



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 28, 2011

NOTICE OF VIOLATION

Manal Rashid
Marathon Market
719 Payne Avenue
St. Paul, MN 55101

RE: Cigarette/Tobacco license held by AM PM Gas d/b/a Marathon Market for the premises located at 719 Payne Avenue in Saint Paul
License ID #20070001341

Dear Mr. Rashid:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by AM PM Gas d/b/a Marathon Market for the premises located at 719 Payne Avenue in Saint Paul. The basis for the recommendation is as follows:

On March 22, 2011, a tobacco compliance check was conducted at Marathon Market located at 719 Payne Avenue. A sixteen 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 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 second (2nd) violation within the past year for the sale of cigarettes to an underage person, 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 **Friday, April 8, 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.

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 **Friday, April 8, 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 **Friday, April 8, 2011**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Friday, April 8, 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,

Handwritten signature of Kyle Lundgren in black ink, including the initials 'JK' at the end.

Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Manal Rashid, 1404 Summit Shore Drive, Burnsville, MN 55306
Leslie McMurray, Exec. Director, Payne Phalen District 5 Planning Council, 506 Kenny Road,
Ste. 130, St. Paul, MN 55130

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

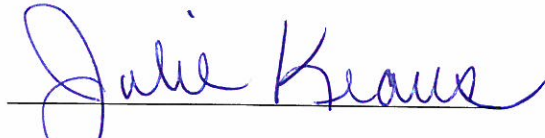
Julie Kraus, being first duly sworn, deposes and says that on the 28th day of March, she served the attached **NOTICE OF VIOLATION** true and correct copy thereof in an envelope addressed as follows:

Manal Rashid
Marathon Market
719 Payne Avenue
St. Paul, MN 55101

Manal Rashid
1404 Summit Shore Drive
Burnsville, MN 55306

Leslie McMurray, Exec. Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
St. 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 28th day of March, 2011


Notary Public

