

STATE OF MINNESOTA)  
) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 16<sup>th</sup> day of March, he served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Narjis LLC. - Licensee  
d/b/a East Side Tobacco  
1340 Payne Avenue #A  
St. Paul, MN 55130  
Attn: Jaber Albadry

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

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

Jabar Albadry  
1972 127<sup>th</sup> Court North East  
Blaine, MN 55449

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

  
Shawn McDonald

Subscribed and sworn to before me  
This 16<sup>th</sup> day of March 2020

  
Notary Public



OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division  
400 City Hall and Court House  
15 West Kellogg Boulevard  
Saint Paul, Minnesota 55102

Telephone: 651 266-8710  
Facsimile: 651 298-5619

March 16, 2020

NOTICE OF INTENT TO DENY LICENSE

Narjis LLC. - Licensee  
d/b/a East Side Tobacco  
1340 Payne Avenue #A  
St. Paul, MN 55130  
Attn: Jaber Albadry

RE: Cigarette/Tobacco- Product Shop license application submitted by Narjis LLC d/b/a East Side Tobacco for the premises located at 1340 Payne Avenue in Saint Paul  
License ID #: 20190003544

Dear Applicant:

The Department of Safety and Inspections will recommend denial of the Cigarette/Tobacco- Product Shop license application submitted by Narjis LLC d/b/a East Side Tobacco for the premises located at 1340 Payne Avenue in Saint Paul. The recommendation is based on the following information:

**On January 22, 2020, you were sent a letter from the Department of Safety and Inspections (DSI) regarding your application for a Cigarette/Tobacco- Product Shop license. The letter stated that in order to process your Cigarette/Tobacco- Product Shop license, you must submit a building permit application with construction level drawings to satisfy the code discipline requirements including but not limited to zoning, building and licensing.**

**You were given until February 28, 2020 to submit that information. As of today, DSI has not received the building permit application with construction plans.**

You have four (4) options on how to proceed:

1. If I have not heard from you by **March 30, 2020**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. Submit a building permit application with construction plan to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **March 30, 2020**. A self-addressed envelope is enclosed for your convenience. Submission of the required forms will be considered a waiver of the hearing to which you are entitled.

*"The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices."*

3. If you wish to admit the facts but you contest the 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 **March 30, 2020**. The matter will then be scheduled before the City Council to determine whether to deny your Cigarette/Tobacco- Product Shop license. You will have an opportunity to appear before the City Council and make a statement on your own behalf.
4. You can withdraw your Cigarette/Tobacco- Product Shop license application. Complete and return the attached REQUEST TO WITHDRAW REQUEST FOR REFUND form to the Department of Safety and Inspections (DSI), located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **March 30, 2020**.

**If you have not contacted me by March 30, 2020, I will assume that you do not contest the denial of your Cigarette/Tobacco- Product Shop license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.**

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

Sincerely,



Therese Skarda  
Assistant City Attorney  
License No. 0240989

Cc: Sadiq Alnabi, 1631 Camelot Lane NE, Fridley, MN 55432-5217  
Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130  
Jabar Albadry, 1972 127<sup>th</sup> Court North East, Blaine, MN 55449

Attachment: January 22, 2020 Letter to licensee regarding application  
Eclips system screenshots  
STAMP- Ownership/Zoning Information  
REQUEST TO WITHDRAW REQUEST FOR REFUND



CITY OF SAINT PAUL

*Business Licensing*  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

*Telephone: 651-266-8989*  
*Facsimile: 651-266-9124*  
*Web: www.stpaul.gov/dsi*

January 22, 2019

Jabar Albadry  
1972 127<sup>th</sup> Court North East  
Blaine, MN 55449

**Re: Pending Cigarette / Tobacco - Product Shop License Application – ID 20190003544  
East Side Tobacco - 1340 Payne Avenue Unit A**

Jabar Albadry:

In order for the Department of Safety and Inspections (DSI), Licensing Division to continue processing your tobacco product shop license application you must make application for a building permit at this location.

You have 30 days to submit a building permit application with construction level drawings on or before February 28, 2020 to 375 Jackson Street, Suite 220 – St. Paul, MN 55101. Construction plans must satisfy all applicable code discipline requirements including but not limited to zoning, building and licensing. Failure to submit application for a building permit may result in taking adverse action with the City Attorney's Office for license application denial.

Questions regarding trades permits should be directed to Plan Review at 651-266-9007 or to Kari Hilleson at 651-266-9074. Questions regarding zoning variance should be directed to Matt Graybar at 651-266-9080, information regarding cigarette / tobacco licensing requirements you may contact me at 651-266-9014.

Respectfully,

Joseph Voyda  
Licensing Inspector II  
Department of Safety and Inspections

C: 1340 Payne Avenue – Saint Paul, MN 55130

**STAMP - Ownership / Zoning Information**[New Search](#)[Help using this report](#)

Run Date: 03/09/20 10:55 AM

House#:

Last updated from Ramsey County  
data on:Street  
Name:

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

1340 Payne Ave - Payne Ivy Grocery Store - 55130-3434 - [Other Applications](#)

<b>PIN: 202922420193</b>	<b>Census Track: 30602</b>	<b>Census Block: 3012</b>	<b>Council Ward: 6</b>	<b>District Council: 5</b>
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b>	<b>Land Value: 66400</b>	<b>Building Value: 152500</b>
<b>Unverified Usage: 10- GENERAL RETAIL &amp; SVC- B- Commercial</b>			<b>ISP:</b>	<b>Units: 0</b>

**Zoning:** B1**Legal Desc:** DENNY HILL ADDITION EX N 4 25/100 FT LOT 3 AND ALL OF LOTS 4 AND LOT 5 BLK 3**Owner:**Sadiq Alnabi  
1631 Camelot Ln Ne  
Fridley MN 55432-5217  
763-227-8005**Certificate of Occupancy Responsible Party:**Sadiq Alnabi  
1631 Camelot Ln Ne  
Fridley MN 55432-5217  
763-227-8005

Properties For License 1340 PAYNE AVE UNIT A

Pay Print Warn Hist Summ Licensee: NARJIS LLC DBA: EAST SIDE TOBACCO

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NARJIS LLC DBA: EAST SIDE TOBACCO Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 00/00/0000 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
NARJIS LLC			( ) -	(763) 222-8284	1340 PAYNE AVE
ALBADRY	JABER		(763) 222-8284	(763) 222-8284	1972 127TH COURT NE

Background Check Required  Contact Properties...

License # 190003544 Save Changes to History  OK Cancel Help

Properties For License 1340 PAYNE AVE UNIT A

Pay Print Warn Hist Summ Licensee: NARJIS LLC DBA: EAST SIDE TOBACCO

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NARJIS LLC DBA: EAST SIDE TOBACCO Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 00/00/0000 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dr
1340 PAYNE AVE	ST PAUL	55130	00/00/0000	00/00/0000	
1972 127TH COURT NE	BLAINE	55449	07/04/1979	00/00/0000	P65616

Background Check Required  Contact Properties...

License # 190003544 Save Changes to History  OK Cancel Help

Sec. 310.05. - Hearing procedures.

(m) *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00	\$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00	Revocation	n/a	n/a

(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Critical violations under 331A	\$250.00	\$500.00	\$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under 331A	\$150.00	\$250.00	\$500.00	\$1,000.00
(11) Taxi fail to display driver's license as required by 376.16(f)	\$100.00	\$250.00	\$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	\$100.00	\$250.00	\$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	\$200.00	\$400.00	\$800.00	Revocation

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.



- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
  - (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
  - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
  - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
  - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
  - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
  - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL

I/We, \_\_\_\_\_, respectfully request to withdraw  
the following license(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application/Business address: \_\_\_\_\_

Reason(s) for request: \_\_\_\_\_

\_\_\_\_\_  
Applicant(s) Printed Name, Signature and Title Date

Please return this completed request by any of the following:

Mail Dept. of Safety and Inspections  
Attn: D. LaCasse  
375 Jackson St, Ste 220  
Saint Paul MN 55101

E-Mail [diane.lacasse@ci.stpaul.mn.us](mailto:diane.lacasse@ci.stpaul.mn.us)

FAX 651-266-9124

*Thank you*