



## Legislation Text

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**File #:** RES 24-310, **Version:** 1

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Approving adverse action against the Tobacco Shop license held by 1NE Stop Food Market INC d/b/a 1NE Stop Food Market INC (License ID #20220001938) for the premises located at 604 Western Avenue North. WHEREAS, the Tobacco Shop license held by 1NE Stop Food Market INC d/b/a 1NE Stop Food Market INC (License ID #20220001938) for the premises located at 604 western Avenue North in Saint Paul was the subject of a Notice of Violation and Request for Imposition of \$500 Matrix Penalty (Notice") dated February 6, 2024; and

WHEREAS, the Notice stated that on January 16, 2024, the Department of Safety and Inspections (DSI) received a Seized Cigarette/Tobacco Product letter from the Minnesota Department of Revenue/Tobacco Licensing Division; and

WHEREAS, attached to the January 16, 2024, letter was a Notice of Seized Contraband report from an inspection conducted on October 9, 2023, at the Licensed Premises listing the items seized as contraband which were not listed on an invoice and therefore illegally obtained in violation of Minnesota Statute § 297F.21, subd. 1 (g) (i) and (j); and

WHEREAS, Saint Paul Legislative Code §310.06(b)(6) allows for adverse action when a licensee has violated or performed any act which is a violation of any of the provisions of these chapters or of any statute, ordinance or regulation reasonable related to the licensed activity; and

WHEREAS, Saint Paul Legislative §310.03(m)(3) provides for a presumptive penalty of \$500.00 for a first-time violation of a provision of the legislative code related to the licensed activity; and

WHEREAS, the Department of Safety and Inspections recommended the imposition of a \$500.00 matrix penalty; and

WHEREAS, the licensee was given until February 16, 2024, to 1) pay the imposed \$500.00 matrix penalty; 2) request a Council Hearing or 3) request an Administrative Hearing; and

WHEREAS, the licensee failed to respond to the Notice to 1) pay the \$500.00 matrix penalty; 2) request a Council Hearing or 3) request an Administrative Hearing; and

WHEREAS, the Notice stated that if the licensee failed to respond to the Notice by February 16, 2024, that the matter would be placed on the City Council Consent Agenda to impose the recommended penalty; now, therefore, be it

RESOLVED, the Tobacco Shop license held by 1NE Stop Food Market INC d/b/a 1NE Stop Food Market INC (License ID #20220001938) for the premises located at 604 western Avenue North in Saint Paul is hereby ordered to pay a \$500.00 matrix penalty for contraband seized by the State of Minnesota during and inspection on October 9, 2023, which was not listed on any invoice and therefore illegally obtained in violation of Minnesota Statute §297F.21, subd. 1 (g) (i) and (j).

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

