OFFICE OF THE CITY ATTORNEY
Laura Pietan, Interim 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

February 24, 2015

NOTICE OF INTENT TO SUSPEND LICENSES & PERMIT

Hieu N. Tran
IPHO By Saigon
704 University Avenue West
Saint Paul, MN 55104

RE: Wine On Sale, Malt On Sale (Strong) licenses and Alarm Permit (Renew) held by IPHO By Saigon, Inc. d/b/a IPHO By Saigon for the premises located at 704 University Avenue West in Saint Paul
License ID #20120000345

Dear Hieu N. Tran:

The Department of Safety and Inspections (DSI) has recommended suspension of the Wine On Sale, Malt On Sale (Strong) licenses and Alarm Permit (Renew) held by IPHO By Saigon, Inc. d/b/a IPHO By Saigon for the premises located at 704 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On January 29, 2015, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections (DSI) stating your Wine On Sale, Malt On Sale (Strong) licenses expired as of January 13, 2015 and you owed delinquent license and late fees. Your Alarm Permit (Renew) fees are also delinquent.

You were asked to submit following information with your license fee payment: 1) Proof of current Liquor Liability Insurance with no lapse in coverage and a ten (10) day notice of cancellation; 2) A copy of your State sales and use tax statements for the previous twelve (12) months from the Department of Revenue for verification of gross food and beverage sales; 3) A completed Minnesota Department of Public Safety Renewal form and 4) a completed Certificate of Compliance Minnesota Workers' Compensation Law form.

You were given until February 12, 2015, 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 Wine On Sale, Malt On Sale (Strong) licenses and Alarm Permit (Renew), 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 license.

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 **Friday, March 6, 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 **Friday, March 6, 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 **Friday, March 6, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your Wine On Sale, Malt On Sale (Strong) licenses and Alarm Permit (Renew) 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 **Friday, March 6, 2015.** Information should be directed to the attention of Dan Niziolek.

If you have not contacted me or DSI by Friday, March 6, 2015, I will assume that you do not contest the suspension of your Wine On Sale, Malt On Sale (Strong) licenses and Alarm Permit (Renew) 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 | gk

Geoffrey Karls
Assistant City Attorney

Cc: Dan Niziolek, DSI Deputy Director
Hieu N. Tran, 1696 Jessie Street, Maplewood, MN 55117

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 24th day of February she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES & PERMIT** and correct copy thereof in an envelope addressed as follows:

Hieu N. Tran
IPHO By Saigon
704 University Avenue West
Saint Paul, MN 55104

Hieu N. Tran
1696 Jessie Street
Maplewood, MN 55117

(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 24th day of February, 2015

Rita M. Bossard
Notary Public

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