

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

April 6, 2011

NOTICE OF ADMINISTRATIVE FINE

Michael Yousry Sawiers
3943 Valley View Drive, Apt. #302
Eagan, MN 55122

RE: Sale of cigarettes to a minor

Dear Mr. Sawiers:

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 28, 2011, an underage person entered the West St Paul BP, Inc. located at 675 – 7th Street West. 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 she showed correctly stated her date of birth, which indicated that she was a minor. This sale was in violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07 (c).

This sale 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 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 \$50.00 administrative penalty will be considered to be a waiver of the hearing to which you are entitled.

Michael Yousry Sawiers
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2. If you wish to admit the facts but 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 the facts and requesting a public hearing. We will need to receive your letter by **Monday, April 18, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$50.00 administrative penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you wish to contest the facts outlined above, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine the other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please let me know by **Monday, April 18, 2011**, and I will take the necessary steps to schedule the administrative hearing.

Please let me know by **Monday, April 18, 2011**, how you wish to proceed. 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

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 ADMINISTRATIVE FINE** and correct copy thereof in an envelope addressed as follows:

Michael Yousry Sawiers
3943 Valley View Drive, Apt. #302
Eagan, MN 55122

(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

