

MINNESOTA STATUTES 1975 SUPPLEMENT

32A.09 DAIRY INDUSTRY UNFAIR TRADE PRACTICES

Whenever the commissioner has reason to believe that the person has violated the act and it appears that a proceeding should be held to determine whether a penalty should be imposed the commissioner shall serve notice on such person in writing by certified mail of the charges and grounds on which a penalty is sought to be imposed and of the time and place, not less than ten days after the mailing of a notice, at which a hearing shall be held to determine whether to impose a penalty. Any person upon whom a penalty is sought to be imposed shall have full right to counsel and to produce witnesses in his behalf at the hearing. After full investigation and hearing the commissioner may upon proof of a first violation impose a penalty of not less than \$50 nor more than \$100 for each act in violation. However, in no event shall the penalty exceed \$1,000. Upon proof of a second violation the commissioner may impose a penalty of not less than \$100 or more than \$500 for each act in violation. However, the maximum penalty imposed shall not exceed \$5,000. Upon proof of a third violation the penalty provisions applicable upon proof of a second violation shall apply.

The commissioner shall by certified mail or by personal service notify the person upon whom a penalty has been imposed, setting forth the reasons for the decision. The imposition of penalty shall become effective 30 days after the mailing or service in person of the notification unless that person complies with the provisions of section 15.0424, providing for a procedure for judicial review of the determination in the district court. In addition to the provisions contained therein, the person may petition to the district court that the review procedure shall be by trial de novo.

Imposition of any penalties under this section shall be construed as civil and not criminal in nature.

Any amounts received by the commissioner as a result of the imposition of penalties under this provision shall be deposited with the state treasurer and shall be placed in the "dairy industry unfair trade practices account."

[1975 c 220 s 4]

CHAPTER 33. BUTTER SUBSTITUTES

Sec.
33.095 Repealed.
33.096 Repealed.

Sec.
33.111 Identification of oleomargarine served in
public places.
33.17 Repealed.

33.095 [Repealed, 1975 c 222 s 2]

33.096 [Repealed, 1975 c 222 s 2]

33.111 Identification of oleomargarine served in public places.

No person shall serve oleomargarine at a public eating place, whether or not any charge is made therefor, unless each separate serving is covered by a sanitary paper or parchment covering or patty divider upon which is printed, in ten point bold-face capital, plain Gothic letters, the word "margarine".

[1975 c 222 s 1]

33.17 [Repealed, 1975 c 204 s 106]

CHAPTER 34. NON-ALCOHOLIC BEVERAGES

Sec.
34.05 Registration by nonresident manufacturers
and distributors; exception.

34.05 Registration by nonresident manufacturers and distributors; exception.

Subdivision 1. Except as provided in subdivision 2, any person who dis-