



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*

November 1, 2016

### NOTICE OF VIOLATION

Anton Maarouf, Owner  
Tony's Amoco, Inc.  
374 Lexington Parkway North  
St. Paul, MN 55104

RE: Cigarette/Tobacco license held by Tony's Amoco, Inc. d/b/a Tony's Amoco, Inc. for the premises located at 374 Lexington Parkway North in Saint Paul  
License ID #20010001039

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Tony's Amoco, Inc. d/b/a Tony's Amoco, Inc. for the premises located at 374 Lexington Parkway North in Saint Paul. The basis for the recommendation is as follows:

**On October 20, 2016, a tobacco compliance check was conducted at Tony's Amoco, Inc., located at 374 Lexington Parkway North. A fifteen year old female entered your establishment and asked to buy tobacco products. She was asked to show her identification, and did so. It correctly stated her date of birth, which indicated she was underage. Nevertheless, the clerk sold her a package of Camel cigarettes. Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(c).**

This is the third (3<sup>rd</sup>) violation for the sale of cigarettes to an underage person within the past twenty-four (24) months; therefore, per Saint Paul Legislative Code §324.11 (b) (1) the licensing office will recommend an \$800.00 matrix penalty and a seven (7) day suspension of your Cigarette/Tobacco license.

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, November 14, 2016**, I will presume that you have chosen not 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 no later than **Monday, November 14, 2016**. The matter will then be scheduled before the City Council to determine whether to impose the \$800.00 matrix penalty and seven (7) day suspension of your Cigarette/Tobacco license. 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 by **Monday, November 14, 2016**. 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, November 14, 2016, I will assume that you are not contesting the imposition of the \$800.00 matrix penalty and seven (7) day suspension of your Cigarette/Tobacco license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised the clerk who made the sale on this date will be charged a \$50.00 administrative penalty pursuant to Minn. Stat. §461.12, subd. 3. This is a separate action from this license matter.

If you have any questions, please feel free to contact me at (651) 266-8710.

Sincerely,

A handwritten signature in black ink that reads "Therese Skarda" followed by a stylized monogram or initials "JSK".

Therese Skarda  
Assistant City Attorney

Cc: Anton Maarouf, 2198 Marilyn Avenue, Eagan, MN 55122  
Jens Werner, Executive Director, Summit-University Planning Council, 627A Selby Avenue, St. Paul, MN 55104

COUNTY OF RAMSEY )

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