



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

February 21, 2018

NOTICE OF INTENT TO SUSPEND LICENSE

Talib Al-Tamar
Blue Store St Paul
879 Fremont Avenue
St. Paul, MN 55106

RE: Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul for the premises located at 879 Fremont Avenue in Saint Paul
License ID #20090000478

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended suspension of the Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul for the premises located at 879 Fremont Avenue in Saint Paul. The basis for the recommendation is as follows:

On January 26, 2018, you were sent a NOTICE OF CITY COUNCIL ACTION from the Department of Safety and Inspections requesting payment of the \$2,000.00 matrix penalty imposed by City Council on January 17, 2018 (RES PH #18-17).

The penalty was imposed because a DSI Inspector found flavored hemp tobacco products displayed for sale during an inspection on December 18, 2017 in violation of Saint Paul Legislative Code § 324.07(f).

You were given until February 16, 2018 to pay the \$2,000.00 matrix penalty. As of today's date the 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, March 1, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the next available City Council agenda for approval of the proposed remedy.
2. You can pay the Council imposed \$2,000.00 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, March 1, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$2,000.00 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 no later than **Thursday, March 1, 2018**. The matter will then be scheduled before the City Council 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 by Thursday, March 1, 2018, 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 next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc Talib Al-Tamar, 6487-5th Street NE, Fridley, MN 55432
Dayton's Bluff District 4 Community Council, East Side Enterprise Center, 804 Margaret Street, St. Paul MN 55106

Enclosure: Notice of City Council Action dated January 26, 2018
Signature Copy of RES PH #18-17

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 21st day of February, she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Talib Al-Tamar
Blue Store St Paul
879 Fremont Avenue
St. Paul, MN 55106


Talib Al-Tamar
6487-5th Street NE
Fridley, MN 55432

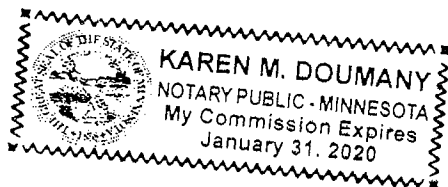
Dayton's Bluff District 4 Community Council
East Side Enterprise Center
804 Margaret Street
St. Paul, MN 55106

(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 21st day of February, 2018


Notary Public





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

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

January 26, 2018

NOTICE OF CITY COUNCIL ACTION

Talib Al-Tamar
Blue Store St Paul
879 Fremont Avenue
Saint Paul MN 55106

Dear Talib Al-Tamar:

Enclosed is a copy of City Council Resolution RES PH 18-17 which suspends the Cigarette/Tobacco license issued to you by the City of Saint Paul for the following:

the sale of flavored tobacco products found during an inspection on December 18, 2017.

The suspension and fine were adopted by the Saint Paul City Council at the Council's public hearing on January 17, 2018. The effect of this notice is that you may not sell cigarette/tobacco products at 879 Fremont Avenue beginning at midnight on Wednesday, February 7, 2018 and ending at 11:59 p.m. on Friday, February 16, 2018. A penalty in the amount of **\$2,000.00** was also approved at this meeting. If you fail to respond to this request by **Friday, February 16, 2018**, the Department of Safety and Inspections will consider taking action to revoke your license.

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: Eastern District Commander-SPPD
- Julie Kraus, Legal Assistant-CAO
- Ricardo X. Cervantes, Director-DSI
- Dan Niziolek, Deputy Director-DSI
- Kris Schweinler, Senior License Inspector-DSI
- Barry Brown, License Inspector-DSI
- Talib Al-Tamar, 6487 5th Street NE, Fridley MN 55432



City of Saint Paul

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

Signature Copy

Resolution-Public Hearing: RES PH 18-17

File Number: RES PH 18-17

Approving adverse action against the Cigarette/Tobacco license held by Blue Store St Paul at 879 Fremont Avenue.

WHEREAS, the Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul (License ID #20090000478) for the premises located at 879 Fremont Avenue in Saint Paul was the subject of a Notice of Violation and Notice of Intent to Suspend License ("Notice") sent December 28, 2017; and

WHEREAS, the Notice stated that an inspector from the Department of Safety and Inspections (DSI) was contacted by the Minnesota Department of Revenue concerning flavored tobacco products they found during an inspection of the licensed premises on December 18, 2017; and

WHEREAS, the inspector came to the licensed premises to join the inspection and documented with photographs five (5) boxes of flavored Hemp tobacco products displayed for sale in violation of Saint Paul Legislative Code §324.07(f); and

WHEREAS, this was the third (3rd) violation of the license conditions within the past eighteen (18) months; and

WHEREAS, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office recommended a \$2,000.00 matrix penalty and a ten (10) day suspension of the Cigarette/Tobacco license; and

WHEREAS, the licensee responded to the Notice of Violation and Notice of Intent to Suspend License with a request for a public hearing which was then scheduled on January 17, 2018; so therefore be it

RESOLVED, Blue Store St Paul d/b/a Blue Store St Paul is hereby ordered to pay a \$2,000.00 matrix penalty for offering five (5) boxes of Hemp flavored tobacco products for sale in violation of Saint Paul Legislative Code § 324.07 (f). Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

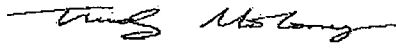
FURTHER RESOLVED, the Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul is hereby suspended for a period of ten (10) days. Said suspension will begin at 12 (midnight) on Wednesday, February 7, 2018 and end at 11:59 p.m. on Friday, February 16, 2018.

At a meeting of the City Council on 1/17/2018, this Resolution-Public Hearing was Passed.

Yea: 6 City Council President Brendmoen, Councilmember Thao,
Councilmember Tolbert, Councilmember Stark, Councilmember Noecker,
and Councilmember Prince

Nay: 0

Absent: 1 Councilmember Bostrom

Vote Attested by  **Date** 1/17/2018
Council Secretary Trudy Moloney

Approved by the Mayor  **Date** 1/22/2018
Melvin Carter III

**By order of the
Saint Paul City Council, this
establishment may NOT sell
Cigarette or Tobacco products
beginning at 12:00 a.m. on
February 7, 2018 until
11:59 p.m. on February 16, 2018.
Noncompliance with this order
will constitute grounds for
further adverse action.**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF PERSONAL SERVICE

_____, being first duly sworn, hereby deposes and states that on February ___, 2018
in the City of Saint Paul, county and state aforementioned, she/he served the attached letter and
RESOLUTION OF APPROVAL OF THE SAINT PAUL CITY COUNCIL to the person and the address
listed on the attached letter, by personally handing to _____ said letter
and resolution.

Department of Safety and Inspections

Subscribed and sworn to before me
this _____ day of February, 2018.

Notary Public