OFFICE OF THE CITY ATTORNEY
Gerald T. Hendrickson, City Attorney

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

July 29, 2010

NOTICE OF INTENT TO DENY LICENSE

Joseph Schaefer
The Wild Onion
788 Grand Avenue
St. Paul, MN 55105

RE: Liquor Outdoor Service Area (Patio) license application submitted by Grand American Restaurant Company d/b/a The Wild Onion for the premises located at 788 Grand Avenue in Saint Paul
License ID #: 19990002357

Dear Mr. Schaefer:

The City Council has referred the Liquor Outdoor Service Area (Patio) license application submitted by Grand American Restaurant Company d/b/a The Wild Onion for the premises located at 788 Grand Avenue in Saint Paul for license denial. The basis for denial is as follows:

As part of your license application, you presented signatures of thirty-three (33) percent of property owners within three hundred (300) feet of the licensed premises. Saint Paul Legislative Code §409.06 (g) states that if less than sixty (60) percent of signatures are obtained the license shall not be granted unless the licensee demonstrates a good faith effort to fulfill petition requirements, the results of the attempts to fulfill the petition requirements show a generally favorable disposition from the surrounding community toward the licensed activity, and the district council representing the area supports the request for the license.

On April 15, 2010, a Legislative Hearing was held at which neighbors testified in opposition to your license application, submitted letters in opposition to your license application, and signed a petition in opposition to your license application. Because of these objections, the Council found that there was not a generally favorable disposition to the proposed licensed activity.

A public hearing was then held before the Saint Paul City Council on July 21, 2010 and laid over to July 28, 2010 for further discussion. On July 28, 2010, Council found that you *"failed to show that the results of the attempts to satisfy the signature requirements showed a generally favorable disposition toward the licensed activity"* (CF #10-780) and the issue was referred to the City Attorneys Office for adverse action.

Therefore, based on this information, the City Attorney will recommend denial of your Liquor Outdoor Service Area (Patio) license.

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

1. 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. We will need to receive your letter by **Monday, August 9, 2010**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your license. You will have an opportunity to appear before the Council and make a statement on your own behalf.

2. If you dispute the above facts, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine each other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please advise me no later than **Monday, August 9, 2010**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by that date, I will assume that you are not contesting the denial of your license. In that case, the matter will be placed on the Council's 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,

Rachel Tierney
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Joseph Schaefer, 700 Hidden Creek Trail, Mendota Heights, MN 55118
Jay Salmen, 605 Satcliff Circle, Mendota Heights, MN 55118
David Regan, Exec. Director, Grand Avenue Business Association, 867 Grand Avenue, St. Paul, MN 55105

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Julie Kraus, being first duly sworn, deposes and says that on the 29th day of July, she served the attached **NOTICE OF INTENT TO DENY LICENSE** by placing a true and correct copy thereof in an envelope addressed as follows:

Joseph Schaefer
The Wild Onion
788 Grand Avenue
St. Paul, MN 55105

Joseph Schaefer
700 Hidden Creek Trail
Mendota Heights, MN 55118

Jay Salmen
605 Satcliff Circle
Mendota Heights, MN 55118

David Regan, Executive Director
Grand Avenue Business Association
867 Grand Avenue
St. Paul, MN 55105

(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 29th day of July, 2010

Rita M. Bossard
Notary Public

RITA M. BOSSARD
NOTARY PUBLIC - MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2015