



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

June 29, 2018

NOTICE OF VIOLATION

Nicole Radford – License Coordinator
Family Dollar Store
500 Volvo Parkway
Chesapeake, VA 23320

RE: Cigarette/Tobacco license held by Family Dollar, Inc. d/b/a Family Dollar Store for the premises located at 1536 University Avenue West in Saint Paul
License ID #: 20030004635

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Family Dollar, Inc. d/b/a Family Dollar Store for the premises located at 1536 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On February 23, 2016 and again on December 20, 2016, all Cigarette/Tobacco license holders were sent a letter regarding annual inspections/compliance checks on all establishments that sell tobacco products. These letters also reminded every license holder of the regulations concerning Cigar Pricing & Flavored Tobacco.

On April 27, 2018, a menthol education and a compliance inspection was conducted by DSI Inspector Barry Brown at Family Dollar Store located at 1536 University Avenue West. During the compliance inspection, Inspector Brown observed cigar 2-packs priced at \$0.99 and \$1.49. This is a violation of Saint Paul Legislative Code §324.07(e).

Saint Paul Legislative Code § 324.07 (e) states: “No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package.”

This is a first violation and the licensing office is recommending a \$500.00 matrix penalty.

You have four (4) options:

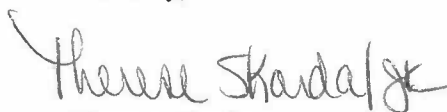
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, July 9, 2018**, I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the **July 25, 2018** City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, July 9, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. 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 no later than **Monday, July 9, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 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 no later than **Monday, July 9, 2018**. 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, July 9, 2018, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the July 25, 2018 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Julie Kraus, my Legal Assistant at (651) 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney
License No. 024989

cc: Colleen Schuster, Manager, Family Dollar Store, 1536 University Avenue West, St. Paul, MN 55130
Julie Reiter, Executive Director, District Council 13, Inc., 1821 University Avenue West, Ste. 308
St. Paul, MN 55104-2876
RK Midway Shopping Center, LLC, 810 7th Avenue, 10th Floor, New York, NY 10019-58761

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 29th day of June she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Nicole Radford, License Coordinator
Family Dollar Store
500 Volvo Parkway
Chesapeake, VA 23320

Colleen Schuster, Manager
Family Dollar Store
1536 University Avenue West
St. Paul, MN 55130


Julie Reiter, Executive Director
District Council 13, Inc.
1821 University Avenue West, Ste. 308
St. Paul, MN 55104-2876

RK Midway Shopping Center, LLC
810 7th Avenue, 10th Floor
New York, NY 10019-5876l

(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 29th day of June, 2018


Notary Public

