



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

January 11, 2011

NOTICE OF VIOLATION

Rachid Mezali
A A Avenue Grocery
682 Selby Avenue
St. Paul, MN 55104

RE: Cigarette/Tobacco license held by Abderrahmane Deriche & Rachid Mezali d/b/a AA Avenue Grocery for the premises located at 682 Selby Avenue in Saint Paul
License ID #20070000574

Dear Rachid Mezali:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Abderrahmane Deriche & Rachid Mezali d/b/a AA Avenue Grocery for the premises located at 682 Selby Avenue in Saint Paul. The basis for the recommendation is as follows:

On December 20, 2010, a tobacco compliance check was conducted based on a complaint received by Saint Paul Police at AA Avenue Grocery on 682 Selby Avenue. A sixteen year old male entered your establishment and asked to buy cigarettes. He was asked to show his identification, and did so. It correctly stated his date of birth, which indicated he was underage. Nevertheless, the clerk sold him a package of cigarettes.

Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 Subd. 1(a) and Saint Paul Legislative Code § 324.07 (c).

This is the first (1st) violation regarding the sale of cigarettes to an underage person but the second (2nd) violation relating to the sale of cigarettes since July of 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. If you wish to admit to the violation and you do not contest the penalty you can pay the \$400.00 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 **Tuesday, January 18, 2011**. A self-addressed envelope is enclosed for your convenience. All information should be directed to the attention of Christine Rozek. Payment of the \$400.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.

A A Avenue Grocery
January 11, 2011
Page 2

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

If you have not contacted me by Tuesday, January 18, 2011, I will assume that you do not contest 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
Rachid Mezali, 2467 Mounds Avenue, New Brighton, MN 55112
Irna Landrum, Exec. Director, Summit-University Planning Council, 627 Selby Avenue, St. Paul, MN 55104

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 11th day of January, she served the attached **NOTICE OF VIOLATION** placing a true and correct copy thereof in an envelope addressed as follows:

Rachid Mezali
A A Avenue Grocery
682 Selby Avenue
St. Paul, MN 55104

Rachid Mezali
2467 Mounds Avenue
New Brighton, MN 55112

Irna Landrum, Exec. Director
Summit-University Planning Council
627 Selby Avenue
St. Paul, MN 55104

(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 11th day of January 2011


Notary Public

