



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

OFFICE OF THE CITY ATTORNEY
Sara Grewing, City Attorney

*Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102*

*Telephone: 651 266-8710
Facsimile: 651 298-5619*

April 6, 2011

NOTICE OF VIOLATION

Heather Saman
West St Paul BP, Inc.
675 – 7th Street West
St. Paul, MN 55102

RE: Cigarette/Tobacco license held by West St Paul BP, Inc. d/b/a West St Paul BP, Inc. for premises located at 675 – 7th Street West in Saint Paul
License ID #20080004170

Dear Ms. Saman:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by West St Paul BP, Inc. d/b/a West St Paul BP, Inc. for the premises located at 675 – 7th Street West in Saint Paul. The basis for the recommendation is as follows:

On March 28, 2011, a tobacco compliance check was conducted at the West St Paul BP, Inc. located at 675 – 7th Street West. A seventeen year old female entered your store and asked to buy cigarettes. She was asked to show her identification, and did so. It correctly stated her date of birth, which indicated she was underage. Nevertheless, the clerk sold her a package of Newport 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 2nd violation for the sale of cigarettes to an underage person since December 7, 2010, 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 18, 2011**. 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.

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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 18, 2011**. 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 18, 2011**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Monday, April 18, 2011, 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,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Heather Saman, 12508 Norway Circle, Burnsville, MN 55337
Betty Moran, Community Organizer, West Seventh/Fort Road Federation
974 West Seventh Street, St. Paul, MN 55102-3520

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 6th day of April, she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Heather Saman
West St Paul BP, Inc.
675 – 7th Street West
St. Paul, MN 55102

Heather Saman
12508 Norway Circle
Burnsville, MN 55337

Betty Moran, Community Organizer
West Seventh/Fort Road Federation
974 West Seventh Street
St. Paul, MN 55102-3520

(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 6th day of April, 2011


Notary Public

