



Legislation Details (With Text)

File #: RES PH 11- 989 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 7/20/2011

Title: Approving adverse action taken against the Cigarette/Tobacco license held by M Z R Family, LLC, d/b/a Payne Ave's Shop-N-Go, 1050 Payne Avenue.

Sponsors: Dan Bostrom

Indexes:

Code sections:

Attachments: 1. Notice of Council Hearing.pdf, 2. Uncontested License Matter.pdf, 3. License Group Comments Text.pdf, 4. Tobacco Compliance Check Purchase Form.pdf, 5. Notice of Violation.pdf, 6. Email from manager dated June 26th 2011.pdf, 7. Email response dated June 27th 2011.pdf, 8. Email request for Public Hearing dated July 6th 2011.pdf, 9. Minn.Stat.Section 609.685.pdf, 10. SPLC Section 324.07.pdf, 11. SPLC Section 324.11.pdf

Date	Ver.	Action By	Action	Result
7/22/2011	1	Mayor's Office	Signed	
7/20/2011	1	City Council	Adopted	Pass

Approving adverse action taken against the Cigarette/Tobacco license held by M Z R Family, LLC, d/b/a Payne Ave's Shop-N-Go, 1050 Payne Avenue.

WHEREAS, adverse action was taken against the Cigarette/Tobacco license held by M Z R Family, LLC d/b/a Payne Ave's Shop-N-Go (License ID #20100001380) for the premises located at 1050 Payne Avenue in Saint Paul by Notice of Violation dated April 6, 2011, alleging that on March 25, 2011, a clerk from the licensed establishment sold tobacco products to an underage person in violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07 (c); and

WHEREAS, this is the first violation regarding the sale of cigarettes to an underage person, so the licensing office recommended a \$200.00 matrix penalty pursuant to Saint Paul Legislative Code § 324.11 (b) (1), ; and

WHEREAS, on April 13, 2011, the manager of the licensed premises responded to the Notice of Violation by calling the City Attorneys Office to state that the licensee admits to the violation but is contesting the \$200.00 matrix penalty; and

WHEREAS, the manager also stated that the licensee had designated him to appear at the hearing because the licensee was out of the country and he would be sending a letter to the City Attorneys Office requesting a public hearing; and

WHEREAS, on June 26, 2011, the City Attorney's Office received an email from the representative of the licensee stating that the licensee now contested the violation and \$200.00 matrix penalty and requested an administrative hearing; and

WHEREAS, on June 27, 2011, the Legal Assistant for the City Attorneys Office responded to the email requesting a clarification of which type of hearing the licensee wanted due to the fact that both were

requested; and

WHEREAS, on July 6, 2011, the representative of the licensee called the Legal Assistant regarding the hearing and after an explanation of both hearing options decided to request a public hearing which was held on July 20, 2011; now, therefore, be it

RESOLVED, that M Z R Family, LLC d/b/a Payne Ave's Shop-N-Go is hereby ordered to pay a \$200.00 matrix penalty for the sale of tobacco products to a minor on March 25, 2011. Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.