



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

November 24, 2010

NOTICE OF VIOLATION

Mostafa H. Abdelhamid
Superstore Grocery
873 Rice Street
St. Paul, MN 55117

RE: All licenses held by Mostafa H. Abdelhamid d/b/a Superstore Grocery for the premises located at 873 Rice Street in Saint Paul.
License ID #: 20090002813

Dear Mr. Abdelhamid:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Mostafa H. Abdelhamid d/b/a Superstore Grocery for the premises located at 873 Rice Street in Saint Paul. The basis for the recommendation is as follows:

On September 1, 2010, at approximately 1:00 p.m., while on patrol on Rice Street at Milford, St. Paul Police observed a juvenile enter your establishment. The officers saw the juvenile come out a few minutes later with a single cigarette in his right hand and a blue lighter in his left hand.

Police stopped the juvenile and asked him about the cigarette in his hand. The juvenile told the officers that "the older guy that is the store clerk sold me the single cigarette just like he always does." One of the officers asked the juvenile to show him who sold him the cigarette and he pointed out your store clerk, Hussein Eltaweely Abdelhamid.

One of the officers spoke with the clerk regarding the sale of tobacco to a minor. Police noted that there were three (3) signs posted stating "We ID and do not sell tobacco to minors in the store." Your clerk did admit that he sold the cigarette to the juvenile and was cited for Selling Tobacco to a Minor.

This is violation of Saint Paul Legislative Code §324.07 (a) which states: "No person shall sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes shall be sold in packages of fewer than twenty (20) cigarettes."

Due to the fact that this is now your second violation, per Saint Paul Legislative Code 310.05(m) (2), the licensing office will recommend a \$1,000.00 matrix penalty.


At this time, you have three options on how to proceed:

1. You can pay the recommended \$1,000.00 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 **Monday, December 6, 2010**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but 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 the facts and requesting a public hearing. We will need to receive your letter by **Monday, December 6, 2010**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you dispute the above facts, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine the other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please let me know by **Monday, December 6, 2010**, and I will take the necessary steps to schedule the administrative hearing.

If you have not contacted me by at date, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. 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,



Rachel Tierney
Assistant City Attorney

cc Christine Rozek, Deputy Director of DSI
Mostafa H. Abdelhamid, 365 Edmund Avenue, St. Paul, MN 55103
Kerry Antrim, Executive Director, District 6 Planning Council, 213 Front Avenue, St. Paul, MN 55117

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 24th day of November, she served the attached **NOTICE OF VIOLATION** by placing a true and correct copy thereof in an envelope addressed as follows:

Mostafa H. Abdelhamid
Superstore Grocery
873 Rice Street
St. Paul, MN 55117

Mostafa H. Abdelhamid
365 Edmund Avenue
St. Paul, MN 55103

Kerry Antrim, Executive Director
District 6 Planning Council
213 Front Avenue
St. Paul, MN 55117

(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
Julie Kraus

Subscribed and sworn to before me
this 24th day of November, 2010

Karen M. Doumany
Notary Public

