



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 22, 2011

NOTICE OF INTENT TO SUSPEND LICENSE

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

RE: Cigarette/Tobacco license 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 suspension of the Cigarette/Tobacco license 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:

On December 1, 2011, a tobacco compliance check was conducted at Frank's Dairy & Deli located at 1201 Edgerton Street. A seventeen 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 Remington cigarettes. Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(c).

While the inspector was inside of your establishment immediately after the compliance check, she observed the clerk sell an individual cigarette to a customer from a green & white pack of Newport cigarettes. She also noticed that the clerk did not check the customer's identification before making the sale. When the inspector asked her about the sale, the clerk said she was not aware that she couldn't sell individual cigarettes. The sale of individual cigarettes is a violation of Saint Paul Legislative Code § 324.07 (a).

Per Saint Paul Legislative Code §324.11 (b) (1), the licensing office will recommend an upward departure to a thirty (30) day suspension of your Cigarette/Tobacco license. This recommendation is due to the fact that the two violations are considered a 2nd and 3rd violation occurring during the course of the same compliance check.

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 by **Monday, January 2, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the thirty (30) 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 with a statement disputing the facts and requesting an administrative hearing by **Monday, January 2, 2012**. 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, January 2, 2012, I will assume that you do not contest the thirty (30) 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.

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

Sincerely,



Meghan Kisch
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)

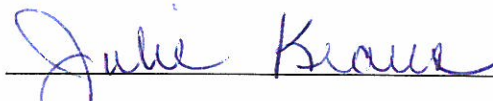
Julie Kraus, being first duly sworn, deposes and says that on the 22nd day of December she served the attached the **NOTICE OF INTENT TO SUSPEND LICENSE** and correct copy thereof in an envelope addressed as follows:

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

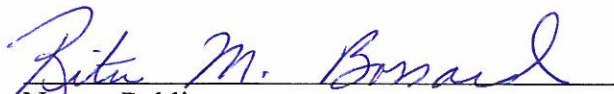
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Leslie McMurray, Exec. Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint Paul, MN 55130

(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 22nd day of December, 2011


Notary Public

