



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

September 7, 2016

NOTICE OF INTENT TO SUSPEND LICENSES

Joseph Bennett  
Bennett's Chop and Railhouse  
1305 – 7<sup>th</sup> Street West  
St. Paul, MN 55102

RE: All licenses held by Bennett Restaurant Company, LLC d/b/a Bennett's Chop and Railhouse for the premises located at 1305 – 7<sup>th</sup> Street West in Saint Paul.  
License ID #: 20060002522

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Bennett Restaurant Company, LLC d/b/a Bennett's Chop and Railhouse for the premises located at 1305 – 7<sup>th</sup> Street West in Saint Paul. The basis for the recommendation is as follows:

**The Department of Safety and Inspections (DSI) received information indicating that your liquor liability insurance was cancelled as of August 10, 2015 due to non-payment of premiums.**

**You submitted a Liquor Liability Certificate of Insurance to DSI on August 12, 2016 as part of the license renewal process. The certificate showed coverage from February 12, 2016 to February 12, 2017. However, the certificate also indicated a six (6) month lapse in coverage from August 10, 2015 to February 11, 2016.**

**Saint Paul Legislative Code § 409.065 states: "No license under this chapter may be issued, maintained or renewed unless the licensee or applicant therefor complies with the insurance requirements imposed by Minn. Stat. § 340A.409. Such insurance coverage shall comply with the requirements of Minn. Stat. § 340A.409 and Chapters 7 and 8 of this Legislative Code. "**

You are required to hold current liquor liability insurance without a lapse in coverage in order to continue operating your business. Therefore, as a result of this lapse, per Saint Paul Legislative Code § 409.26 (b) (12), the licensing department will recommend a ten (10) day suspension of your licenses.

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

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, September 19, 2016**, I will presume that you have chosen to contest the proposed adverse action, 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 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, September 19, 2016**. The matter will then be scheduled before the City Council to determine whether to suspend your licenses for ten (10) days. 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, September 19, 2016**. 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 by Monday, September 19, 2016, I will assume that you do not contest the ten (10) day suspension of your licenses. 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,



Therese Skarda  
Assistant City Attorney

cc Eric Hudak, DSI Licensing Manager  
Joseph Bennett, 13279 Bronze Parkway, Rosemount, MN 55068  
Betty Moran, Community Organizer, West Seventh/Fort Road Federation, 974 West Seventh Street  
St. Paul, MN 55102-3520

