



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 20, 2013

### NOTICE OF VIOLATION

Hesen A. Shire  
Dollar & Grocery  
786 - 7<sup>th</sup> Street East  
Saint Paul, MN 55106-5027

RE: Cigarette/Tobacco license held by Hesen A. Shire d/b/a Dollar & Grocery for the premises located at 786 - 7<sup>th</sup> Street East in Saint Paul  
License ID #20120005146

Dear Hesen A. Shire:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Hesen A. Shire d/b/a Dollar & Grocery for the premises located at 786 - 7<sup>th</sup> Street East in Saint Paul. The basis for the recommendation is as follows:

**On March 14, 2013, a tobacco compliance check was conducted at Dollar & Grocery located at 786 - 7<sup>th</sup> Street East. A fifteen year old male entered your establishment 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 Marlboro 100's 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 three options on how to proceed:

1. You can pay the recommended \$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, April 1, 2013**. 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.

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 **Monday, April 1, 2013**. 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). You will need to send me a letter disputing the facts and requesting an administrative hearing by **Monday, April 1, 2013**. 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 Monday, April 1, 2013, 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,



Daphne Lundstrom  
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI  
Hesen A. Shire, 413 Cedar Street South, Minneapolis, MN 55454  
Karin DuPaul, Community Organizer, Dayton's Bluff District 4 Community Council  
798 East Seventh Street, Saint Paul, MN 55106-6625

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 20<sup>th</sup> day of March she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Hesen A. Shire  
Dollar & Grocery  
786 - 7<sup>th</sup> Street East  
Saint Paul, MN 55106-5027

Hesen A. Shire  
413 Cedar Street South  
Minneapolis, MN 55454

Karin DuPaul, Community Organizer  
Dayton's Bluff District 4 Community Council  
798 East Seventh Street  
Saint Paul, MN 55106-6625

(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 20<sup>th</sup> day of March, 2013

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

