charles Carter, President  
The Lex  
976 Concordia Avenue  
Saint Paul, MN 55104

RE: Liquor On Sale – Club under 200 Members A license application submitted by The Lex, Inc. d/b/a The Lex for the premises located at 976 Concordia Avenue in Saint Paul  
License ID #20140003433

Dear Mr. Carter:

The Department of Safety and Inspections (DSI) will recommend denial of the Liquor On Sale – Club under 200 Members A license application submitted by The Lex, Inc. d/b/a The Lex for the premises located at 976 Concordia Avenue in Saint Paul. The basis for the recommendation is as follows:

On November 24, 2014, the Department of Safety and Inspections (DSI) received an application from you for a Liquor On Sale-Club under 200 Member A license.

On December 18, 2014, you were sent a letter from Lawrence Zangs, DSI Inspector III, indicating that DSI had reviewed your application. He advised you that the City does not issue liquor licenses to clubs outside the downtown or commercial development districts per Saint Paul Legislative Code § 409.03 (a) which states “In the downtown business district, and in all commercial development districts as defined in Section 17.07.1 of the City Charter, on-sale liquor licenses shall be issued only to hotels, clubs, restaurants and establishments for the sale of on-sale liquor exclusively. In all other areas of the city, licenses shall be issued only to hotels, restaurants and private nonprofit colleges...”

The property you lease at 976 Concordia is not located in either a downtown or commercial development district. Further, the property you lease is not a hotel, restaurant, or private nonprofit college, and is not zoned for any of those uses. Accordingly, DSI is not currently able to process your application for a liquor license at 976 Concordia. You were informed of this, and given the option of withdrawing your license application. You have indicated that you instead wish to proceed with the adverse action process.

At this time, you have four (4) options to proceed:

1. If you've decided not to contest the imposition of the proposed license denial, you may do nothing. If I have not heard from you by **Thursday, April 9, 2015**, I will presume that you have chosen not to contest the proposed license denial, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. If you wish to admit the facts but you contest the denial of your application, 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 **Thursday, April 9, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Liquor On Sale – Club under 200 Members A license. 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 **Thursday, April 9, 2015**. 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 then 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). It is estimated that the costs of such a hearing would be between \$1,500 and \$3,000.

4. You may withdraw your license application. Send a written statement to that effect to the Department of Safety and Inspections (DSI), 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, April 9, 2015**. Information should be directed to the attention of Dan Niziolek. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

**If you have not contacted me or DSI by Thursday, April 9, 2015, I will assume that you are not contesting the denial of your Liquor On Sale – Club under 200 Members A license. 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, DSI Deputy Director  
Charles Carter, 1700 W. 90<sup>th</sup> Street, Bloomington, MN 55431  
Jens Werner, Community Organizer/Committee Liaison, Summit-University Planning Council  
909B Selby Avenue, Saint Paul, MN 55104  
Annica, LLC, 2717 Ewing Avenue South, Minneapolis, MN 55416-4212

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 30<sup>th</sup> day of March she served the attached **NOTICE OF INTENT TO DENY LICENSE** and correct copy thereof in an envelope addressed as follows:

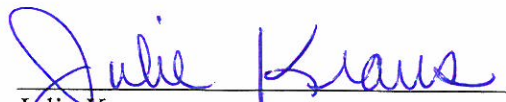
Charles Carter, President  
The Lex  
976 Concordia Avenue  
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2717 Ewing Avenue South  
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(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

  
Julie Kraus

Subscribed and sworn to before me  
this 30<sup>th</sup> day of March, 2015

  
Notary Public

