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July 19, 2017

Via Hand Delivery and email to:

Ms. Shari Moore, City Clerk  
15 West Kellogg Blvd.  
St. Paul, MN 55102  
Email: [cityclerk@ci.stpaul.mn.us](mailto:cityclerk@ci.stpaul.mn.us)

**Subject: In the Matter of All Licenses held by Payne EZ Market, Inc., d/b/a EZ Market ("Licensee") for the premises located at 1132 Payne Avenue in Saint Paul  
License ID# 20150000195  
OAH Docket No. 82-6020-34223**

Dear Ms. Moore:

I represent Payne EZ Market, Inc., ("Licensee") with respect to this matter.

My client was disappointed with the decision of the Administrative Law Judge in this matter (June 26, 2017 Findings of Fact, Conclusions of Law, and Recommendation ("Recommendation")), i.e., that its tobacco license be revoked, but it does not have the luxury of hoping for a decision of which differs from that Recommendation. Licensee is thus winding down its business with the intention of closing.<sup>1</sup>

To be clear, we continue to believe that my client was unfairly targeted for all the reasons set forth in the record in this matter. We do not expect, however, that the City Council will do anything other than follow the Recommendation. Thus, we await notice that the license is revoked. Neither I nor my client intend to appear for the hearing on July 19, 2017.

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<sup>1</sup> One point of clarification: This matter has been directed at Payne EZ Market, Inc., a Minnesota corporation and the license holder. The Recommendation acknowledges that in its identification of the parties to include the City and "Payne EZ Market, Inc., d/b/a Payne EZ Market (Licensee)." To the extent the Recommendation at some points appears to suggest Mohammed Abraham, individually, held such a license, there is no support for that conclusion and no action was commenced against Mr. Abraham, individually (though we recognize there are repercussions for Mr. Abraham which flow naturally from action taken against the Licensee).

Letter to Ms. Shari Moore

July 19, 2017

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It is unfortunate that my client is in this position, but I will not belabor the point.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'B. Loetscher', with a long horizontal stroke extending to the right.

Benjamin Loetscher

*Attorney*