Legislation Details (With Text)

File #:	RES PH 16-29 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	2/17/2016

Title: Approving adverse action against the Cigarette/Tobacco license held by Dahir Wako d/b/a 7th Grocery located at 43 - 7th Street West in Saint Paul.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. Notice of Council Hearing with Affidavit of Service Jan 22nd 2016.pdf, 2. Uncontested License Matter coversheet.pdf, 3. License Group Comments Text from ECLIPS system Jan 5th 2016.pdf, 4. Letter from MN Department of Revenue dated September 29th 2015.pdf, 5. Notice of Seizure of Contraband with inspection date of July 21st 2015.pdf, 6. Notice of Violation with Affidavit of Service dated October 9th 2015.pdf, 7. Email from DSI showing payment of $700 matrix penalty Oct 28th 2015.pdf, 8. Letter from MN Department of Revenue dated December 22nd 2015.pdf, 9. Notice of Seizure of Contraband with inspection of Oct 20th 2015.pdf, 10. Notice of Violation with Affidavit of Service dated January 8th 2016.pdf, 11. Letter from licensee requesting public hearing dated jan 14th 2016.pdf, 12. Minnesota Statute Section 297F.21 - Contraband.pdf, 13. SPLC Section 310.05.pdf

Date	Ver.	Action By	Action	Result
2/23/2016	1	Mayor's Office	Signed	
2/17/2016	1	City Council	Adopted As Amended	Pass

Approving adverse action against the Cigarette/Tobacco license held by Dahir Wako d/b/a 7th Grocery located at 43 - 7th Street West in Saint Paul.

WHEREAS, the Cigarette/Tobacco license held by Dahir Wako d/b/a 7th Grocery (License ID #20140002629) for the premises located at 43 - 7th Street West in Saint Paul was the subject of a Notice of Violation dated January 8, 2016, stating that the Minnesota Department of Revenue seized contraband tobacco products during an inspection of the licensed premises on October 30, 2015 in violation of Minn. Stat. § 297F.21; and

WHEREAS, the Minnesota Department of Revenue also seized contraband tobacco products from the license premises during an inspection on July 21, 2015 in violation of Minn. Stat. § 297F.21; and

WHEREAS, the licensee was sent a Notice of Violation on October 9, 2015 regarding the July 21, 2015 inspection and the licensee paid the $700.00 matrix penalty; and

WHEREAS, this was the second violation for the same offense in the past three (3) months, and due to the severity of the repeated violations, the licensing office recommended an upward departure to a five (5) day suspension of the Cigarette/Tobacco license; and

WHEREAS, the licensee responded to the Notice of Violation to request a public hearing which was scheduled on February 17, 2016; now therefore be it

~~RESOLVED, the Cigarette/Tobacco license held by Dahir Wako d/b/a 7th Grocery is hereby suspended for (five) 5 days for the possession and sale of contraband tobacco products within the licensed premises and be~~

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~~it,~~

~~FURTHER RESOLVED, said suspension will begin at 12:00 midnight on Wednesday, March 9, 2016 and run through 11:59 p.m. on Sunday, March 13, 2016.~~

RESOLVED, Dahir Wako d/b/a 7th Grocery is hereby ordered to pay a matrix penalty of $1,500.00 for the second violation within the past twelve (12) months of contraband tobacco items seized by the Minnesota Department of Revenue during an inspection on December 29, 2015.

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

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