

NOTICE OF DAMAGE

**PURSUANT TO MINNESOTA STATUTE §327.742, SUBDIVISION 4
SMOKING IN DESIGNATED NONSMOKING ROOMS**

To violating party: _____ Date: _____, 20__

Address: _____

Pursuant to the above Minnesota Statute, this Notice of Damage is hereby provided relative to your recent wrongful smoking conducted in a designated nonsmoking room at the _____ Hotel, Room No. _____. A sign was posted conspicuously in your nonsmoking room, pursuant to Subdivision 3 of the Statute. The Statute permits the Hotel to immediately impose a service charge in the sum of \$30.00, as well as the cost of restoring the damaged room to its pre-violation condition. You are permitted thirty (30) days, after the above date this Notice of Damage has been mailed to yourself, in which to remit the total sum indicated below to the Hotel, as follows:

- \$ 30.00 - Statutory Service Charge
- \$ _____ - Cost of restoring the damaged room to its pre-violation condition
- \$ _____ - **TOTAL SUM DUE TO HOTEL PURSUANT TO THIS NOTICE OF DAMAGE**

Your failure to reimburse the Hotel and to remit the **TOTAL SUM DUE** above will result in the Hotel seeking a judgment against yourself for the above cost of restoring the room to its pre-violation condition, the above service charge, **AND** additional civil penalties as follows, all as provided within the above Minnesota Statute:

- (1) A civil penalty not to exceed \$100.00;
- (2) Interest at the legal rate for judgments pursuant to Minnesota Statute §549.09 from the date of non-payment; and
- (3) The Hotel's reasonable attorney fees, not to exceed \$500.00.

If you dispute this violation you must send written notice to the Hotel's management within the aforesaid thirty (30) day period referenced above.

This Notice of Damage will be supported by a separate Affidavit of Service by Mailing to the above address provided by yourself to the Hotel.

You should be further advised that Subdivision 2 of the above Statute also renders you liable to possible criminal penalties.

