OFFICE OF THE CITY ATTORNEY
Samuel J. Clark, 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

June 25, 2015

NOTICE OF VIOLATION

Jerome Born, President
Born's Dutch Bar
899 Rice Street
St. Paul, MN 55117

RE: All licenses held by B H & M, Inc. d/b/a Born's Dutch Bar for the premises located at 899 Rice Street in Saint Paul.
License ID #: 0016222

Dear Mr. Born:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by B H & M, Inc. d/b/a Born's Dutch Bar for the premises located at 899 Rice Street in Saint Paul. The basis for the recommendation is as follows:

> **On June 17, 2015, an Inspector from the Department of Safety and Inspections (DSI) hand-delivered a letter to you indicating your liquor liability insurance expired on April 30, 2015, due to your failure to submit required proof of current liquor liability insurance. You were instructed to discontinue serving alcohol until a new insurance certificate was submitted showing no lapse in coverage.**
>
> **On June 18, 2015, you submitted a Liquor Liability Certificate of Insurance to DSI showing coverage from June 17, 2015 to April 30, 2016. However, the certificate indicated a lapse in coverage from April 30, 2015 to June 16, 2015.**

Saint Paul Legislative Code § 409.26 (b) (12), requires that you hold current liquor liability insurance without a lapse in coverage in order to continue operating your business; therefore, licensing department will recommend a ten (10) day suspension of your licenses.

At this time, you have three (3) 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, July 5, 2015**, I will presume that you have chosen to contest the proposed adverse action, and the matter will be placed on the City Council agenda for approval of the proposed remedy.

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 **Monday, July 5, 2015.** The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your licenses for ten (10) days. 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, July 5, 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, July 5, 2015, I will assume that you do not contest the ten (10) day suspension of your licenses. 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/jk

Geoffrey Karls
Assistant City Attorney

cc Dan Niziolek, Deputy Director - DSI
Jerome Born, 116 Lyton Place West, St. Paul, MN 55117
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, 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 25th day of June she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Jerome Born, President
Born's Dutch Bar
899 Rice Street
St. Paul, MN 55117

Jerome Born
116 Lyton Place West
St. Paul, MN 55117

Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
St. Paul, 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 25th day of June, 2015

Rita M. Bossard

Notary Public

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