



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, 2012

NOTICE OF VIOLATION

Mohammad Wazwaz
Corner Meats & Grocery
516 Rice Street
St. Paul, MN 55103-2131

RE: All licenses held by MW #1, Inc. d/b/a Corner Meats & Grocery for the premises located at 516 Rice Street in Saint Paul
License ID #20090000931

Dear Mr. Wazwaz:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by MW #1, Inc. d/b/a Corner Meats & Grocery for the premises located at 516 Rice Street in Saint Paul. The basis for the recommendation is as follows:

On August 31, 2011, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one (1) CRITICAL-MAJOR and three (3) CRITICAL-MINOR Environmental Health Code violations one of which was: There is evidence of insects, rodents or other pests on the premises (*rat droppings at entrance to back room and S.W. corner behind meat sales area*).

On September 6, 2011, you were sent a Notice of New Critical Violations regarding these violations and that they needed to be corrected. You were then informed that a re-inspection would take place on or after September 30, 2011.

On October 13, 2011, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for a new CRITICAL-MINOR violation: A HACCP Plan for any foods which are prepared using special processing methods has not been submitted (*use vacuum packaging*) and one of the same CRITICAL – MINOR Environmental Health Code violation that had not been corrected by the September 30, 2011 deadline: There is evidence of insects, rodents or other pests on the premises (*rat droppings at entrance to back room*).

On October 18, 2011, you were sent a 2nd Notice of Critical-Minor Violations regarding one of the violations and that it needed to be corrected. You were then informed that a 2nd re-inspection would take place on or after October 28, 2011.

On November 14, 2011, the Environmental Health Division of DSI conducted a 2nd re-inspection of your establishment and cited you for two (2) CRITICAL-MINOR violations that still had not been corrected: 1) A HACCP Plan for any foods which prepared using special processing methods has not been submitted (*Use vacuum packaging*) and 2) There is evidence of insects, rodents or other pests on the premises (*rat droppings at entrance to back room and several areas in the dry storage room*)

On November 16, 2011, you were sent a 2nd Notice of Critical-Minor Violations regarding one of the violations and that it needed to be corrected. You were then informed that a 3rd re-inspection would take place on or after November 29, 2011.

On December 6, 2011, the Environmental Health Division of DSI conducted a 3rd re-inspection and cited you for the same two (2) CRITICAL-MINOR violations that still had not been corrected: 1) A HACCP Plan for any foods which are prepared using special processing methods has not been submitted (*Use vacuum packaging*) and 2) There is evidence of insects, rodents or other pests on the premises (*rat droppings at entrance to back room and several areas in the dry storage room*).

These are violations of Minnesota Administrative Rules part 4626.0420: "*Potentially hazardous food that are packaged using a reduced oxygen packaging method must be prepared in accordance with an approved HACCP plan that: 1) identifies the food to be packaged; 2) limits food packaged to food that does not support the growth of Clostridium Botulinum; 3) specifies how the food will be maintained at 41 degrees Fahrenheit; 4) describes how the package will be labeled for display; 5) limits the shelf life to no more than 14 days from packaging to consumption or the original manufacturers, sell by or use by date whichever occurs first; 6) includes operational procedures and 7) describes the training program for the individual responsible for the reduced oxygen packaging operation and Minnesota Administrative Rules part 4626.1565: "*Exterminate rats and remove all rat droppings from the food facility.*"*

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$450.00 matrix penalty for the two (2) violations and suspension of your licenses until the violations are corrected.

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

1. If you wish to admit to the violation and you do not contest the penalty you need to do two (2) things:
 - 1) Pay the \$450.00 matrix penalty. You can send the payment to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 23, 2012**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Fong Lor, R.S. Environmental Health Specialist at (651) 266-9098 by **Monday, January 23, 2012**, to schedule a re-inspection in order to verify that the violations have been corrected. Payment of the \$450.00 matrix penalty and correction of the violations will be considered 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, January 23, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$450.00 matrix penalty and license suspensions. 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 by **Monday, January 23, 2012**. 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 you have not contacted me or the Environmental Health Specialist by Monday, January 23, 2012, I will assume that you are not contesting the imposition of the \$450.00 matrix penalty and license suspensions. 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,



Meghan Kisch
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Bill Gunther, Environmental Health Manager
Mohammad Wazwaz, 1651 Hazelwood Street, Maplewood, MN 55106
Tait A. Danielson Castillo, Executive Director, Frogtown Neighborhood Association (District 7)
685 Minnehaha Avenue West, St. Paul, MN 55104

STATE OF MIN.) TA)
) 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 the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Mohammad Wazwaz
Corner Meats & Grocery
516 Rice Street
St. Paul, MN 55103-2131

Mohammad Wazwaz
1651 Hazelwood Street
Maplewood, MN 55106

Tait A. Danielson Castillo, Executive Director
Frogtown Neighborhood Association (District 7)
685 Minnehaha Avenue West
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 11th day of January 2012

Rita M. Bossard
Notary Public

