



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

December 26, 2012

NOTICE OF INTENT TO SUSPEND LICENSES

Jose Sanchez
La Palapa Restaurant
989 Payne Avenue
Saint Paul, MN 55130

RE: All licenses held by La Palapa Restaurant, LLC d/b/a La Palapa Restaurant for the premises located at 989 Payne Avenue in Saint Paul
License ID # 20100001854

Dear Mr. Sanchez:

The Department of Safety and Inspections (DSI) has recommended suspension of all licenses held by La Palapa Restaurant, LLC d/b/a La Palapa Restaurant for the premises located at 989 Payne Avenue in Saint Paul. The basis for the recommendation is as follows:

On December 6, 2012, the Department of Safety and Inspection (DSI) was sent a letter from the Minnesota Department of Revenue indicating that you were delinquent in paying your state taxes. Under Minnesota Law, DSI is prohibited from issuing, renewing or transferring any of your licenses until they receive a Clearance Certificate from the Minnesota Department of Revenue.

Also, on December 13, 2012, you submitted \$2,175.00 (check #6092) to pay your license fees. That check was drawn from a closed account and returned from the bank for insufficient funds (NSF). You now owe \$3,413.00 in delinquent license and late fees.

In addition, on December 6, 2012, DSI hand-delivered a letter to you stating that you are required to submit current certificate of Liquor Liability insurance. You were advised to discontinue any sale of alcohol until that information was submitted to the Department of Safety and Inspections.

As of today's date, DSI has not received the Clearance Certificate from the Minnesota Department of Revenue, the \$3,413.00 in delinquent license and late fees and a current certificate of Liquor Liability insurance.

In addition to the suspension of your licenses, per Saint Paul Legislative Code §310.05 (m) (2), the licensing office will also recommend a \$500.00 matrix penalty for failure to submit the requested information in order to maintain your license.

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

1. You can submit payment of the delinquent license and late fees and the requested information. If this is your choice, you should send the payment and information directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 7, 2013**. **Only payment by credit card, cash or cashier's check will be accepted.** Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent license and late fees and submission of the requested information will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but 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 the facts and requesting a public hearing no later than **Monday, January 7, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your licenses and 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 no later than **Monday, January 7, 2013**, disputing the facts and requesting an administrative hearing. 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, January 7, 2013, I will assume that you do not contest the suspension of your licenses and 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
Jose Sanchez, 1180 Little Fox Lane, Gem Lake, MN 55110
Leslie McMurray, Executive Director, Payne Phalen District 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)

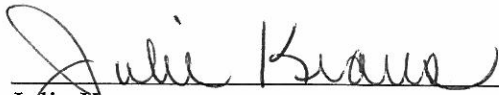
Julie Kraus, being first duly sworn, deposes and says that on the 26th day of December she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES** and correct copy thereof in an envelope addressed as follows:

Jose Sanchez
La Palapa Restaurant
989 Payne Avenue
Saint Paul, MN 55130

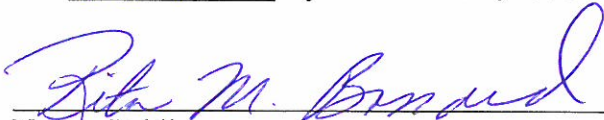
Jose Sanchez
1180 Little Fox Lane
Gem Lake, MN 55110

Leslie McMurray, Executive Director
Payne Phalen District 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 26th day of December, 2012


Notary Public

