



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

April 12, 2012

NOTICE OF VIOLATION

Mustafta Mashni
Payne Ave's Shop-N-Go
1050 Payne Avenue
St. Paul, MN 55101

RE: Cigarette/Tobacco license held by M Z R Family LLC d/b/a Payne Ave's Shop-N-Go for premises located at 1050 Payne Avenue in Saint Paul
License ID #20100001380

Dear Mustafta Mashni:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by M Z R Family LLC d/b/a Payne Ave's Shop-N-Go for the premises located at 1050 Payne Avenue in Saint Paul. The basis for the recommendation is as follows:

On March 12, 2012, a tobacco compliance check was conducted at the Payne Ave's Shop-N-Go located at 1050 Payne Avenue. A sixteen year old male entered your store and asked to buy cigarettes. He was not asked to show his identification which would have indicated he was underage. Nevertheless, the clerk sold him a package of Marlboro Light 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 second (2nd) violation for the sale of cigarettes to an underage person within the past year, therefore, per Saint Paul Legislative Code §324.11 (b) (1) the licensing office will recommend a \$400.00 matrix penalty.

At this time you have three options on how to proceed:

1. You can pay the recommended \$400.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, April 23, 2012**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$400.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.

Payne Ave's Shop-N-Go
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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, April 23, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$400.00 matrix penalty. 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). 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. If this is your choice, please advise me no later than **Monday, April 23, 2012**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Monday, April 23, 2012, I will assume that you are not contesting the imposition of the \$400.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised that the clerk who was identified as having made the sale on this date is also being 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,



Meghan Kisch
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Mustafta Mashni, 4130 Lexington Avenue South, Apt. 207, Eagan, MN 55123-1599
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130, St. Paul, MN 55130

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 12th day of April she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Mustafta Mashni
Payne Ave's Shop-N-Go
1050 Payne Avenue
St. Paul, MN 55101

Mustafta Mashni
4130 Lexington Avenue South, Apt. 207
Eagan, MN 55123-1599

Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130
St. Paul, MN 55130

(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
Julie Kraus

Subscribed and sworn to before me
this 12th day of April, 2012

Rita M. Bossard
Notary Public

