



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 20, 2011

NOTICE OF VIOLATION

Derek Allen
Sugar Buzzers
1771 Energy Park Drive
St. Paul, MN 55108

RE: Special Event Food Sales – Annual license held by Sugar Buzzers d/b/a Sugar Buzzers for the premises located at 1771 Energy Park Drive in Saint Paul
License ID #20110002498

Dear Mr. Allen:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Special Event Food Sales – Annual license held by Sugar Buzzers d/b/a Sugar Buzzers for the premises located at 1771 Energy Park Drive in Saint Paul. The basis for the recommendation is as follows:

On May 24, 2011, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one (1) CRITICAL-MAJOR Environmental Health Code violation which was: Hand washing lavatories are not accessible for use, convenient or of sufficient number (*the hand washing sink need to be hooked up to a water supply and it must be properly drained. There was a portable water tank onsite that was in the process of being hooked up. However, there was a waste trap attached to the drain that went to the outside wall. It was unclear where the water would have drained to.*)

On May 26, 2011, you were sent a Notice of New Critical Violations listing this violation and stating that it needed to be corrected. You were then informed that a re-inspection would take place on or after June 23, 2011.

On June 29, 2011, the Environmental Health Division of DSI conducted a re-inspection and cited you for same CRITICAL-MAJOR Environmental Health Code violation that had not been corrected by the June 23, 2011 deadline: Hand washing lavatories are not accessible for use, convenient or of sufficient number (*a part was missing from the hand washing sink, rendering it useless. Food prep had been occurring.*)

This is a violation of Minnesota Administrative Rules part 4626.1110: “Handwashing lavatory must be accessible to employees at all times. Do not store items in, on or near the handwashing lavatories.”

As a result, per Saint Paul Legislative Code §310.05 (m) (9), the licensing office will recommend a \$250.00 matrix penalty.

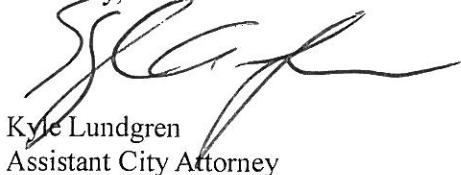
At this time, you have three options on how to proceed:

1. If you wish to admit to the violation and you do not contest the penalty you need to do two things:
 - 1) Pay the \$250.00 matrix penalty. You can send the payment to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, August 1, 2011**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Kim Carlton, R.S., Environmental Health Specialist at (651) 266-8989 by **Monday, August 1, 2011**, to schedule a re-inspection in order to verify that the violation has been corrected. Payment of the \$250.00 matrix penalty and correction of the violation will be considered a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but you contest the \$250.00 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 to the facts and requesting a public hearing. I will need to receive your letter by **Monday, August 1, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$250.00 matrix penalty and license suspension. 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 disputing the facts and requesting an administrative hearing no later than **Monday, August 1, 2011**. 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.

If you have not contacted me or the Environmental Health Specialist by Monday, August 1, 2011, I will assume that you are not contesting the imposition of the \$250.00 matrix penalty and license suspension. 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,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Bill Gunther, Environmental Health Manager
Derek Allen, 6935 Game Farm Road East, Mound, MN 55364
Amy Sparks, Executive Director, St. Anthony Park Community Council, 890 Cromwell Avenue
St. Paul, MN 55114-1599

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 20th day of July, she served the attached **NOTICE OF VIOLATION** correct copy thereof in an envelope addressed as follows:

Derek Allen
Sugar Buzzers
1771 Energy Park Drive
St. Paul, MN 55108

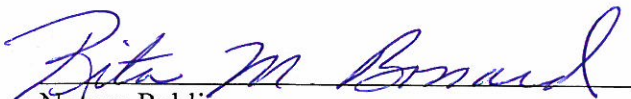
Derek Allen
6935 Game Farm Road East
Mound, MN 55364

Amy Sparks, Executive Director
St. Anthony Park Community Council
890 Cromwell Avenue
St. Paul, MN 55114-1599

(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 20th day of July, 2011


Notary Public

