

OFFICE OF THE CITY ATTORNEY
Sara Grewing, City Attorney



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

December 30, 2013

NOTICE OF VIOLATION

Til B. Pokwal Chhetri, Owner
Himalayan Grocery, Inc.
1423 Rice Street
Saint Paul, MN 55117

RE: Cigarette/Tobacco license held by Til B. Pokwal Chhetri d/b/a Himalayan Grocery, Inc. for the premises located at 1423 Rice Street in Saint Paul
License ID #20130002010

Dear Til B. Pokwal Chhetri:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Til B. Pokwal Chhetri d/b/a Himalayan Grocery, Inc. for the premises located at 1423 Rice Street in Saint Paul. The basis for the recommendation is as follows:

On December 23, 2013, a tobacco compliance re-check was conducted at Himalayan Grocery, Inc. located at 1423 Rice Street. A fifteen year old male entered your establishment and asked to buy tobacco products. He was asked to show his identification, and did so. It correctly stated his date of birth, which indicated he was underage. Nevertheless, the clerk sold him a package of Swisher Sweets cigarettes. Sale of tobacco products to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(c).

This is the third (3rd) violation for the sale of cigarettes to an underage person within one (1) year; 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 two options on how to proceed:

1. 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 **Thursday, January 9, 2014**. The matter will then be scheduled before the City Council for a public hearing 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.

Himalayan Grocery, Inc.
December 30, 2013
Page 2

2. 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 **Thursday, January 9, 2014**. 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.

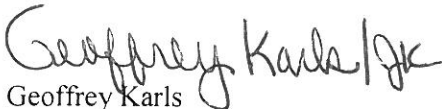
Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the Right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by Thursday, January 9, 2014, 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 that you were also identified as the clerk having made the sale on this date, so you will be charged an additional \$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,



Geoffrey Karls
Assistant City Attorney

cc: Kristina Schweinler, Senior License Inspector
Til B. Pokwal Chhetri, 579 Minnehaha Avenue East, Apt. #11, Saint Paul, MN 55130
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, Saint Paul, MN 55117

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 30th day of December she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Til B. Pokwal Chhetri, Owner
Himalayan Grocery, Inc.
1423 Rice Street
Saint Paul, MN 55117

Til B. Pokwal Chhetri
579 Minnehaha Avenue East, Apt. #11
Saint Paul, MN 55130

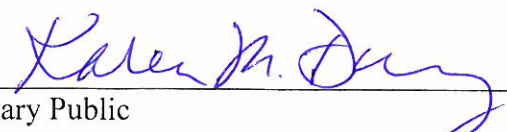
Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
Saint Paul, MN 55117

(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 30th day of December, 2013



Notary Public

