



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 23, 2015

NOTICE OF VIOLATION

Mee Lee Moua
Malina's Sports Bar and Grill
691 Dale Street North
St. Paul, MN 55103

RE: All licenses held by Mee Lee Moua d/b/a Malina's Sports Bar and Grill for the premises located at 691 Dale Street North in Saint Paul
License ID #20010002326

Dear Mee Lee Moua:

The Department of Safety and Inspections (DSI) will recommend adverse action against all licenses held by Mee Lee Moua d/b/a Malina's Sports Bar and Grill for the premises located at 691 Dale Street North in Saint Paul. The basis for the recommendation is as follows:

On January 9, 2015, Saint Paul Police were called to your establishment on a complaint that one of your security guards had a gun in the parking lot (CN #15-005-400). The complainant stated that the security guard got into an argument with someone and went to his car to get a gun. When the officer arrived the lot was clear so he went inside the bar and spoke to several patrons and staff who said they had not seen the argument or a gun.

While inside the bar, the officer noticed the video surveillance system. The officer asked an employee if he could show him video footage regarding the possible incident. The employee told the officer he could take a look but he did not know how to operate the system.

License condition #5 states: "The license holder shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Dept. immediately upon request. In addition, if the Saint Paul Police Dept. responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the license hold shall have technology available to make the copy at the time of the request and shall have it for the Police without delay..."

As a result of this license condition violation, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

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, February 2, 2015**, I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, February 2, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
3. 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 **Monday, February 2, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to 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 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, February 2, 2015**. 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.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by Monday, February 2, 2015, I will assume that you are not contesting the 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
Mee Lee Moua, 3205 Libby Lane, Vadnais Heights, MN 55127-5089
Sam Buffington, Community Organizer, Frogtown Neighborhood Association (District 7)
685 Minnehaha Avenue West, St. Paul, MN 55104

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 23rd day of January she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Mee Lee Moua
Malina's Sports Bar and Grill
691 Dale Street North
St. Paul, MN 55103

Mee Lee Moua
3205 Libby Lane
Vadnais Heights, MN 55127-5089

Sam Buffington, Community Organizer
Frogtown Neighborhood Association
685 Minnehaha Avenue West
St. Paul, MN 55104

(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 23rd day of January, 2015

Karen M. Doumany
Notary Public

