

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L149 50684 CHICAGO GRILL
for FOOD MANUFACTURER

Held by:
**KHILAN INC
SANJAY KUMAR
1120 LOWRY AVE N
MINNEAPOLIS, MN 55411**

11-0841793

This matter came to reconvene before a License Settlement Conference hearing on Tuesday, June 21, 2011. Appearing for Regulatory Services was Manager of Licenses Grant Wilson, License Inspector Nicole Anderson, 4th District Fire Inspector Thierry Chevallier, Environmental Health District Supervisor Tim Jenkins, and Environmental Health Code Compliance Officer Sebastian Cherayil. Appearing for Chicago Grill was the owner, Sanjay Kumar and his wife Preeti Wadhawan. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. On March 31, 2011, Business Licensing, and the North Minneapolis Grocery Store Task Force conducted an inspection at E & L Grocery located at 1122 Lowry Avenue North, which is located next door to Chicago Grill located at 1120 Lowry Avenue North. They found several possible fire code violations on the exterior walls of Chicago Grill.

2. On April 19, 2011 Fire Inspection Services conducted an inspection based on concerns from the Licensing staff. Fire Inspection Services issued orders for 35 violations of the fire code on the entire property from 1120-1122 Lowry Ave North. A due date of May 30, 2011 was given.
3. Environmental Health inspections at Chicago Grill showed the following record;
 - a. 07/08/09 – 30 violations with 11 critical.
 - b. 08/03/09 – 04 violations with 01 critical.
 - c. 01/06/11 – 25 violations with 08 critical and a \$1200 citation.
 - d. 03/25/11 – No health code violations.
 - e. 06/03/11 – 14 violations with 06 critical.
4. \$1200 in Environmental Health citation remained unpaid on the day of the May 4, 2011 hearing.
5. A review of police records indicated there were over 30 police calls in 2010. The calls consisted of fights, assaults, robbery, loitering with intent to sell narcotics, damage to property, and trespassing.
6. On Wednesday, May 4, 2011 this matter came before a License Settlement Conference hearing. Appearing for Regulatory Services was Manager of Licenses Grant Wilson, License Inspector Nicole Anderson, License Inspector Dan Jacobs, Environmental Health District Supervisor Tim Jenkins, Environmental Health Code Compliance Officer Sebastian Cherayil, and from the 4th Precinct Police Department Lieutenant David Hayhoe. Appearing for Chicago Grill was the owner, Sanjay Kumar, his wife Preeti Wadhawan, and a friend and the owner of Delights of India, BK Arora.
7. An LSC Agreement from the May 4, 2011 conference had not been submitted to and signed by the Licensee due to the tornado that took place on May 22, 2011 in North Minneapolis.
8. On May 31, 2011 Kathy Loudon of Environment Health inspected Chicago Grill at 1120 Lowry Avenue North to assess tornado damage. She stated they had no power for a few days and required them to throw away possibly contaminated food. She also found the establishment to be in poor sanitary condition and requested another inspection be done by their Environmental Health Inspector.
9. On June 6, 2011 Environmental Health conducted a re-inspection and found several more health violations with numerous critical violations.

10. On June 8, 2011 Fire Inspection Services conducted a re-inspection of all the properties located between 1120-1122 Lowry Avenue North and found hazardous conditions in the basement at Chicago Grill. Removal of clothes and bedding were to be removed immediately with a due date of June 14, 2011. This issue has been abated.
11. A License Settlement Conference was called listing 3 violations of the Minneapolis Code of Ordinances.

CONCLUSIONS

1. Chicago Grill violated Minneapolis Code of Ordinance 259.250(2) by failing to meet the Fire Safety Codes in the City of Minneapolis
2. Chicago Grill violated Minneapolis Code of Ordinance 259.250(4) by allowing criminal activity on the premises.
3. Chicago Grill failed to pay an administrative citation in the amount of \$1200, in violation of Minneapolis Code of Ordinance 259.15.

RECOMMENDATIONS

Based on the evidence presented at the hearing, The Department makes the following recommendations:

1. The \$1200 unpaid administrative citation from Environmental Health shall be paid as follows;
 - a. \$600 will be stayed until the next inspection, pending the outcome of that inspection.
 - b. \$200 will be due immediately. \$100 will be due by August 31, 2011. \$100 will be due by September 30, 2011. \$100 will be due by October 31, 2011. \$100 will be due by November 30, 2011. Payment shall be made to the "Minneapolis Finance Department" in the form of check or money order addressed to Minneapolis Environmental Health, 250 South 4th St, Room 414, Minneapolis, MN 55415.
 - c. The \$120 late fee for the administrative citation will be waived.
2. Chicago Grill shall enroll and fully participate in the City of Minneapolis Environmental Health food safety self-inspection program within sixty (60) days of the signing of this agreement.

3. Chicago Grill must implement a food protection system and monitor food safety. The licensee must train all employees in food safety and provide documentation at the request of the City, within sixty (60) days of the signing of this agreement. It is recommended that the licensee and his employees attend monthly community food safety training meeting offered by the City.
4. Implement the Crime Prevention Through Environmental Design (CPTED) guidelines provided by the 4th Precinct Minneapolis Police Department. Such guidelines are as follows:
 - a. "No Trespassing" signs will remain clearly posted on the exterior of the business. Staff will immediately ask people who are observed loitering in the immediate vicinity of the business to leave. If the loitering activity persists, staff will call 9-1-1 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
 - b. The business will move the food counter closer to the front window area to create less waiting space for patrons.
 - c. The business will have a minimum of (2) staff employees working from 3:00pm until the close of the business each day to ensure monitoring of the exterior and to reduce negative behaviors.
 - d. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
 - e. The business agrees to implement a surveillance camera system. The surveillance camera system shall have multiple cameras covering the entire inside of the business, the rear exterior, and the front exterior of the building.
 - i. "You Are Under Surveillance" sign/sticker will remain clearly posted on the exterior of the business.
 - ii. The business agrees the City of Minneapolis can randomly test the security system for compliance.
5. The business agrees to clean the property and all areas within 100 feet of the property line of litter and trash a minimum of twice daily.
6. Comply with any and all orders promptly from other departments.

Sanjay Kumar understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any 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:

Business

For the City of Minneapolis:

By: Sanjay Kumar
(signature)

Grant J. Wilson
Grant J. Wilson
Deputy Director of Licenses

Its: BOJZ
(title)

Dated: 6-21-, 20 11

Dated: 6/21, 20 11