



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*

July 22, 2015

## NOTICE OF VIOLATION

James Gorman, Owner  
Midway Liquor Store  
1955 University Avenue West, Unit 104  
St. Paul, MN 55104

RE: Cigarette/Tobacco license held by Midway Liquor Store, Inc. d/b/a Midway Liquor Store for the premises located at 1955 University Avenue West, Unit 104 in Saint Paul  
License ID #20110004129

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Midway Liquor Store, Inc. d/b/a Midway Liquor Store for the premises located at 1955 University Avenue West, Unit 104 in Saint Paul. The basis for the recommendation is as follows:

**On July 17, 2015, a tobacco compliance check was conducted at Midway Liquor Store located at 1955 University Avenue West, Unit 104. A sixteen year old male entered your establishment and asked to buy tobacco products. 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 Marlboro 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 first (1<sup>st</sup>) violation 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 \$200.00 matrix penalty.

At this time you have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, August 3, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

2. You can pay the \$200.00 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, August 3, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$200.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
3. 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, August 3, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$200.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. 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 by **Monday, August 3, 2015**. 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.

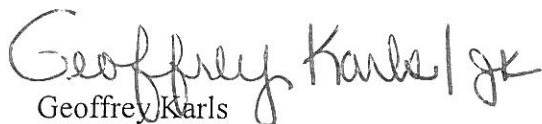
Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the Right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

**If you have not contacted me or DSI by Monday, August 3, 2015, I will assume that you are not contesting the imposition of the \$200.00 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,

  
Geoffrey Karls  
Assistant City Attorney

Cc: Dan Niziolek, Deputy Director - DSI  
James Gorman, 112 Exeter Place, St. Paul, MN 55104  
Kyle Mianulli, Director of Communications & Community Engagement, Hamline Midway Coalition  
1558 Minnehaha Avenue West, St. Paul, MN 55104-1264

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 23rd day of July she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

James Gorman, Owner  
Midway Liquor Store  
1955 University Avenue West, Unit 104  
St. Paul, MN 55104

James Gorman  
112 Exeter Place  
St. Paul, MN 55104

Kyle Mianulli  
Director of Communications & Community Engagement  
Hamline Midway Coalition  
1558 Minnehaha Avenue West  
St. Paul, MN 55104-1264

(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  
Julie Kraus

Subscribed and sworn to before me  
this 23rd day of July, 2015

Rita M. Bossard  
Notary Public

