



June 15, 2022

VIA EMAIL

Brian D. Alton

brian@mcclay-alton.com

Mr. Alton –

On June 13, 2022, you asked Council Member Tolbert's aide, Adam Yust the following questions and made the following requests:

Adam,

There is an item on the Council Agenda for Wednesday which is adverse action against the licenses of RAS Ethiopian Restaurant at 2516 W 7th St. I have been retained by the owner to assist them.

The matter is set on the consent agenda.

The owner disputes the facts underlying the violation and would like a hearing.

It is on the consent agenda because unfortunately the owner did not reply to a May 6, 2022 letter from the CAO before a deadline. The owner did not receive the letter before the deadline, due in part to the fact that one copy was sent to an old residential address.

We request the matter be continued to a later date and that it be scheduled for a hearing before a hearing examiner.

Please contact me to discuss further. My cell phone number is 651-303-0730.

The Ordinance provides that *ex parte* contact is permitted for communications regarding status, scheduling or procedures concerning a license matter.

Thank you for your consideration. I look forward to hearing from you.

Council Member Tolbert's Office sent your correspondence to me for review and response as adverse actions are quasi-judicial in nature and there were questions as to which portions of your inquiry could be answered directly. I have copied both Council Member Tolbert and Mr. Yust on this response.

Your email made the request to remove the matter from the consent agenda and schedule it for a hearing before a hearing examiner. You asserted that the Licensee failed to respond to the Notice of



Violation and Request for Upward Departure to Revocation ("NOV") due in part because one of the NOV's sent was mailed to an old address.

The decision to remove this matter from the Council's Consent Agenda is discretionary. The City has complied with its process and procedures for notice laid out in Saint Paul Legislative Code Section 310.

I would note that the record attached to the resolution shows that the Licensee was served with a copy of the NOV by US Mail on May 6, 2022. The NOV was sent both to the address that the Licensee had provided to the Department of Safety and Inspections for the Licensee as well as the Licensed Premises. The NOV's were not returned to the City as undeliverable. Had either or both of the NOV's been returned, they would have been attached to the record supporting the resolution.

The NOV gave the Licensee a number of options to proceed and gave the Licensee a deadline of May 20, 2022 to respond. The NOV stated that if the Licensee had not contacted my office by May 20, 2022, I would presume that the Licensee did not contest the imposition of the penalty recommended by DSI and the revocation of the licenses and in that case, the matter would be put on the City Council Consent Agenda for approval of the recommended penalty.

As we have discussed, when the Licensee failed to respond to the NOV, the Licensee was notified that the matter had been placed on the June 15, 2022, 3:30 p.m. Consent Agenda. Records show that this Notice of Council Hearing was served on the Licensee on June 7, 2022. This was also sent to the address that the Licensee provided to the Department of Safety and Inspections as well as the Licensed Premises.

You requested a copy of the Notice of Council Hearing on June 13, 2022 and I have provided you with an electronic copy. I have also asked that a copy be attached to the record. I understand that has been done. I will also request that Shari Moore attach a copy of this to the record.

I hope this assists with providing the answers you requested.

Sincerely,

Therese A. Skarda

Therese A. Skarda

Cc: Council Member Tolbert; chris.tolbert@ci.stpaul.mn.us



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Shari Moore, Shari.Moore@ci.stpaul.mn.us for attachment to RES 22-882