



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 7, 2015

NOTICE OF INTENT TO REVOKE LICENSE & PERMIT

Kevin S. Sandstrom  
Eckberg Lammers  
Attorneys At Law  
1809 Northwestern Avenue  
Stillwater, MN 55082

RE: Cigarette Tobacco license and Alarm Permit (New) held by West Side Groceries, Inc. d/b/a West Side Groceries for the premises located at 605 Stryker Avenue in Saint Paul  
License ID # 20110000823

Dear Mr. Sandstrom:

The Department of Safety and Inspections (DSI) has recommended revocation of the Cigarette Tobacco license and Alarm Permit (New) held by West Side Groceries, Inc. d/b/a West Side Groceries for the premises located at 605 Stryker Avenue in Saint Paul. The basis for the recommendation is as follows:

According to Ramsey County District Court records, your client entered an Amended Guilty Plea on December 8, 2014 to Felony Assault-2<sup>nd</sup> Degree-Dangerous Weapon (Case No. 62-CR-14-1953) in violation of Minn. Stat. § 609.222.1. The factual basis for the plea involved your client's assault of a customer with a machete at the licensed premises. One week later, on December 15, 2014 your client pled guilty to Gross Misdemeanor Food Handler – License Required (Case No. 62-CR-14-5340) in violation of Minn. Stat. § 28A.04.1 (a). The factual basis for that plea involved your client's unlicensed operation of a retail food operation at the licensed premises.

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your client's licenses based on any one or more of the following grounds:

Section 310.06 (b) (6) (a): *“the license or applicant (or any person whose conduct may by law be imputed to the licensee of applicant) has violated, or performed any act which is a violation of, any of the provision of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith...”*

Section 310.06 (b) (6) (c): *“the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of laced of fitness or good character may be drawn.”*

Section 310.06 (b) (6) (8): *“the licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.”*

Due to the serious nature of these convictions, the licensing office is recommending revocation of the Cigarette/Tobacco license and Alarm Permit (New).

At this time, your client has three (3) options to proceed:

1. If your client does not contest the imposition of the proposed adverse action, he may do nothing. If I have not heard from you by **Monday, January 19, 2015**, I will presume that he has chosen not 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 your client wishes to admit the facts but contest the penalty, he may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting the facts and requesting a public hearing no later than **Monday, January 19, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to revoke the Cigarette/Tobacco license and Alarm Permit (New). You will have an opportunity to appear before the Council and make a statement on your client's behalf.
3. If your client disputes the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). I will need to receive your letter no later than **Monday, January 19, 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 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, January 19, 2015, I will assume that your client does not contest the revocation of the Cigarette/Tobacco license and Alarm Permit (New). 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  
Mason Wells, Community Organizer, West Side Community Organization, 1 West Water Street, Suite 260, Saint Paul, MN 55107

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 7<sup>th</sup> day of January she served the attached **NOTICE OF INTENT TO REVOKE LICENSE & PERMIT** and correct copy thereof in an envelope addressed as follows:


Kevin S. Sandstrom  
Eckberg Lammers  
Attorneys at Law  
1809 Northwestern Avenue  
Stillwater, MN 55082

Mason Wells, Community Organizer  
West Side Community Organization  
1 West Water Street, Ste. 260  
Saint Paul, MN 55107

(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 7<sup>th</sup> day of January, 2015

  
Notary Public

