



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

June 2, 2011

NOTICE OF VIOLATION

Adam Jarjis
Frank's Dairy & Deli
1201 Edgerton Street
St. Paul, MN 55130

RE: All licenses held by Frank's Dairy & Deli, Inc. d/b/a Frank's Dairy & Deli for the premises located at 1201 Edgerton Street in Saint Paul.
License ID #: 20100005165

Dear Mr. Jarjis:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Frank's Dairy & Deli, Inc. d/b/a Frank's Dairy & Deli for the premises located at 1201 Edgerton Street in Saint Paul. The basis for the recommendation is as follows:

The Department of Safety and Inspections (DSI) received a letter dated May 12, 2011 and a copy of the NOTICE OF SEIZURE OF CONTRABAND from the Minnesota Department of Revenue. The notice indicated tobacco products seized from your establishment on February 15, 2011, had not been purchased from a licensed seller as required by Minn. Stat. § 297F.13, subdivision 4.

The Minnesota Department of Revenue determined the tobacco products were contraband under Minn. Stat. § 297F.21 Subd 1 (j) which states: "Any cigarette packages or tobacco products offered for sale or held as inventory for which there is not an invoice from a licensed seller as required under 297.13, subdivision 4."

As a result of this violation, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty.

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

1. You can pay the \$500.00 matrix penalty. You can send the payment to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, June 13, 2011**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.

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 by **Monday, June 13, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 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). You will need to send me a letter with a statement disputing the facts and requesting an administrative hearing. I will need to receive your letter by **Monday, June 13, 2011**. The matter will then be scheduled for an administrative hearing. 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 you have not contacted me by Monday, June 13, 2011, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Adam Jarjis, 2910 Pillsbury Avenue, Apt. #113, Minneapolis, MN 55408
Leslie McMurray, Exec. Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130, Saint 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 2nd day of June, she served the attached **NOTICE OF VIOLATION** a correct copy thereof in an envelope addressed as follows:

Adam Jarjis
Frank's Dairy & Deli
1201 Edgerton Street
St. Paul, MN 55130

Adam Jarjis
2910 Pillsbury Avenue, Apt. #113
Minneapolis, MN 55408

Leslie McMurray, Exec. Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint 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

Subscribed and sworn to before me
this 2nd day of June, 2011


Notary Public

