



Legislation Text

File #: RES PH 22-114, **Version:** 1

Approving adverse action against the Cigarette/Tobacco license held by New Hope Grocery LLC, d/b/a New Hope Grocery, for the premises located at 1132 Payne Avenue.

WHEREAS, New Hope Grocery LLC, d/b/a New Hope Grocery (the "Licensee"), holds a Cigarette/Tobacco license under License ID #20190003616 for the premises located at 1132 Payne Avenue in Saint Paul (the "Licensed Premises"); and

WHEREAS, on March 22, 2022, the City, by and through its Department of Safety and Inspections (the "Department"), sent a Notice of Violation (the "Notice") to the Licensee; and

WHEREAS, the Notice alleged that, during a complaint-based inspection on January 5, 2022, a DSI inspector observed and documented with photographs a large volume of flavored tobacco products located in various places throughout the Licensed Premises, including hidden in a compartment in the floor and hidden behind the service counter underneath the product display, in violation of section 324.07(f) of the Saint Paul Legislative Code (the "Code"); and

WHEREAS, due to the large number of flavored tobacco products found on the Licensed Premises, the blatant and intentional nature of the violations, and the total disregard for city ordinances exhibited by the Licensee, the Department found that substantial and compelling reasons existed to upwardly depart from the presumptive penalty of a 10-day suspension and recommended revocation of the Licensee's Cigarette/Tobacco license; and

WHEREAS, on April 21, 2022, the Licensee's attorney responded to the notice via letter and requested a public hearing, which was held on May 4, 2022; now, therefore, be it

RESOLVED, that the City Council issues this decision based upon consideration of the record of the entire proceedings herein, including the oral argument from the Licensee and his attorney from the May 4, 2022, public hearing; and be it

RESOLVED, that the City Council agrees that the large number of flavored tobacco products found on the Licensed Premises, the blatant and intentional nature of the violations, and the total disregard for city ordinances exhibited by the Licensee are substantial and compelling reasons to depart upward from presumptive penalty of a 10-day suspension and to revoke the Cigarette/Tobacco License; and

FURTHER RESOLVED, that the Cigarette/Tobacco license held by New Hope Grocery LLC, d/b/a New Hope Grocery, for the premises located at 1132 Payne Avenue is hereby revoked for having a large volume of flavored tobacco products on the Licensed Premises.

