



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

June 6, 2013

NOTICE OF VIOLATION

Mai Her, Owner
Checker Bar
992 Arcade Street
Saint Paul, MN 55106

RE: All licenses held by Checker Bar, Inc. d/b/a Checker Bar for the premises located at 992 Arcade Street in Saint Paul
License ID #: 20100003374

Dear Mai Her:

The Department of Safety and Inspections will recommend adverse action against all licenses held by Checker Bar, Inc. d/b/a Checker Bar for the premises located at 992 Arcade Street in Saint Paul. The basis for the recommendation is based on the following information:

On May 4, 2013, at approximately 1:00 a.m., Saint Paul Police were dispatched to respond to a fight taking place at your establishment (CN# 13-087-062). Dispatch notified the officers that security had broken up the fight and the victim and suspect were still on scene.

On May 14, 2013, the Department of Safety and Inspection (DSI) sent you a letter requesting a copy of the video recording from midnight to closing on May 4, 2013 along with video player software. The video would need to be submitted to DSI by close of business on May 24, 2013.

On May 21, 2013, the Deputy Director of DSI received an electronic mail from you stating that you would be unable to provide the video recording for the day and time requested because the recording machine only allowed her to view as far back as twelve (12) days.

This is a violation of license condition #1: "The licensee shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies."

As a result, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty.

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

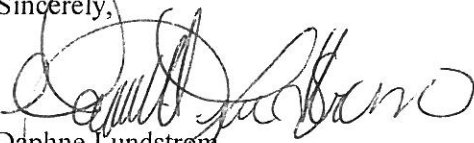
1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, June 17, 2013**. A self-addressed envelope is enclosed for your convenience. Payment of the \$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 **Monday, June 17, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to 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 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 **Monday, June 17, 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).

If you have not contacted me or DSI by Monday, June 17, 2013, I will assume that you do not contest the 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
Mai Her, 4322 Marigold Avenue, Vadnais Heights, MN 55127
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130, Saint Paul, MN 55130

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 6th day of June she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Mai Her, Owner
Checker Bar
992 Arcade Street
Saint Paul, MN 55106

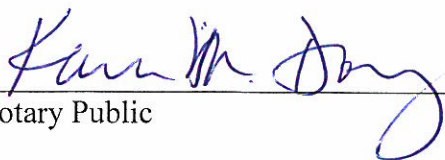
Mai Her
4322 Marigold Avenue
Vadnais Heights, MN 55127

Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint Paul, MN 55130

(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 6th day of June, 2013


Notary Public

