

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

*Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102*

*Telephone: 651 266-8710
Facsimile: 651 298-5619*

November 9, 2018

NOTICE OF VIOLATION

Ry Phann, Owner
Capital Wine & Spirit
531 Rice Street
St. Paul, MN 55103

RE: Liquor Off Sale and Cigarette/Tobacco licenses held by Phann Liquor, Inc. d/b/a Capital Wine & Spirit for the premises located at 531 Rice Street in Saint Paul
License ID #20040000866

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Liquor Off Sale and Cigarette/Tobacco licenses held by Phann Liquor, Inc. d/b/a Capital Wine & Spirit for the premises located at 531 Rice Street in Saint Paul. The basis for this recommendation is as follows:

On October 18, 2018, the Department of Safety and Inspections conducted an inspection based on a complaint received concerning litter surrounding the business and loitering in front of the business. The inspector observed multiple people loitering in front of the property and cigarette debris and small pieces of plastic and paper were also in the parking lot.

On October 23, 2018, you were sent a letter from the Department of Safety and Inspections giving you until November 1, 2018 to bring the licensed premises into compliance with your license conditions by addressing loitering around the building and trash/litter around the business.

On November 6, 2018, the inspector returned and conducted a re-inspection of the licensed premises. He found you were still not compliance with your license conditions. There were empty cans and bottles of alcohol, plastic cups, a grocery cart with debris inside, and dumpsters overflowing with trash in violation of license condition #3: *"The licensee shall pick up trash, litter and empty bottle and/or cans in the immediate vicinity of the licensed business whether on public or private property."*

Pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

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, November 19, 2018**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the **December 5, 2018** City Council Consent Agenda for approval of the proposed remedy.
2. You can pay the \$500.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, November 19, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered 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 a letter with a statement admitting the facts and requesting a public hearing by **Monday, November 19, 2018**. The matter will then be scheduled before the City Council 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 no longer wish to do business in the City of Saint Paul, you will need to complete and return the attached REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 by **Monday, November 19, 2018**.

If you have not contacted me by Monday, November 19, 2018, I will assume that you do not contest the imposition of a \$500.00 matrix penalty. In that case, the matter will be placed on the December 5, 2018 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Julie Kraus my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney
License No.: 0240989

Cc: Tia Williams, Co-Executive Director, Frogtown Neighborhood Association (District 7)
501 Dale Street North, Suite 300, St. Paul, MN 55103
Segal Family Trust, 7848-12th Avenue South, Bloomington, MN 55425-1001

Enc. REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL

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 9th day of November, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Ry Phann, Owner
Capital Wine & Spirit
531 Rice Street
St. Paul, MN 55103


Tia Williams, Co-Executive Director
Frogtown Neighborhood Association (District 7)
501 Dale Street North, Suite 300
St. Paul, MN 55103

Segal Family Trust
7848-12th Avenue South
Bloomington, MN 55425-1001

(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 9th day of November 2018


Notary Public

