



Legislation Details (With Text)

File #: RES PH 18- 284 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 9/26/2018

Title: Approving adverse action against the Cigarette/Tobacco and Malt Off Sale licenses held by Asian Market, Inc., d/b/a Asian Market at 1423 Rice Street.

Sponsors: Amy Brendmoen

Indexes:

Code sections:

Attachments: 1. Notice of Council Hearing with Affidavit of Service.pdf, 2. Uncontested License Matter Coversheet.pdf, 3. Seized Cigarette-Tobacco Product letter from MN Department of Revenue dated July 23rd 2018.pdf, 4. Notice of Seized Contraband letter from MN Department of Revenue dated May 25th 2018.pdf, 5. Notice of Violation - Notice of Intent to Suspend Licenses with Affidavit of Service dated August 16th 2018.pdf, 6. Email from licensee requesting a public hearing dated August 27th 2018.pdf, 7. License Group Comments Text and licensee information from ECLIPS System dated August 15th 2018.pdf, 8. Notice of Violation Violation with Affidavit of Service dated June 27th 2017.pdf, 9. Email indicating \$500 matrix penalty payment dated July 11th 2017.pdf, 10. Notice of Violation with Affidavit of Service dated July 6th 2018.pdf, 11. Email indicating \$1000 matrix penalty payment dated July 19th 2018.pdf, 12. Minn.Stat. Section 297F.21 (2017).pdf, 13. SPLC Section 310.05(m).pdf, 14. SPLC Section 310.06.pdf

Date	Ver.	Action By	Action	Result
9/28/2018	1	Mayor's Office	Signed	
9/26/2018	1	City Council	Adopted As Amended	Pass
9/19/2018	1	City Council	Laid Over	Pass

Approving adverse action against the Cigarette/Tobacco and Malt Off Sale licenses held by Asian Market, Inc., d/b/a Asian Market at 1423 Rice Street.

WHEREAS, the Cigarette/Tobacco and Malt Off Sale licenses held by Asian Market, Inc. d/b/a Asian Market (License ID #20160002560) for the premises located at 1423 Rice Street in Saint Paul were the subject of a Notice of Violation and Notice of Intent to Suspend Licenses sent August 16, 2018; and

WHEREAS, the Notice stated that during an inspection of the licensed premises by the Minnesota Department of Revenue on May 22, 2018, tobacco products were seized as contraband in violation of Minn. Stat. § 297F.21; and

WHEREAS, this was the third (3rd) violation within the past eighteen (18) months; therefore, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office recommended a \$2,000 matrix penalty and a ten (10) day suspension of his licenses; and

WHEREAS, the licensee responded to the Notice of Violation and Notice of Intent to Suspend Licenses with a request for a public hearing which was scheduled on September 19, 2018; so therefore, be it

RESOLVED, Asian Market, Inc. d/b/a Asian Market (License ID #20160002560) for the premises located at 1423 Rice Street in Saint Paul is hereby ordered to pay a \$2,000.00 \$500.00 matrix penalty for contraband

tobacco products seized by the Minnesota Department of Revenue during an inspection on July 23, 2018. Said matrix penalty will be stayed for a period of one (1) year pending no same or similar offenses.

~~FURTHER RESOLVED, payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.~~

FINALLY RESOLVED, Cigarette/Tobacco and Malt Off Sale licenses held by Asian Market, Inc. d/b/a Asian Market are hereby suspended for a period of five (5) days. Said suspension will be stayed for a period of one (1) year pending no same or similar offenses. ~~ten (10) days. Said suspension will begin at 12:00 a.m. (midnight) on Wednesday, October 10, 2018 and end at 11:59 p.m. on Friday, October 19, 2018.~~