



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

October 1, 2012

NOTICE OF VIOLATION

Cha Xue Lee
Dragon Express
1001 Johnson Parkway, Unit 5
St. Paul, MN 55106

RE: All licenses held by Cha Xue Lee d/b/a Dragon Express for the premises located at 1001 Johnson Parkway, Unit 5, in Saint Paul
License ID #20110001877

Dear Cha Xue Lee:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Cha Xue Lee d/b/a Dragon Express for the premises located at 1001 Johnson Parkway, Unit 5, in Saint Paul. The basis for the recommendation is as follows:

On August 3, 2012, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for three (3) CRITICAL-MINOR and four (4) CRITICAL-MAJOR Environmental Health Code violations one of which was: Potentially hazardous hot foods not being maintained at proper temperatures (*egg rolls at 132°F*).

On August 6, 2012, you were sent a Notice of New Critical Violations listing these violations and stating that they needed to be corrected. You were then informed that a re-inspection would take place on or after September 2, 2012.

On September 7, 2012, the Environmental Health Division of DSI conducted a re-inspection of your establishment and cited you for one of the same CRITICAL – MAJOR Environmental Health Code violations that had not been corrected by the September 2, 2012 deadline: Potentially hazardous hot foods not being maintained at proper temperatures (*egg rolls at 112°F, sausage at 100°F, hot holding unit thermometer read 100°F, Food items were out about 3 hours so they were allowed to remain on sale one additional hour*).

This is a violation of Minnesota Administrative Rules part 4626.0395: “*Maintain all hot, potentially hazardous foods at 140 degrees Fahrenheit or above to prevent bacterial growth and/or toxin production....*”

Per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$200.00 matrix penalty and suspension of your licenses until the violation is 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 \$200.00 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 **Thursday, October 11, 2012**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Mark Kaisersatt, R.S. Environmental Health Specialist at (651) 266-1908 by **Thursday, October 11, 2012**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$200.00 matrix penalty and correction of the violation 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 no later than **Thursday, October 11, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$200.00 matrix penalty and suspension of your licenses. 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, October 11, 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.

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 the DSI Inspector by Thursday, October 11, 2012, I will assume that you are not contesting the imposition of the \$200.00 matrix penalty and 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,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Pete Kishel, Interim Environmental Health Manager
Cha Xue Lee, 441 Van Buren Avenue, St. Paul, MN 55103
Karin DuPaul, Community Organizer, Dayton's Bluff District 4 Community Council, 798 East Seventh Street, St. Paul, MN 55106-6625

STATE OF MINNESOTA)
)

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 1st day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Cha Xue Lee
Dragon Express
1001 Johnson Parkway, Unit 5
St. Paul, MN 55106

Cha Xue Lee
441 Van Buren Avenue
St. Paul, MN 55103

Karin DuPaul, Community Organizer
Dayton's Bluff District 4 Community Council
798 East Seventh Street
St. Paul, MN 55106-6625

(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 1st day of October, 2012

Rita M. Bossard
Notary Public

