OFFICE OF THE CITY ATTORNEY
Sara Grewing, 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

January 8, 2015

NOTICE OF INTENT TO SUSPEND LICENSES

Johny G. Moohanna, Officer
Speedy Dale
589 Dale Street North
Saint Paul, MN 55103

RE: All licenses held by 961 Group, Inc. d/b/a Speedy Dale for the premises located at 589 Dale Street North in Saint Paul
License ID #20090002922

Dear Johny G. Moohanna:

The Department of Safety and Inspections (DSI) has recommended suspension of all licenses held by 961 Group, Inc. d/b/a Speedy Dale for the premises located at 589 Dale Street North in Saint Paul. The basis for the recommendation is as follows:

On November 7, 2014, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections (DSI) stating your Malt Off Sale; Cigarette/Tobacco and Gas Station licenses expired as of October 30, 2014 and you owed delinquent license and late fees. You also owed an Alarm Permit fee which has not been paid.

You were also asked to submit the following information with your payment: 1) current liquor liability insurance; 2) a completed Certificate of Compliance Minnesota Workers' Compensation Law form and 3) a completed questionnaire regarding cigarette sales and alarm permit located at the bottom of the renewal invoice.

You were given until November 28, 2014, to pay the delinquent license and late fees and submit the required information. As of today's date, neither has been received.

In addition to the suspension of your licenses, per Saint Paul Legislative Code §310.05 (m) (2), the licensing office will also recommend a $500.00 matrix penalty for failure to submit the required information in order to maintain your licenses.

At this time, you have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, January 19, 2015,** I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

2. You can pay the delinquent license and late fees and submit the required information. If this is your choice, you should contact the Department of Safety and Inspections (DSI) to determine the total amount due. You may then send in the payment and information directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 19, 2015.** A self-addressed envelope is enclosed for your convenience. Payment of the delinquent license and late fees and submission of the required information will be considered to be a waiver of the hearing to which you are entitled.

3. 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. I will need to receive your letter by **Monday, January 19, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your licenses and impose the $500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. If you no longer wish to do business in the City of Saint Paul, you will need to send a written statement to that effect to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 19, 2015.** Information should be directed to the attention of Dan Niziolek.

If you have not contacted me or DSI by Monday, January 19, 2015, I will assume that you do not contest the suspension of your licenses and imposition of the $500.00 matrix penalty. 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,

Geoffrey Karls
Assistant City Attorney

Cc: Dan Niziolek, DSI Deputy Director
Johny G. Moohanna, 718 Eldridge Avenue West, Roseville, MN 55113

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 8th day of January she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES** and correct copy thereof in an envelope addressed as follows:

Johny G. Moohanna, Officer
Speedy Dale
589 Dale Street North
Saint Paul, MN 55103

Johny G. Moohanna
718 Eldridge Avenue West
Roseville, MN 55113

(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 8th day of January, 2015

Notary Public

RITA M. BOSSARD
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2020