



Legislation Details (With Text)

File #: RES PH 16- 424 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 12/14/2016

Title: Approving adverse action against all licenses held by Berhan, Inc., d/b/a Berhan Tobacco & Grocery at 492 Asbury Street.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments: 1. Notice of Council Hearing with Affidavit of Service.pdf, 2. Uncontested License Matter form.pdf, 3. License Group Comments and ECLIPS Screens.pdf, 4. Original Offense Incident Report CN #16-204-892 dated October 6th 2016.pdf, 5. Supplemental Offense Incident Report CN #16-204-892 dated October 6th 2016.pdf, 6. Supplemental Property Report - CN #16-204-892 dated October 6th 2016.pdf, 7. Notice of Violation with License Condition Affidavit and Affidavit of Service.pdf, 8. Letter from previous co-owner requesting a public hearing dated October 17th 2016.pdf, 9. Letter from previous co-owner relinquishing ownership dated October 19th 2016.pdf, 10. SPLC Section 310.05 (m).pdf, 11. SPLC 310.06.pdf, 12. Sec. 324.07 - Tobacco Sales prohibited.pdf

Date	Ver.	Action By	Action	Result
12/19/2016	1	Mayor's Office	Signed	
12/14/2016	1	City Council	Adopted	Pass
12/7/2016	1	City Council	Continue Public Hearing	Pass

Approving adverse action against all licenses held by Berhan, Inc., d/b/a Berhan Tobacco & Grocery at 492 Asbury Street.

WHEREAS, all licenses held by Berhan, Inc. d/b/a Berhan Tobacco & Grocery (License ID# 20150002430) for the premises located at 492 Asbury Street in Saint Paul were the subject of a Notice of Violation dated October 14, 2016; and

WHEREAS, the Notice stated that a Confidential Reliable Informant (CRI) was able to purchase two (2) single Newport cigarettes, a drug pipe and a chore-boy smoking pad during a controlled buy conducted by Saint Paul Police on October 6, 2016 (CN #16-204-892) in violation of Saint Paul Legislative Code § 324.07(a); and

WHEREAS, per Saint Paul Legislative Codes § 310.05 (m) (2), the licensing office recommended a \$500.00 matrix penalty and, in addition, imposition of five (5) new license conditions; and

WHEREAS, the licensee responded to the Notice of Violation to request a public hearing which was scheduled for December 7, 2016; now therefore, be it

RESOLVED, Berhan, Inc. d/b/a Berhan Tobacco & Grocery is hereby ordered to pay a \$500.00 matrix penalty for the sale of two (2) single Newport cigarettes to a CRI during a controlled buy conducted by Saint Paul Police on October 6, 2016.

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

of this resolution.

FURTHER RESOLVED, the following recommended license conditions will be placed on the license:

2. The sale of tobacco products at this store shall comply with Chapter 324 of the City of Saint Paul Legislative Code and shall be limited to packaged cigarettes, cigars, smokeless tobacco, lighters, and cigarette paper intended for use as a wrapper cover for tobacco products.
3. None of the following items shall be sold at the store: Diluents and adulterants; separation gins and sifters; hypodermic syringes or needles; metal, wooden, acrylic, glass, stone, plastic or ceramic pipes; permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips; miniature cocaine spoon and cocaine vials; chamber pipes; carburetor pipes, electric pipes; air-driven pipes, chilliums; bongs and ice pipes or chillers.
4. No drug paraphernalia shall be sold.
5. No individual razor blades or portions of opened packages of razor blades shall be sold.
6. The sale of blunts and single cigarettes is prohibited at this store, and tobacco products must be sold in the original packaging as per Section 324.07 of the Saint Paul Legislative Code.