



Legislation Text

File #: RES 15-1887, **Version:** 1

Sustaining adverse licensing action against all licenses held by Payne EZ Market, Inc. d/b/a Payne EZ Market for the premises located at 1132 Payne Avenue.

WHEREAS, Payne EZ Market, Inc., d/b/a Payne EZ Market (License ID #20150000195) (hereinafter "licensee"), received a Notice of Violation dated June 12, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged on May 28, 2015, the licensee sold single Camel cigarettes to a Confidential Reliable Informant (CRI) sent into the license premises by the Saint Paul Police Department; and

WHEREAS, the Notice stated that the licensing office recommended a \$500.00 matrix penalty; and

WHEREAS, licensee denied the allegations and requested a hearing before an Administrative Law Judge; and

WHEREAS, a Notice of Administrative Hearing was sent to all parties on July 20, 2015, scheduling the hearing before an Administrative Law Judge on August 13, 2015; and

WHEREAS, the Administrative Law Judge issued his Findings of Fact, Conclusions of Law and Recommendation on September 1, 2015, stating that the City demonstrated by a preponderance of the evidence that the licensee violated the requirements of Saint Paul Legislative Code § 324.07 (a) by selling two cigarettes outside of their original packaging; and

WHEREAS, the Administrative Law Judge also found the City had shown a sufficient basis to impose a presumptive penalty of \$500.00 against the licensee; and

WHEREAS, the Administrative Law Judge then recommended the City of Saint Paul impose a \$500.00 matrix penalty; and

WHEREAS, the Department of Safety and Inspections agrees with the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Judge and the imposition of a \$500.00 matrix penalty; and

WHEREAS, the licensee was sent a Notice of Council Hearing on September 3, 2015; stating a public hearing would be held before the City Council on October 21, 2015, at which time licensee would have an opportunity to present oral or written arguments to the Council; and

WHEREAS, City Council reviewed the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommendation and found the report to be without error and the penalty appropriate, now therefore be it

RESOLVED, the Findings of Fact issued by the Administrative Law Judge on September 1, 2015, are hereby adopted as the Findings of Fact of the City Council in this matter and be incorporated herein by reference.

FURTHER RESOLVED, the Conclusions of Law issued by the Administrative Law Judge on September 1, 2015, are hereby adopted as the Conclusions of Law of the City Council in this matter and be incorporated herein by reference.

FURTHER RESOLVED, the Recommendation issued by the Administrative Law Judge on September 1, 2015,

is hereby adopted as the Recommendation of the City Council in this matter and be incorporated herein by reference.

FINALLY RESOLVED, Payne EZ Market, Inc. d/b/a Payne EZ Market is hereby ordered to pay a matrix penalty of \$500.00 for the sale of single cigarettes to a Confidential Reliable Informant (CRI) on May 28, 2015.

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

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the license holder.