



Legislation Text

File #: RES PH 22-70, **Version:** 1

Considering and adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge, and request of the Department of Safety and Inspections for imposition of \$500 matrix penalty against the Cigarette/Tobacco - Product Shop license held by Reemo Corp., d/b/a Rice Street Tobacco, at 1196 Rice Street.

WHEREAS, the Cigarette/Tobacco - Product Shop license ("License") held by Reemo Corp., d/b/a Rice Street Tobacco ("Licensee"), for the premises located at 1196 Rice Street in Saint Paul ("Licensed Premises") was the subject of a Notice of Violation ("Notice") dated December 3, 2021; and

WHEREAS, the Notice alleged that, on November 8, 2021, the Department of Safety and Inspections ("DSI") received a Notice of Seized Contraband from the Minnesota Department of Revenue ("MDR") concerning an inspection of the Licensed Premises on August 11, 2021; and

WHEREAS, the Notice of Seized Contraband stated that five (5) unstamped packages of Djarum Black filtered little cigars were found to be offered for sale and were seized as contraband under the authority granted in Minnesota Statutes section 297F.21(a); and

WHEREAS, Saint Paul Legislative Code section 310.06(b)(6)(a) provides that the City may take adverse action against a license where the licensee "has violated . . . any of the provisions of . . . any statute . . . reasonably related to the licensed activity"; and

WHEREAS, on the basis of the allegation contained in the Notice, the Department recommended that a \$500.00 matrix penalty be imposed against the License; and

WHEREAS, the Licensee responded to the Notice via e-mail to request an evidentiary hearing before an administrative law judge; and

WHEREAS, on February 16, 2022, a hearing was held before Administrative Law Judge Barbara Case ("ALJ"); and

WHEREAS, in support of the allegations contained in the Notice, the City filed exhibits with the Office of Administrative Hearings, herein incorporated as Exhibits 1-1 through 13-4; and

WHEREAS, the Licensee also presented an exhibit and testimony for the consideration of the ALJ; and

WHEREAS, on February 28, 2022, the ALJ issued her Findings of Fact, Conclusions of Law, and

Recommendation ("ALJ's Report"), in which she found that the Licensee violated Minnesota Statutes section 297F.21(a) for having five (5) unstamped packages of filtered little cigars for sale; and

WHEREAS, the ALJ's Report found no reason to deviate from the presumptive penalty of \$500.00; and

WHEREAS, at a public hearing on April 13, 2022, the City Council considered all the evidence contained in the record, including the ALJ's Report and exhibits; now therefore be it

RESOLVED, that the Council has considered the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge and hereby adopts it as the Memorandum and Conclusions of the City Council in this matter; and be it

FINALLY RESOLVED, that the Cigarette/Tobacco - Product Shop license held by Reemo Corp., d/b/a Rice Street Tobacco, for the premises located at 1196 Rice Street in Saint Paul is hereby ordered to pay the \$500.00 matrix penalty.

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