



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

November 1, 2016

NOTICE OF VIOLATION

Anton Maarouf, Owner
Tony's Amoco, Inc.
374 Lexington Parkway North
St. Paul, MN 55104

RE: Cigarette/Tobacco license held by Tony's Amoco, Inc. d/b/a Tony's Amoco, Inc. for the premises located at 374 Lexington Parkway North in Saint Paul
License ID #20010001039

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Tony's Amoco, Inc. d/b/a Tony's Amoco, Inc. for the premises located at 374 Lexington Parkway North in Saint Paul. The basis for the recommendation is as follows:

On October 20, 2016, a tobacco compliance check was conducted at Tony's Amoco, Inc., located at 374 Lexington Parkway North. A fifteen 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, the clerk sold her a package of Camel 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 third (3rd) violation for the sale of cigarettes to an underage person within the past twenty-four (24) months; therefore, per Saint Paul Legislative Code §324.11 (b) (1) the licensing office will recommend an \$800.00 matrix penalty and a seven (7) day suspension of your Cigarette/Tobacco license.

At this time you have three (3) 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 **Monday, November 14, 2016**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
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, November 14, 2016**. The matter will then be scheduled before the City Council to determine whether to impose the \$800.00 matrix penalty and seven (7) day suspension of your Cigarette/Tobacco license. 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 **Monday, November 14, 2016**. 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, November 14, 2016, I will assume that you are not contesting the imposition of the \$800.00 matrix penalty and seven (7) day suspension of your Cigarette/Tobacco license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised the clerk who made the sale on this date will be 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: Anton Maarouf, 2198 Marilyn Avenue, Eagan, MN 55122
Jens Werner, Executive Director, Summit-University Planning Council, 627A Selby Avenue, St. Paul, MN 55104

STATE OF MINNESOTA)
) ss.

COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

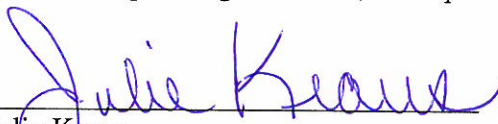
Julie Kraus, being first duly sworn, deposes and says that on the 1ST day of November she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Anton Maarouf, Owner
Tony’s Amoco, Inc.
374 Lexington Parkway North
St. Paul, MN 55104

Anton Maarouf
2198 Marilyn Avenue
Eagan, MN 55122

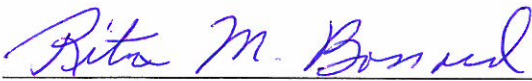
Jens Werner, Executive Director
Summit-University Planning Council
627A Selby Avenue
St. Paul, MN 55104

(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 1ST day of November, 2016



Notary Public

