



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

December 16, 2015

NOTICE OF INTENT TO SUSPEND LICENSE

Mohammed Abraham, Owner  
Payne EZ Market, Inc.  
1132 Payne Avenue  
St. Paul, MN 55130

RE: Cigarette/Tobacco license by Payne EZ Market, Inc. d/b/a Payne EZ Market, Inc. for the premises located at 1132 Payne Avenue in Saint Paul  
License ID #: 20150000195

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended suspension of the Cigarette/Tobacco license held by Payne EZ Market, Inc. d/b/a Payne EZ Market, Inc. for the premises located at 1132 Payne Avenue in Saint Paul. The basis for the recommendation is as follows:

**On November 10, 2015, you were sent a NOTICE OF PENALTY FINE letter from the Department of Safety and Inspections requesting payment of the \$500.00 matrix penalty imposed by City Council on November 4, 2015 (RES #15-1887). The penalty was imposed for the sale of single cigarettes to a Confidential Reliable Informant (CRI) on May 28, 2015. You were given until December 4, 2015 to pay the penalty. As of today's date that penalty has not been paid.**

At this time, you have three (3) options to proceed:

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 **Thursday, December 24, 2015**, 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. You can pay the Council imposed \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, December 24, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be consider a waiver of the hearing of which you are entitled.

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. I will need to receive your letter by **Thursday, December 24, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your Cigarette/Tobacco license. You will have an opportunity to appear before the Council and make a statement on your own behalf.

**If you have not contacted me or DSI by Thursday, December 24, 2015, I will assume that you do not contest the suspension of your Cigarette/Tobacco 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 feel free to contact me at 266-8710.

Sincerely,



Geoffrey Karls  
Assistant City Attorney

cc Eric Hudak, DSI Licensing Manager  
Mohammed Abraham, 3409-34<sup>th</sup> Avenue South, Unit 1, Minneapolis, MN 55406

Enclosures: Notice of Penalty Fine  
Signature Copy of RES #15-1887

STATE OF MINNESOTA)  
 ) ss.

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

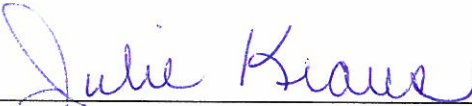
COUNTY OF RAMSEY )

Julie Kraus, being first duly sworn, deposes and says that on the 16<sup>th</sup> day of December she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:


Mohammed Abraham, Owner  
Payne EZ Market, Inc.  
1132 Payne Avenue  
St. Paul, MN 55130

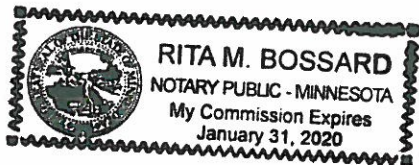
Mohammed Abraham  
3409-34<sup>th</sup> Avenue South, Unit 1  
Minneapolis, MN 55406

(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 16th day of December, 2015

  
\_\_\_\_\_  
Notary Public





CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1024

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

November 10, 2015

**NOTICE OF PENALTY FINE**

Mohammed Abraham  
Payne EZ Market  
1132 Payne Avenue  
Saint Paul, MN 55130

Dear Mr. Abraham:

Enclosed is a copy of City Council Resolution RES 15-1887 sustaining adverse action recommended by the Administrative Law Judge which imposes a \$500 penalty on all licenses held by you as the licensee.

The license penalty was approved and ordered by the Saint Paul City Council at the Council's regular meeting on November 4, 2015. The fine in the amount of **\$500.00** is payable no later than the close of business (4:30 p.m.) on **Friday, December 4, 2015**.

Failure to comply fully with the action of the Saint Paul City Council could subject you to criminal charges and prosecution. If you have any questions regarding this matter, you may contact me at 651-266-9132.

Sincerely,

Eric Hudak, Licensing Manger  
Department of Safety and Inspections

Enclosure

c: Julie Kraus, Legal Assistant-CAO  
Ricardo X. Cervantes, Director-DSI  
Dan Niziolek, Deputy Director-DSI  
Kris Schweinler, Senior License Inspector-DSI  
Eric Lipman, Administrative Law Judge  
Mohammed Abraham, 3409-34<sup>th</sup> Avenue S, Unit 1, Minneapolis, MN 55406



# City of Saint Paul

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

## Signature Copy

Resolution: RES 15-1887

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File Number: RES 15-1887

Sustaining adverse licensing action against all licenses held by Payne EZ Market, Inc. d/b/a Payne EZ Market for the premises located at 1132 Payne Avenue.

WHEREAS, Payne EZ Market, Inc., d/b/a Payne EZ Market (License ID #20150000195) (hereinafter "licensee"), received a Notice of Violation dated June 12, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged on May 28, 2015, the licensee sold single Camel cigarettes to a Confidential Reliable Informant (CRI) sent into the license premises by the Saint Paul Police Department; and

WHEREAS, the Notice stated that the licensing office recommended a \$500.00 matrix penalty; and

WHEREAS, licensee denied the allegations and requested a hearing before an Administrative Law Judge; and

WHEREAS, a Notice of Administrative Hearing was sent to all parties on July 20, 2015, scheduling the hearing before an Administrative Law Judge on August 13, 2015; and

WHEREAS, the Administrative Law Judge issued his Findings of Fact, Conclusions of Law and Recommendation on September 1, 2015, stating that the City demonstrated by a preponderance of the evidence that the licensee violated the requirements of Saint Paul Legislative Code § 324.07 (a) by selling two cigarettes outside of their original packaging; and

WHEREAS, the Administrative Law Judge also found the City had shown a sufficient basis to impose a presumptive penalty of \$500.00 against the licensee; and

WHEREAS, the Administrative Law Judge then recommended the City of Saint Paul impose a \$500.00 matrix penalty; and

WHEREAS, the Department of Safety and Inspections agrees with the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Judge and the imposition of a \$500.00 matrix penalty; and

WHEREAS, the licensee was sent a Notice of Council Hearing on September 3, 2015; stating a public hearing would be held before the City Council on October 21, 2015, at which time licensee would have an opportunity to present oral or written arguments to the Council; and

WHEREAS, City Council reviewed the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommendation and found the report to be without error and the penalty appropriate, now therefore be it

RESOLVED, the Findings of Fact issued by the Administrative Law Judge on September 1, 2015, are hereby adopted as the Findings of Fact of the City Council in this matter and be incorporated herein by reference.

FURTHER RESOLVED, the Conclusions of Law issued by the Administrative Law Judge on September 1, 2015, are hereby adopted as the Conclusions of Law of the City Council in this matter and be incorporated herein by reference.

FURTHER RESOLVED, the Recommendation issued by the Administrative Law Judge on September 1, 2015, is hereby adopted as the Recommendation of the City Council in this matter and be incorporated herein by reference.

FINALLY RESOLVED, Payne EZ Market, Inc. d/b/a Payne EZ Market is hereby ordered to pay a matrix penalty of \$500.00 for the sale of single cigarettes to a Confidential Reliable Informant (CRI) on May 28, 2015.


Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the license holder.

At a meeting of the City Council on 11/4/2015, this Resolution was Passed.

**Yea:** 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Thune, Councilmember Tolbert, Councilmember Finney, and City Council President Stark

**Nay:** 0

**Vote Attested by**  
**Council Secretary**   
Trudy Moloney

**Date** 11/4/2015

**Approved by the Mayor**   
Chris Coleman

**Date** 11/5/2015