

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

January 12, 2011

NOTICE OF VIOLATION

George Evans
Walgreen Co.
734 Grand Avenue
St. Paul, MN 55105

RE: Cigarette/Tobacco license held by Walgreen Co. d/b/a Walgreen Co. for the premises located at 734 Grand Avenue in Saint Paul
License ID #0065780

Dear Mr. Evans:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Walgreen Co. d/b/a Walgreen Co. for the premises located at 734 Grand Avenue in Saint Paul. The basis for the recommendation is as follows:

On December 14, 2010, a tobacco compliance check was conducted at Walgreen Co. on 734 Grand 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 Camel 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, 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 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 \$200.00 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 **Monday, January 24, 2011**. A self-addressed envelope is enclosed for your convenience. All information should be directed to the attention of Christine Rozek. Payment of the \$200.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.

Walgreen Co.
January 12, 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 **Monday, January 24, 2011**. 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.
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 **Monday, January 24, 2011**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by Monday, January 24, 2011, I will assume that you do not contest 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,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
George Evans, 9916-74th Street West, Eden Prairie, MN 55344
Jeff Roy, Exec. Director, Summit Hill Association, 860 St. Clair Avenue, St. Paul, MN 55105-3210

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

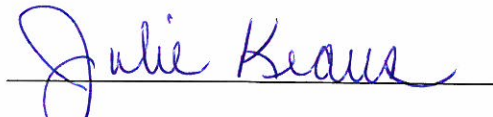
Julie Kraus, being first duly sworn, deposes and says that on the 12th day of January, she served the attached **NOTICE OF VIOLATION** placing a true and correct copy thereof in an envelope addressed as follows:

George Evans
Walgreen Co.
734 Grand Avenue
St. Paul, MN 55105

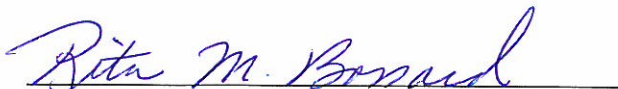
George Evans
9916-74th Street West
Eden Prairie, MN 55344

Jeff Roy, Exec. Director
Summit Hill Association
860 St. Clair Avenue
St. Paul, MN 55105-3210

(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 12th day of January 2011


Notary Public

