



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

SEP 20 2018

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>Sept. 25, 2018</u>
Time <u>11:30 a.m.</u>
Location of Hearing: Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 121 Maryland Ave W City: St. Paul State: MN Zip: 55117

Appellant/Applicant: Double Dragon Foods, Inc Email: howard@sussmanlaw.com
Owner: the KU bku@staroceanfoods.com

Phone Numbers: Business (651) 343-8098 Residence _____ Cell 651-246-9871

Signature: [Handwritten Signature] Date: 9/20/2018

Name of Owner (if other than Appellant): John Brumback, AVP Colliers International as managing agent for

Mailing Address if Not Appellant's: 105 5th Ave South - Ste. 105 Minneapolis, MN 55401 REMIC

Phone Numbers: Business 952-897-7807 Residence _____ Cell _____

What Is Being Appealed and Why?

Attachments Are Acceptable

- Vacate Order/Condemnation/
- Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enfc
- Vacant Bu
- Other (Fem)

Comments:

Bona KU

651 246 9871

BonaKU425@gmail.com

Lawyer for Appellant:
 Howard Sussman
 715 Florida Avenue South
 Suite 308
 Minneapolis, MN 55426
 (763) 577-1122
 howard@sussmanlaw.com
 Registration # 140922

Revised 4/10/2017

Double Dragon Foods
121 Maryland Avenue
Saint Paul MN 55117
651 488 9033

The following is prepared by Bona Ku, General Manager of Double Dragon Foods on September 20th, 2018.

1. We are mitigating the Odor and Leak with Commercial Dehumidification machines. We have cleaned up waste water and largely stopped further leaking.
2. All Electrical work has been done with Kirtland Electric in the basement and throughout the facility and roofing to ensure everything is safe on 09/18/2018-09/19/2018. It was inspected by the electrical state inspector on 09/19/2018. Working is continuing. (2)(6)(7)(8).
Electrical state inspector is Randy Clausner.
3. Hood Cleaning was last completed on 08/15/18 by KT Hoods Company.
4. Kitchen Fryer divider will be installed.
5. All Departments have been cleaned. Minnesota Department of Agriculture by David Bobberg has been to the facility on 09/19/2018 and will come by to approve the facility if the City will approve the business to open.
9. All items removed from any Exit Doorways.
10. Meat and Seafood department Flooring is being re-sealed, re-tiled are being performed now for refrigeration rooms, freezer room and food prep rooms. Areas in the basement that have mildew will be demolished within the next 48 hours.
11. Ecolab inspected the whole facility 09/19/2018 for inspection and abatement. They come into the facility every 2 weeks on a schedule.
- 12-14. Un-used rooms in the basement will be demolished within next 48 hours and space will be kept clean at all times.

Kirtland Electric Ron King 9-20-18

- * Replaced multiple Electrical Junction Box Covers
- * Replaced 2 Rusted light fixtures
- * ~~Replaced~~ 4 Electrical Gutter Covers Installed
- * Installed multiple Electrical Box Seals
- * Closed Cover on Elect Gutter by Roof Hatch
- * Replaced In use cover on Roof
- * Reattached Elect Conduit on Roof
- * Installed Electrical Box Seals on Roof
- * Wire brushed Conduit and Junction Boxes in Basement and painted with zinc paint
- * Capped wires and installed Junction Box cover and Seal by Deli
- * Removed old piping not in use in the basement
- * Fixed broken Flexible Conduit by main service in the basement



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

September 19, 2018

John Brumback
Colliers International
105 FIFTH AVENUE SOUTH, SUITE 105
MINNEAPOLIS MN 55401USA

**NOTICE OF CONDEMNATION
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

RE: 121 MARYLAND AVE W
Ref. # 13002

Dear Property Representative:

Your building was inspected on September 18, 2018.

The building was found to be unsafe, unfit for human habitation, a public nuisance, and a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

The following deficiency list must be completed or the building vacated by the re-inspection date.

A reinspection will be made **on or after October 19, 2018**.

CONDEMNATION OF THE BUILDING REVOKES THE CERTIFICATE OF OCCUPANCY.

Failure to complete the corrections may result in a criminal citation. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy.

DEFICIENCY LIST

1. BASEMENT LEVEL - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.
-Observed wastewater, leaking/dripping, throughout the basement and pooling on the floor. Initial inspection revealed a putrid odor delaying further investigation until an attempt was made by staff to neutralize the smell.
2. BASEMENT LEVEL - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office.
-Observed wastewater impinging on multiple electrical fixtures throughout the basement level including the main electrical panel. Abate the leaking water source and ensure all electrical equipment is in safe and working condition.
-Observed severe oxidization of metal support I-beams a structural analysis will be required to ensure integrity of the structural member. A permit(s) may be required.
3. MAIN LEVEL - KITCHEN - MSFC 609.3.3 - Contact a qualified hood and duct cleaning service company to clean and service grease duct vent for commercial cooking equipment. Provide documentation as proof of compliance. Maintain venting system in a clean and sanitary condition.
-Provide inspector report showing that this has been completed. (Note: The current cleaning frequency appears to be inadequate to maintain equipment properly).
4. MAIN LEVEL - KITCHEN FRYER - NFPA 96.
-Provide a 16" separation between the fryer and surface flames. Or provide an approved vertical steel barrier extending 12 inches above the top of the deep fat fryer or open flame appliance(s).
5. MAIN LEVEL - MEAT PREP/SEAFOOD PREP - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.
6. THROUGHOUT THE BUILDING - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
-Special attention to the basement level and deli area.
7. THROUGHOUT THE BUILDING - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.
-Repair or replace all damaged electrical cords and equipment (special attention to deli outlets, kitchen electrical equipment, and roof access sub electrical panel).
8. THROUGHOUT THE BUILDING - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
-Remove multiple frayed extension cords (special attention to main level deli and the entire basement level).

9. THROUGHOUT THE BUILDING - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.
-Eliminate all sources of wastewater dripping/leaking throughout the basement. Immediately remove obstructions from all exits (special attention to the North side exit and loading dock.
10. BASEMENT LEVEL - THROUGHOUT - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.
-Eliminate all sources of wastewater dripping/leaking throughout the basement. Eliminate mold like substances on walls, ceilings, and floor throughout the entire basement level.
11. SPLC 34.10 (6), 34.34 (5) - Exterminate and control insects, rodents or other pests. Provide documentation of extermination.
-Evidence of rodents in various areas throughout the building. Contact a pest control company to provide adequate abatement of any infestation.
12. SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.
13. SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.
14. SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: James.Perucca@ci.stpaul.mn.us or call me at 651-266-8996 between 7:30 - 9:00 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Jim Perucca
Fire Inspector III
Ref. # 13002

cc: Housing Resource Center
Force Unit



Food Establishment Inspection Report

Table with inspection details: Minnesota Department of Agriculture, No. Of Risk Factor/Intervention Violations (1), No. Of GRP Violations (7), Date: 9/19/2018, Reporting Time: 1.50, Travel Time: 1.50, Establishment: DOUBLE DRAGON FOODS INC, Address: 121 MARYLAND AVE W, City/State: SAINT PAUL, MN, Zip: 55117, County: Ramsey, License/Permit#: 20150197 - Retail Food Handler, License Holder: DOUBLE DRAGON FOODS INC, Inspection Reason: Complaint, Risk Category: High Risk, Telephone: 6514889033

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable (*) = Corrected on site during inspection (COS) R = Repeat violation

Table of foodborne illness risk factors and public health interventions. Includes categories like Demonstration of Knowledge, Employee Health, Good Hygienic Practices, Preventing Contamination by Hands, Approved Source, Protection From Contamination, Potentially Hazardous Food Time/Temperature, Consumer Advisory, Highly Susceptible Populations, and Chemical.

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.

Table of good retail practices. Includes categories like Safe Food and Water, Food Temperature Control, Food Protection, Proper Use of Utensils, Utensils, Equipment and Vending, Physical Facilities, and Regulatory Actions.

Observations and Corrective Actions					
Violations cited in this report must be corrected within the inspector's specified timeframes					
Item Number	Violation of Code	Priority Level	Comment	Correct By Date	Repeat Violation
11	3-202.16 MR 4626.0190	C	Discontinue sale or use of food in packages that are damaged and/or expose the contents to contamination. (Packages of crabs in an open bunker freezer near produce and several packages of fish in an open bunker freezer directly outside of the meat department were observed to have the plastic wrapping opened, exposing the foods. The products near the meat department were stored within 2 feet of the door and potentially exposed to debris and other contamination since the firm was demolishing the floor and walls in the meat department and the area behind the walls had what appeared to be mold like growth. The firm discarded open foods. See food disposal section) - Corrected on site.	9/19/2018	No
31	3-501.11MR 4626.0370	NC	Maintain all stored frozen foods in a frozen state. (Several bags of seafood (non-ROP) were observed to be soft to the touch and stored in retail bunker freezers. Labels stated to Keep Frozen. Shrimp was measured at 31F. Discussed observing load lines on the units and monitoring. Soft foods were relocated or voluntarily discarded by the firm.) -Corrected on site.	9/19/2018	No
36	6-202.15A MR 4626.1395	NC	Place all openings to the exterior in a tight-fitting and sealed condition. (At the emergency exit door next to the produce department and in the retail produce area there was a gap along the handle side of the bottom corner of the door at least 0.5 inch, that was allowing visible exterior light inside. There was also a rodent trap placed within 2-3 inches of the door gap. Identified and discussed repairing/sealing gap with the firm.)	9/26/2018	No
37	3-305.11A MR 4626.0300	NC	Store all food in a clean, dry location where it is not exposed to splash, dust or other contamination and at least 6 inches off the floor. (The following food storage issues were noted during the inspection: - In the retail aisles, boxes of packaged ramen and some spices were observed to be stored on the floor. One of the boxes had a wet corner from cleaning the areas, but food was not directly impacted. - A box of packaged dried squid was noted to be stored on the floor near the retail deli area. - In the basement area the firm primarily stored single service items on racks, but a case of canned condensed milk and plastic bags of small packages of flour were observed to be stored under insulated pipes that were noted with condensation accumulating along the bottom and dripping nearby. The firm stated they were freezer and cooler pipes. No active drip was observed on the foods at that time. Identified the issues and the firm moved the products to an elevated location and away from potential contamination.) -Corrected on site.	9/19/2018	No
43	4-903.11A MR 4626.0955	NC	Store all single-service items in a clean, dry location not exposed to contamination and at least 6 inches off the floor. (In the basement area the firm primarily stores various single service items on racks, but some boxes were observed to be stored under insulated pipes that were noted with condensation accumulating along the bottom and dripping nearby. The firm stated they were freezer and cooler pipes. A few of the boxes were observed to be wet from active drip, but all the articles were in sealed plastic bags and not directly impacted. The firm discarded some of the items and moved other single service items from under the dripping pipe area.) - Corrected on site.	9/19/2018	No
52	5-501.115 MR 4626.1300	NC	Maintain refuse storage areas in a clean condition and free of unnecessary items. (A slight amount of garbage and heavy amount of food waste accumulation was noted around the dumpsters behind the building. Food debris appeared to have even accumulated in the corner behind the dumpster and formed a sludge of organic matter. A large amount of grease was also found on the ground around the grease receptacle, next to the dumpsters. Dark streaking was also observed along the curb going down the street. Discussed removing any unnecessary items by loading dock and regularly cleaning around the dumpsters.)	9/21/2018	No
53	6-501.12A MR 4626.1520	NC	Place and maintain the physical facilities in a clean condition. (The following areas were noted in an unclean state during the inspection: - In the front deli area there was suspected rodent droppings and food debris near the prep coolers. - In the meat department, areas where the walls were removed for cleaning and replacement, there was what appeared to be significant mold like growth. - Also in the meat department there was light pink staining on the ceiling tiles above the band saw area. - In the basement area there was pooling water and debris on the ground. Closed containers of single service items are stored down there. Identified and discussed cleaning the above areas.)	9/21/2018	No

Observations and Corrective Actions					
Violations cited in this report must be corrected within the inspector's specified timeframes					
Item Number	Violation of Code	Priority Level	Comment	Correct By Date	Repeat Violation
57.	MS 31.09, 34A		Food items as noted in this report have been voluntarily destroyed as they are in violation of MN Statutes 31.09 and 34A and are in a condition unfit for human food. The disposal will be under the supervision of a representative of MDA without recourse to the State of Minnesota and the voluntary destruction of the product(s) does not preclude any legal action that may be found appropriate. (Food products noted in this report were voluntarily discarded by the firm. See Food Disposal Section and item 11 of this report.) -Corrected on site.	9/19/2018	No
57.	MS 34A.06 Subd.1(a)	C	Cease and desist all food operations at this time because it is believed to be contributing to the adulteration of food. (The City of St Paul Department of Safety & Inspections declared that the building was Condemned on 9/18/19 due to concerns with unknown pooling water in the meat department, basement, water dripping onto electrical components and rust accumulation on structural members in the basement. The City notified this agency of the issues. The MDA inspectors verified various colors of pooling water in the basement, where several containers had been placed to catch dripping. There was a very strong sewage like odor in the meat department from what appeared to be accumulation of liquid and food debris behind the walls. Wall cavities were visible because the firm had removed the floor and lower wall sections to replace. In addition, in the areas where the walls were removed there was appeared to be significant mold like growth. It was determined that the floor/walls were deteriorated and leaking liquid into the basement at various locations. Opened packages of seafood were found in an open chest freezer near the meat department that was being remodeled and single service items were stored in the basement area with dripping and pooling water. The firm understands they must satisfy all requirements with the City of St Paul to remove the Condemnation prior to this agency giving approval to operate the food establishment.)	9/19/2018	No

Inspection Published Comment:

A Notice of Inspection was issued on 09/19/18 to Bona Ku, General Manager and Bao Yang, General Manager. A complaint investigation was conducted on this date. A Cease & Desist was issued today because the building is condemned and conditions observed today.

The firm is a grocery store specializing in Asian products. There is a deli that cooks meat from raw; cooks, cools and reheats potentially hazardous foods; slices deli meats and veggies; uses time as a public health control. There is a meat department that sells seafood and cuts, grind and packages other meat and fish products. During the inspection the firm was not handling or producing any foods.

The previous inspection was on 5/17/18 as a complaint investigation with one risk factor issued for TPHC. This was not a full inspection today and no food handling was occurring.

Complaint #3196 was followed up on today which alleges:

MDA received a call on 9/18/18 from Jim Perucca, Commercial Inspection Supervisor with St. Paul Dept of Safety and Inspections regarding Double Dragon Foods in St. Paul. He stated his inspector was at the building to respond to a complaint of rats behind the deli. The inspector went on site and found water issues in the basement either wastewater or gray water from somewhere in the basement. The inspector felt it was Unsanitary Conditions as the smell was almost unbearable.

On 9/19/18 this agency was notified by the City that the building is condemned as they revoked their Certificate of Occupancy, so it is closed to the public. Concerns with mold build up, rust on structural beams in basement and water leaking on electrical conduit and lighting.

Findings:

The building was placarded at this time and not accessible to the public.

Pest evidence was limited to suspected droppings in deli area.

Firm closed at 4pm on 9/18/18 and since then have been cleaning the store, removing metal/clutter from basement, had some electrical work done in the basement and are replacing the meat department, walk-in cooler and freezer floors and half way up the walls. New tile will be installed in the meat prep area and walk-in cooler. An insulated floor and new sealed concrete will be installed in the seafood freezer. Food that was in the walk-in units is being stored at Star Ocean Foods.

The following pest control records were review with no significant issues noted: 9/19/18, 9/17/18, 9/13/18, 8/28/18 (1 mouse in trap), 8/9/18, 7/30/18.

Photos were taken to document conditions observed and will be uploaded to this report.

Discussed the following topics with the firm:

- Proper coving on new flooring and sealing any other floor gaps.
- Storage and disposition of perishables if they are closed for an extended period of time.
- Firm has a pest control company that comes every 2 weeks.
- Structural load if adding a concrete floor to seafood freezer.
- Working with the City of St Paul on applicable permits and any other requirements as part of the building Condemnation.


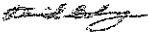

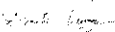
Contact this agency for approval prior to resuming food operations.

FOOD DISPOSALS

Item	Disposal Type	Disposition Type	Pounds	Description
Other	LandFill	Voluntary	10 lbs	Open and unfrozen packages of seafood.

INSPECTION MEASUREMENTS

Item	Measurement Type	Measurement	Description/Location
Ham	Cold Holding	41°F	Deli prep cooler
Milk	Cold Holding	38°F	Retail cooler
Sprouts	Cold Holding	37°F	Retail produce cooler
Tofu	Cold Holding	40°F	Retail cooler

Visit Date	Person In Charge	Person In Charge Signature	Sig. Date	Inspector	Inspector Signature	Sig. Date	Time In	Time Out
9/19/2018	Bao Yang		9/19/2018	David Boberg		9/19/2018	1:20 PM	5:45 PM
9/19/2018	Bao Yang		9/19/2018	Dustin Vang		9/19/2018	1:20 PM	5:45 PM

In accordance with the Americans with the Disabilities Act, this information is available in alternative forms of communication upon request by calling 651/201-6000. TTY users can call the Minnesota Relay Service at 711 or 1-800-627-3529. The MDA is an equal opportunity employer and provider.