



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 26, 2011

NOTICE OF VIOLATION

Donald L. Coury
St Paul Flatbread
439 Robert Street South
St. Paul, MN 55107

RE: All licenses held by Donald L. Coury d/b/a St Paul Flatbread for the premises located at 439 Robert Street South in Saint Paul
License ID #20050004212

Dear Mr. Coury:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Donald L. Coury d/b/a St Paul Flatbread for the premises located at 439 Robert Street South in Saint Paul. The basis for the recommendation is as follows:

On May 11, 2011, the Department of Safety and Inspections (DSI) - Environmental Health Division conducted an inspection of your establishment and cited you for one two (2) CRITICAL-MAJOR Environmental Health code violations one of which was: Cold food not maintained at 41 degrees Fahrenheit or less (*49°F ground beef in display case, 54.5°F sliced turkey in food prep case, 52°F in food prep cooler, 52.9° in display case*).

On May 17, 2011, you were sent a Notice of New Critical Violations listing these violations and stating that they needed to be corrected. You were then informed that a re-inspection would take place on or after June 10, 2011.

On July 7, 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 10, 2011 deadline: Cold food not maintained at 41 degrees Fahrenheit or less (*Masterbuilt display case - 49°F meat pies, 49.5°F cheese, 46.3°F hummus and 59.1°F olives*).

This is a violation of Minnesota Administrative Rules part 4626.0395: “Maintain all cold potentially hazardous foods at 41 degrees Fahrenheit or below under mechanical refrigeration, to prevent bacterial growth and/or toxin production.”

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 **Thursday, August 4, 2011**. A self-addressed envelope is enclosed for your convenience.
 - 2) You also need to contact Oren Larson, R.S., Environmental Health Specialist at (651) 266-9140 by **Thursday, August 4, 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 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 **Thursday, August 4, 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 **Thursday, August 4, 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 Thursday, August 4, 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
Donald L. Coury, 15881 Pilar Road North, Scandia, MN 55073
Lydia Nobello, Community Organizer, West Side Citizens Organization, 127 Winifred Street West
St. Paul, MN 55107-2128

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

Donald L. Coury
St Paul Flatbread
439 Robert Street South
St. Paul, MN 55107

Donald L. Coury
15881 Pilar Road North
Scandia, MN 55073

Lydia Nobello, Community Organizer
West Side Citizens Organization
127 Winifred Street West
St. Paul, MN 55107-2128

(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 26th day of July, 2011

Karen M. Doumany
Notary Public

