

**In the Matter of the Restaurant  
License Held by Pat Starr Company, Inc.  
d/b/a: The Wienery  
414 Cedar Ave S  
Minneapolis, MN 55454**

**Findings of Fact,  
Conclusions and  
Recommendations**

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This matter came before the Department at a License Settlement Conference on Thursday, October 3, 2007 at 2:00 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Pat Starr, owner, and the licensee's wife, K.J. Starr. Appearing for the City were Environmental Health Manager Curt Fernandez; Environmental Health District Supervisor Tim Jenkins; Environmental Health Code Compliance Officer Paola Lathrop; Licenses and Consumer Services Manager Grant Wilson; and License Inspector Leanne Selander. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

**FINDINGS OF FACT**

1. That between 2000 and 2006, twenty Environment Health inspections and re-inspections were conducted at The Wienery revealing a long-standing pattern of continuing and repeated violations of the Minneapolis Food Code, Chapters 186 and 188, and the Minnesota Food Code, Chapter 4626. The violations included failure to upgrade equipment to meet health and safety standards; failure to develop a cleaning and sanitizing process and procedure; failure to implement integrated pest control management for rodents and insects; accumulation of garbage; lack of employee hygienic practices; inadequate maintenance of equipment and establishment; and the accumulation of unnecessary and unused items in and around the premises.
2. That in 2001 and 2003, The Wienery closed to abate violations of the Environmental Health and Licensing code.
3. That on October 2, 2006, Environmental Health issued a Notice to Appear to the licensee due to a history of non-compliance with the Food Code. The licensee was ordered to develop a standard operating procedure, implement a method for self-inspection, implement and submit weekly and monthly cleaning schedules and install a 3-compartment sink and prep sink.
4. That on October 30, 2006, the licensee signed a compliance agreement to take specific actions by specific dates to abate numerous health violations. The agreement also included a requirement to pay re-inspection fees and citation fines.

5. That on April 7, 2007, Environment Health issued a Non-Compliance Warning letter for failure to comply with the compliance agreement due to failure to develop and implement Standard Operating Procedures, submit weekly and monthly cleaning schedules to Environmental Health, implement self-inspection procedures, and timely submit sink and tiling food plans.
6. That on July 11, 2006, April 24, 2007, July 26, 2007, and September 13, 2007, Licensing documented a failure to keep the outside premises free of litter. The original violation resulted in an order. The second violation resulted in a \$200 citation, which was uncontested and paid. The 3<sup>rd</sup> violation resulted in a \$400 citation which was appealed.
7. That the licensee did not timely renew his restaurant license in 2001, 2002, 2004 and 2007, resulting in late penalties assessed.

### **CONCLUSIONS**

1. That between 2000 and 2007, the licensee repeatedly failed to comply with the Minnesota Food Code, Chapter 4626, the Minneapolis Food Code, Chapters 186 and 188, and the Minneapolis Code of Ordinances § 259.250 of the Licensing Code governing business license management responsibilities which states "It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances."
2. That the licensee was provided with resources and tools necessary to maintain the licensed facility in compliance with the Food and Licensing codes and to abate all violations but failed to do so.
3. That the owner failed to timely renew his license each of the years noted in item 7 above in violation of Minneapolis Code of Ordinances § 188.160 which states "It shall be unlawful for any person to conduct or operate a food establishment without obtaining a license therefore."
4. That the licensee failed to comply with Minneapolis Code of Ordinances § 259.125 of the Licensing Code governing business premise maintenance, which states that food establishments "shall inspect their premises from lot line to lot line, all adjacent streets, sidewalks and alleys adjoining their premise, and sidewalks and alleys within one hundred (100) feet of such premise lot lines and shall remove any litter and debris found thereon daily.
5. That the licensee failed to meet all the conditions of the compliance agreement executed October 30, 2006 and is therefore in material violation of the binding agreement.

### **RECOMMENDATIONS**

The Department acknowledges the licensee's interest in resolving the issues at its licensed establishment. Due to the expressed willingness of all parties to bring the property into

compliance with all applicable ordinances, statutes and regulations the Department makes the following recommendations:

1. The licensee shall conduct food safety self-inspections on a weekly basis and shall fax the results to the attention of Environmental Health Code Compliance Officer Paola Lathrop. Said inspections shall begin one week after the signing of this agreement, and continue for a period of three months.
2. The licensee shall complete the following requirements by the previously agreed upon deadline of January 14, 2007:
  - Install a 3-compartment sink and the required tile work as indicated in the Food Plan previously submitted. All work must be performed by a licensed plumber and all required permits must be obtained from the City prior to work taking place.
  - Repair holes in basement walls, outside walls, screen doors and back doors to prevent entry of rodents and other pests.
  - Maintain the establishment at all times free of unnecessary objects and in good condition to eliminate the harboring of rodents.
  - Complete employee training, and provide and maintain documentation of said training, as previously mandated by Environmental Health.
  - Complete Food Safety Standard Operating Procedures as previously mandated by Environmental Health.
3. The licensee shall timely renew his restaurant license yearly. Failure to comply will result in the immediate imposition of a \$250 citation for operating without a license, in addition to late fees.
4. The City shall stay \$200 of the scheduled \$400 fine for failing to comply with MCO 259.125 for a period of two years on the condition there be no same or similar violations. The licensee shall pay to the City a fine in the amount of \$200 for failing to comply with MCO 259.125 on or before the signing of this agreement.
5. The licensee shall inspect his premises from lot line to lot line and within the prescribed amount of feet indicated on the attached addendum and shall remove any litter and debris found thereon daily. Failure to comply with this agreement within a two year period will result in the immediate imposition of the previously stayed fine of \$200, in addition to the imposition of the scheduled fine.

Pat Starr Company, Inc. understands that the holding of a business or restaurant license in the City of Minneapolis is both a privilege and a responsibility, and, as

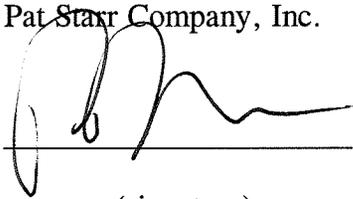
such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For Pat Star Company, Inc.

By:



(signature)

Its:

President

(title)

Dated: 12/21, 2007.

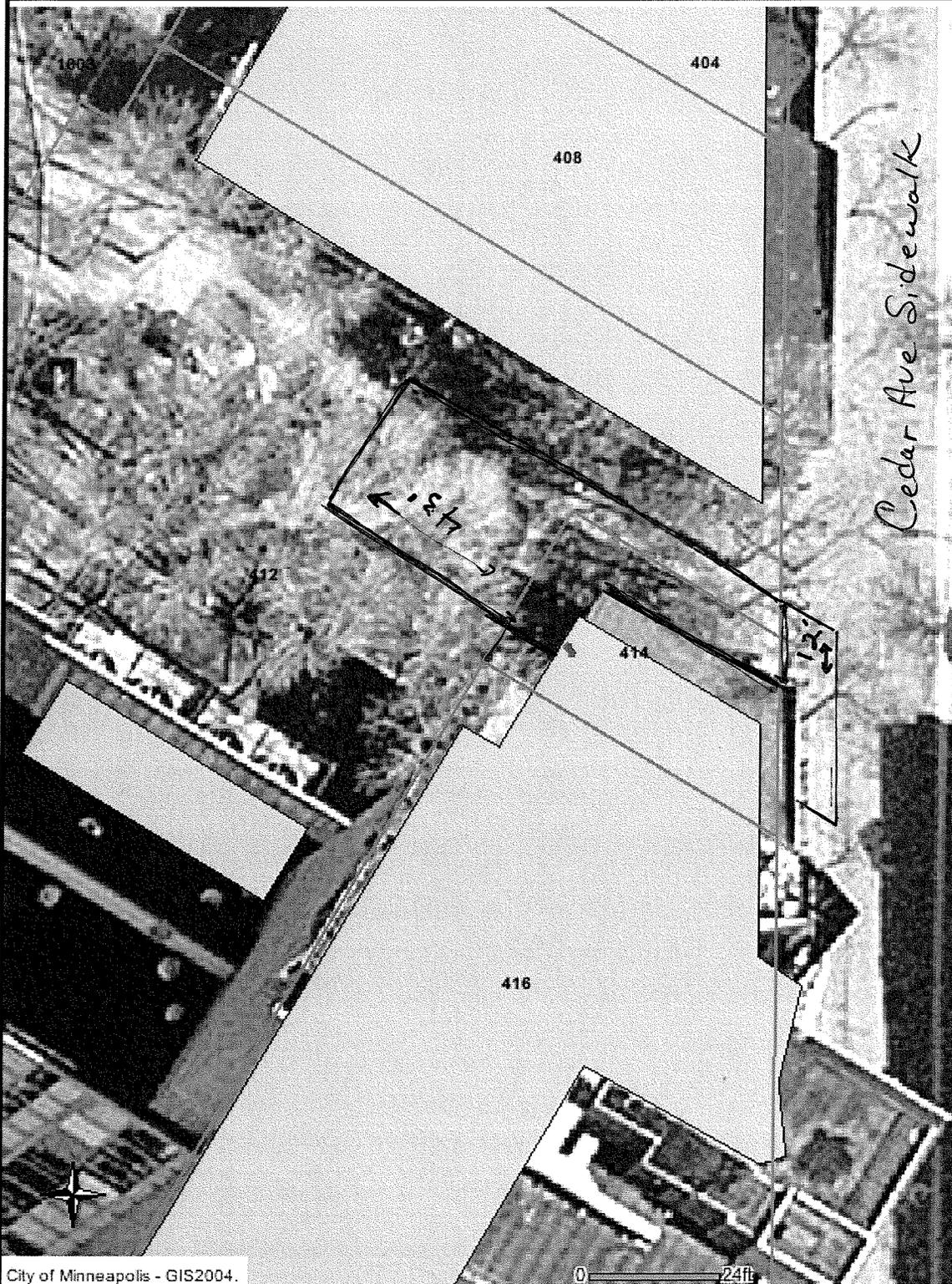
For the City of Minneapolis:



Ricardo Cervantes  
Deputy Director of Licenses

Dated: 12/21, 2007

# Type In Title Of Map



- Legend**
- Railroads
  - Street Oneway
  - Light Rail Stations
  - Light Rail Line
  - Streets
  - Parcels
  - Buildings
  - Water
  - Parks

Addendum to  
 Conditions/  
 Findings of  
 Fact signed  
 12/21/07  
 Reanne Selander  
 Brewer Corp.  
 Pat Stair

City of Minneapolis - GIS2004.

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