



May 17, 2021

**NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION
OF \$500 MATRIX PENALTY**

Narjis, LLC – Licensee
d/b/a East Side Grocery
1340 Payne Avenue, Unit B
Saint Paul, MN 55130
Attn: Jaber Albadry

RE: Cigarette/Tobacco license held by Narjis, LLC d/b/a East Side Grocery for the premises located at 1340 Payne Avenue in Saint Paul.
License ID #: 20190003644

Mr. Albadry:

The Department of Safety and Inspections (“Department”) will recommend adverse action against the Cigarette/Tobacco license held by Narjis, LLC (“Licensee”) for the premises known as East Side Grocery located at 1340 Payne Avenue, Unit B in Saint Paul. (“Licensed Premises”).

Saint Paul Legislative Code §310.06 (b) lays out the basis for adverse action. Subsection (6)(a) allows for adverse action when “The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith”.

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored products.

Minn. Stat. §297F.21, subdivision 1 allows the Minnesota Department of Revenue to seize cigarette and/or tobacco products as contraband stating “Any cigarette packages or tobacco products offered for sale or held as inventory for which there is not an invoice form a licensed seller as required under section 297F.13, subdivision 4.”



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The Department asserts the following facts along with attachments herein constitute proof of a violation of Minn. Stat. §297F and Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

Synopsis of alleged facts:

The Minnesota Department of Revenue conducted an inspection of the licensed premises on March 3, 2021 and found numerous regular and flavored cigarette/tobacco products without an invoice from a licensed seller as required by Minn. Stat. §297F.13, subdivision 4. A Notice of Seized Contraband was sent to the Department of Safety and Inspections on May 6, 2021 listing the products seized below:

38	Packs of Optimo Sweet Cigarillos 2 for \$.99 (2) count packs
54	Packs of Optimo Silver Cigarillos 2 for \$.99 (2) count packs
53	Packs of Dutch Master Dutch Silver Cigarillos 2 for \$.99 (2) count packs
60	Packs of Dutch Master Sweet Red Fusion Cigarillos 2 for \$.99 (2) count packs
1	Box of Swisher Sweet Cigarillos (20) foil wrapped 5 pack cigarillos per box
24	Packs of Al Capone Leaf Wrapped Rum Flavored Blunt Wrap (1) Wrap per pack
4	Packs of White Owl Black Sweets Cigarillos 2 for \$.99 (2) count packs
16	Packs of White Owl Platinum Un-Sweets Cigarillos 2 for \$.99 (2) counts pack
42	Packs of White Owl Sweet Cigarillos 2 for \$.99 (2) count packs
30	Packs of White Silver Cigarillos 2 for \$.99 (2) count packs
30	Packs of Swisher Sweets Classic Diamond Cigarillos 2 of \$.99 (20 count packs
45	Packs of Swisher Sweets Classic Cigarillos 2 for \$.99 (2) count packs
3	Boxes of Black & Mild Jazz Wood Tip Cigars (25) cigars per box
2	Boxes of Black & Mild Sweets Plastic Tip Cigars (25) cigars per box
3	Boxes of Black & Mild Sweets Wood Tip Cigars (25) cigars per box
2	Boxes of Black & Mild Jazz Plastic Tip Cigars (25) cigars per box
111	Cigars Black & Mild Casino Plastic Tip Cigars Individually wrapped cigars
118	Cigars Black & Mild Casino Wood Tip Cigars Individually wrapped cigars
1	Box of Swisher Sweet Original Cigarillos (20) foil wrapped 5 pack cigarillos
17	Packs of Dutch Master Berry Fusion Cigarillos 2 for \$.99 (2) count packs
19	Packs of Dutch Master Honey Fusion Cigarillos 2 for \$.99 (2) count packs
18	Packs of Dutch Master Irish Fusion Creamy Cigarillos 2 for \$.99 (2) count packs
16	Packs of Dutch Master Green Envy Cigarillos 2 for \$.99 (2) count packs
13	Packs of Dutch Master Blue Dream Fusion Cigarillos 2 for \$.99 (2) count packs
1	Pack of Dutch Master Java Fusion Cigarillos 2 for \$.99 (2) count packs



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4	Packs of Black Russian 5 pack Backwoods Limited Edition
5	Packs of Backwoods Black Russian 1 Cigar
5	Packs of Backwoods Dark Stout 5 Cigars
13	Packs of Backwoods Dark Stout 1 Cigar
6	Packs of Backwoods Honey 5 Pack Cigars
3	Packs of Backwoods Russian Cream 5 Pack Cigars
5	Packs of Backwoods Honey Bourbon 5 Pack Cigars
2	Packs of Swisher Sweet Honey Leaf 3 Cigars (3) for \$1.79
9	Packs of Backwoods Russian Cream 1 Cigar package
4	Packs of Optimo Cognac Cigarillos 2 for \$.99
6	Packs of Optimo Mango Cigarillos 2 for \$.99
4	Packs of White Owl White Russian Cigarillos 2 for \$.99
3	Packs of White Owl White Grape Cigarillos 2 for \$.99
4	Packs of White Owl Honey Cigarillos 2 for \$.99
7	Packs of Backwoods Honey Bourbon 1 Cigar

As the Licensee you have four (4) options:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **May 28, 2021**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **June 9, 2021** City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$500.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **May 28, 2021**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500.00 matrix penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **May 28, 2021**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.



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4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **May 28, 2021**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by May 28, 2021, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the June 9, 2021 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,

/s/

Therese Skarda
Assistant City Attorney
License No.: 0240989

cc: Jaber Albadry, 1972-127th Court NE, Blaine, MN 55449
Sadiq Alnabi, 1631 Camelot Lane NE, Fridley, MN 55432-5217
Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue
St. Paul, MN 55130

Attachments:	Seized Cigarette/Tobacco Product	Saint Paul Legislative Code §310.06
	Notice of Seized Contraband	Saint Paul Legislative Code §324.07 (f)
	ECLIPS Screenshots	Minn. Stat. §297F
	STAMP – Ownership/Zoning Information	
	Saint Paul Legislative Code §310.05(m)(2)	

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 18th day of May, she served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Narjis, LLC – Licensee
d/b/a East Side Grocery
1340 Payne Avenue, Unit B
Saint Paul, MN 55130
Attn: Jaber Albadry

Jaber Albadry
1972-127th Court NE
Blaine, MN 55449

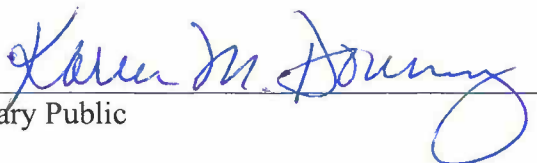
Sadiq Alnabi
1631 Camelot Lane NE
Fridley, MN 55432-5217

Jack Byers, Executive Director
Payne-Phalen Community Council
567 Payne Avenue
St. Paul, MN 55130

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
This 17th day of May 2021


Notary Public

