



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

OFFICE OF THE CITY ATTORNEY

Sara Grewing, City Attorney

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

July 21, 2014

NOTICE OF VIOLATION

Zulfiquar Punjani, President
Super Day
2525 – 7th Street West
Saint Paul, MN 55116-2837

RE: Cigarette/Tobacco license held by Pakken Investments, Inc. d/b/a Super Day for the premises located at
2525-7th Street West in Saint Paul
License ID #20120002244

Dear Zulfiquar Punjani:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Pakken Investments, Inc. d/b/a Super Day for the premises located at 2525 – 7th Street West in Saint Paul. The basis for the recommendation is as follows:

On July 8, 2014, a tobacco compliance check was conducted at Super Day located at 2525-7th Street West. A sixteen year old female entered your establishment and asked to buy tobacco products. She was not asked to show her identification, which would have indicated she was underage. Nevertheless, the clerk sold her a Swisher Sweet cigar. 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 (1st) 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 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 **Thursday, July 31, 2014**. 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 **Thursday, July 31, 2014**. 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.

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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 **Thursday, July 31, 2014**. 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 Thursday, July 31, 2014, 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 identified as having made the sale on this date will be charged an additional \$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, DSI Deputy Director
Zulfiquar Punjani, 11227 Nassan Circle NE, Blaine, MN 55449
Patty Partridge, Community Organizer, Highland District Council, 1978 Ford Parkway
St. Paul, MN 55116-1922

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 21st day of July she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Zulfiquar Punjani, President
Super Day
2525 – 7th Street West
Saint Paul, MN 55116-2837

Zulfiquar Punjani
11277 Nassan Circle NE
Blaine, MN 55449

Patty Partridge, Community Organizer
Highland District Council
1978 Ford Parkway
Saint Paul, MN 55116-1922

(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 21st day of July, 2014

Rita M. Bossard
Notary Public

