

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

July 21, 2013

NOTICE OF INTENT TO SUSPEND LICENSE

Owner/Manager
Walgreens #06995
1788 Old Hudson Road
Saint Paul, MN 55119-4307

RE: Cigarette/Tobacco license held by Walgreens #06995 d/b/a Walgreens #06995 for the premises located at 1788 Old Hudson Road in Saint Paul
License ID #20020005083

Dear Sir/Madam:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Walgreens #06995 d/b/a Walgreens #06995 for the premises located at 1788 Old Hudson Road in Saint Paul. The basis for the recommendation is as follows:

On July 7, 2014, a tobacco compliance check was conducted at Walgreens #06995 located at 1788 Old Hudson Road. A sixteen year-old female entered the establishment and asked to buy tobacco products. She was not asked to show her identification, which would have 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 (3rd) 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 two (2) options 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, July 31, 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.

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, July 31, 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, July 31, 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 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,



Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, Deputy Director – DSI
Walgreens Tax Department, P.O. Box 901, Deerfield IL 60015
Ebony Young, Community Organizer, District 1 Community Council, Sunray Shopping Center
2105 ½ Old Hudson Road, Saint Paul, MN 55119

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

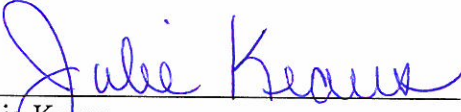
Julie Kraus, being first duly sworn, deposes and says that on the 21st day of July she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and correct copy thereof in an envelope addressed as follows:

Owner/Manager
Walgreens #06995
1788 Old Hudson Road
Saint Paul, MN 55119-4307

Walgreens Tax Department
P.O. Box 901
Deerfield IL 60015


Ebony Young, Community Organizer
District 1 Community Council
Sunray Shopping Center
2105 1/2 Old Hudson Road
Saint Paul, MN 55119

(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 21st day of July, 2014



Notary Public

