



## Legislation Text

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**File #:** RES PH 19-106, **Version:** 1

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Approving adverse action against the Cigarette/Tobacco-Product Shop license held by McKnight Tobacco-N-Wireless, d/b/a McKnight Tobacco (License ID# 20140002749) at 279 McKnight Road South.

WHEREAS, the Cigarette/Tobacco-Product Shop license held by McKnight Tobacco-N-Wireless d/b/a McKnight Tobacco (License ID# 20140002749) for the premises located at 279 McKnight Road South in Saint Paul was the subject of a Notice of Violation ("Notice") dated March 12, 2019; and

WHEREAS, the Notice stated on March 5, 2019 the Department of Safety and Inspections received a Notice of Seized Contraband from the Minnesota Department of Revenue concerning an inspection of the licensed premises on December 31, 2018; and

WHEREAS, the Notice of Seized Contraband stated that two (2) packages of Mirage Blue Tobacco were found to be offered for sale or held as inventory without an invoice from a licensed seller and seized as contraband under the authority granted in Minn. Stat. §§ 297F.21 (i) and (j); and

WHEREAS, Saint Paul Legislative Code § 310.0 (b)(6)(a) provides that adverse action may be taken against the licenses; and

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

WHEREAS, the licensee responded to the Notice of Violation on March 18, 2019 to request a public hearing which is was scheduled on April 17, 2019; and

WHEREAS; the licensee appeared before Council on April 17, 2019; and

WHEREAS; Council determined that the minimal amount of contraband offered for sale, the lack of license violations for that location for the previous five years, and the admission of the licensee provided substantial and compelling reasons to deviate from the presumed matrix penalty; and

WHEREAS, Council found that the licensee committed a first time matrix penalty violation, but stayed the requirement of the licensee to pay the \$500 portion of the penalty for twelve (12) months; now therefore be it

RESOLVED, the \$500 portion of the first time matrix penalty will be stayed for a period twelve (12) months pending no same or similar violations by McKnight Tobacco-N-Wireless d/b/a McKnight Tobacco (License ID# 20140002749) for the premises located at 279 McKnight Road South in Saint Paul. is hereby ordered to pay a \$500.00 matrix penalty for contraband tobacco products seized by the Minnesota Department of Revenue during an inspection on December 31, 2018.

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