OFFICE OF THE CITY ATTORNEY
Sara R. Grewing, City Attorney

CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

January 14, 2010

Peter K. Beck
Gray, Plant, Mooty, Mooty & Bennett, P.A.
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-3796

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. Beck:

I have reviewed your amendments to the proposed Stipulated Facts that I sent to you on August 11, 2010. Unfortunately, I do not think we will be able to agree to a stipulation. You have stricken from the stipulation my proposed numbers 16-25. These facts are necessary in order for the Department of Safety and Inspections to agree to a stipulated record, rather than a hearing before an Administrative Law Judge.

This matter has been outstanding for a significant period of time. The original Notice of Violation was sent on July 29, 2010, with a requirement that a decision on how to proceed be made no later than August 9, 2010. I understand that you originally elected to choose a public hearing before the City Council based on an assumption that we could agree on stipulated facts. Since that appears be unlikely, I will again give you time to consider your original options.

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 **Friday, January 28, 2011**. 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 **Friday, January 28, 1011**, 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 recommendation for denial.

Sincerely,

Rachel Tierney
Assistant City Attorney

Cc: Christine Rozek, Deputy Director of DSI
Joseph Schaefer, The Wild Onion, 788 Grand Avenue, St. Paul, MN 55105
Jay Salmen, 605 Satcliff Circle, Mendota Heights, MN 55118
Jeff Roy, Executive Director, Summit Hill Association, 860 St. Clair Avenue
St. Paul, MN 55105-3210

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 14th day of January, she served the attached **RESPONSE TO AMENDED STIPULATED FACTS** a true and correct copy thereof in an envelope addressed as follows:

Peter K. Beck
Gray, Plant, Mooty, Mooty & Bennett, P.A.
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-3796

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

Jay Salmen
605 Satcliff Circle
Mendota Heights, MN 55118

Jeff Roy, Executive Director
Summit Hill Association
860 St. Clair Avenue
St. Paul, MN 55105-3210

(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 14th day of January 2011

Rita M. Bossard
Notary Public

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