



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 18, 2017

### NOTICE OF VIOLATION

Jay Johnson, General Manager  
The Liffey  
175 – 7<sup>th</sup> Street West  
St. Paul, MN 55102-2520

RE: Cigarette/Tobacco license held by The Liffey, LLC d/b/a The Liffey for the premises located at 175-7<sup>th</sup> Street West in Saint Paul  
License ID #20030000566

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by The Liffey, LLC d/b/a The Liffey for the premises located at 175-7<sup>th</sup> Street West in Saint Paul. The basis for the recommendation is as follows:

**On June 30, 2017, a tobacco compliance check was conducted at The Liffey located at 175 – 7<sup>th</sup> Street West. A sixteen year-old female entered your establishment and asked to buy tobacco products. She was asked to show her identification, and did so. It correctly stated her date of birth, which indicated she was underage. Nevertheless, an employee sold her 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) and (d).**

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 **Friday, July 28, 2017**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the next available 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 **Friday, July 28, 2017**. 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 contest the \$200.00 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, July 28, 2017**. The matter will then be scheduled before the City Council 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 **Friday, July 28, 2017**. 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 by Friday, July 28, 2017, 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 next available City Council Consent Agenda for approval of the recommended penalty.**

Please be advised the clerk who made the sale on this date, is 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,



Therese Skarda  
Assistant City Attorney

Cc: Jay Johnson, 888 Orange Avenue East, St. Paul, MN 55106  
Betty Moran, Community Organizer, West Seventh/Fort Road Federation, 974 West Seventh Street  
St. Paul, MN 55102-3520  
Barry Brown, DSI Inspector

STATE OF MINNESOTA)  
 ) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY )

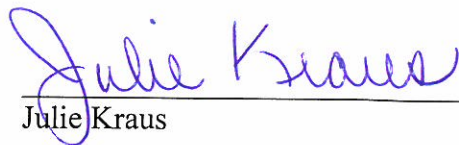
Julie Kraus, being first duly sworn, deposes and says that on the 18<sup>th</sup> day of July she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Jay Johnson, General Manager  
The Liffey  
175 – 7<sup>th</sup> Street West  
St. Paul, MN 55102-2520

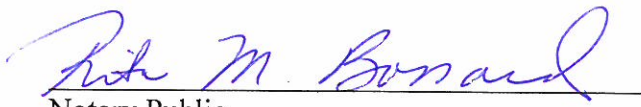
Jay Johnson  
888 Orange Avenue East  
St. Paul, MN 55106

Betty Moran, Community Organizer  
West Seventh/Fort Road Federation  
974 West Seventh Street  
St. Paul, MN 55102-3520

(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 18<sup>th</sup> day of July, 2017

  
\_\_\_\_\_  
Notary Public

