

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

March 26, 2012

NOTICE OF ADMINISTRATIVE FINE

Neama Mahdi Al-Salman
10015 Egret Boulevard NW, #101
Coon Rapids, MN 55433

RE: Sale of cigarettes to a minor

Dear Neama Mahdi Al-Salman:

The Department of Safety and Inspections has determined that you are subject to an administrative penalty of \$50.00, pursuant to Minn. Stat. §461.12, Subd.3. The basis for this determination is as follows:

On March 12, 2012, an underage person entered Payne Ivy Grocery Store located at 1340 Payne Avenue. You were later identified as the clerk behind the counter. The individual was able to purchase a package of Newport cigarettes even though the identification he showed correctly stated his date of birth, which indicated that he was a minor. This sale was in violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07 (c).

It was also in violation Minn. Stat. §461.12 subd. 3 states: "An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50."

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

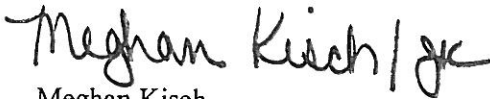
1. You can pay the \$50.00 administrative fine. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Wednesday, April 4, 2012**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$50.00 administrative fine will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but you contest the \$50.00 administrative fine, 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 **Wednesday, April 4, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$50.00 administrative fine. You will have an opportunity to appear before the Council and make a statement on your own behalf.

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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 disputing the facts and requesting an administrative hearing no later than **Wednesday, April 4, 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.

Please let me know by that date how you wish to proceed. If you have any questions please feel free to contact me at (651) 266-8710.

Sincerely,

Handwritten signature of Meghan Kisch in cursive script, followed by a vertical line and the initials 'jk'.

Meghan Kisch
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI

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 26th day of March she served the attached the **NOTICE OF ADMINISTRATIVE FINE** and correct copy thereof in an envelope addressed as follows:

Neama Mahdi Al-Salman
10015 Egret Boulevard NW, #101
Coon Rapids, MN 55433

(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 26th day of March, 2012


Notary Public

