

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 November 2, 2020, he served the attached **NOTICE OF VIOLATION REQUEST FOR UPWARD DEPARTURE AND IMPOSITION OF A \$2,000 AND 10 DAY SUSPENSION MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Sadiq Alnabi/C/O Alnabi Inc
1055 4th Street East
Saint Paul, MN 55106

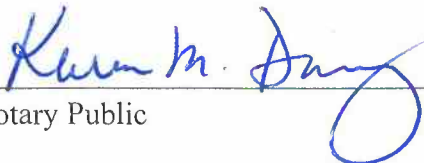
Lissa Jones-Lofgren, Interim Executive Director
Dayton's Bluff Community Council
804 Margaret Street
Saint Paul, MN 55107

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

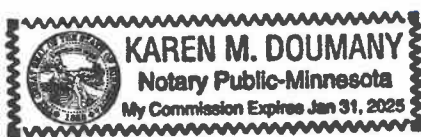


Shawn McDonald

Subscribed and sworn to before me
This 2nd day of November 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*

November 2, 2020

**NOTICE OF VIOLATION
REQUEST FOR UPWARD DEPARTURE AND
IMPOSITION OF A \$2,000 AND
10 DAY SUSPENSION MATRIX PENALTY**

Twins Market & Meat
1055 4th Street East
Saint Paul, MN 55106
Attn: Ammar Alfuraui

RE: Cigarette/Tobacco license held by Ammar Alfuraui d/b/a Twins Market & Meat for the premises located at 1055 4th Street East in Saint Paul
License ID #: 20160002240

Dear Ammar Alfuraui:

The Department of Safety and Inspections (“Department”) will recommend adverse action and upward departure one box on the penalty matrix to the imposition of a \$2,000 fine and 10 day suspension against the Cigarette/Tobacco license held by Ammar Alfuraui (“Licensee”) for the premises known as Twins Market & Meat located at 1055 4th Street East in Saint Paul. (“Licensed Premises”).

Saint Paul Legislative Code §310.06 (b)(6)(a) allows for adverse action to be taken against a License when “The licensee or applicant (or any person whose conduct may be law be imputed to the licensee or applicant) has violated or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith”.

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$1,000 for a second violation of a provision of the legislative code related to the licensed activity. Under §310.05(m) penalties are presumed to be appropriate, “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”.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored products.

The Department of Safety and Inspections asserts that the substantial and compelling reasons for upward departure include:

- the number of violations observed and documented by Inspector Voyda; and
- failure to correct the violations after education and imposition of the prior \$1,000 matrix penalty on .

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

Synopsis of Alleged Facts:

On September 10, 2020 the Licensee received a Notice of Violation after an inspection uncovered a large number of flavored products at the Licensed Premises. Inspector Voyda discussed the violation with the Licensee and instructed him to immediately remove all flavored products from the Licensed Premises. The Licensee paid his \$1,000 matrix penalty on September 25, 2020.

On October 8, 2020 Inspector Voyda and Sgt. Graupman returned to the Licensed Premises to perform a follow up inspection. They introduced themselves to the clerk, later identified as Hassan Abbasoleiwi Alrubaye and asked him if he would call the Licensee and let him know that they were there for a follow up inspection. Mr. Alrubaye called the Licensee and there was no answer. Inspector Voyda then asked Mr. Alrubaye if they could look behind the counter in order to conduct his inspection and Mr. Alrubaye told him he could. Inspector Voyda observed multiple flavored products behind the counter, cash register and in the change bin. Inspector Voyda documented his findings with photographs. The inspection and the flavor violations were also documented on Sergeant Graupman's body worn camera.

As the Licensee you have four (3) options:

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 **November 16, 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 Consent Agenda for approval of the proposed remedy.
2. If you wish to admit the facts but you contest the \$2000.00 and 10 day suspension matrix 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 **November 16, 2020**. The matter will then be scheduled before the City Council to determine whether to impose the \$2,000.00 and 10 day suspension 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 facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **November 16, 2020**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by November 16, 2020, I will assume that you do not contest the imposition of the \$2,000- and 10-day 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 contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,



Therese Skarda
Assistant City Attorney
License No.: 0240989

cc: Sadiq Alnabi/C/O Alnabi Inc; 1055 4th Street East; Saint Paul, MN 55106
Lissa Jones-Lofgren, Interim Executive Director, Dayton's Bluff Community Council, 804 Margaret Street, Saint Paul, MN 55107

Attachments: Inspector's Report
Screenshots from DSI Eclips system
Photos
STAMP Ownership/Zoning Information
Report of Sgt. Graupman



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

Inspector's Report

Inspectors Name: Joseph Voyda

Date: 10/8/2020

Business/Property Name: Twins Market & Meat

Property Address: 1055 Fourth Street East

Reason for Visit: Follow up inspection from an inspection 8/21/2020

Observations: Flavor violations

Photos Taken: Yes, Location of Photo(s):

No

Action Taken: Citation

Warning

Other: Request for Action with the city Attorney's Office

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival, I introduced myself as a DSI licensing inspector and introduced a Sergeant from the SPPD that is assigned to DSI, to the clerk Hasan Abbasoleiwi Alrubaye. I informed him that DSI was here today for a follow up inspection from a previous inspection that was held on 8/21/2020 to assure they are remaining in compliance with City ordinance 324.07 (f). I asked Hasan Abbasoleiwi Alrubaye if he could call the owner to let him know that I was there today for a follow up inspection, with no answer from the owner I asked Hasan Abbasoleiwi Alrubaye if I could go behind the counter to conduct my inspection, he replied, "sure go ahead". Located behind the counter/cash register were multiple flavor violations (See Photos – 5 Total) also products were hidden in the change bin. I Abbasoleiwi Alrubaye if there were any other flavor products that were present or hidden, his response was "no I don't think so, I'm new and it's my very first day". Continuing the inspection, no other flavor violations were found, I advised Abbasoleiwi Alrubaye to remove all products from behind the cash register and off the premises or place them in the back cooler until they can be removed from the premises.

Properties For License 1055 4TH ST E

Licensee: AMMAR ALFURAJI
DBA: TWINS MARKET & MEAT

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: AMMAR ALFURAJI
DBA: TWINS MARKET & MEAT
Sales Tax Id: ***** Non-Profit: Worker's Comp: 07/23/2021
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

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

Financial Hold Reasons

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
ALFURAJI	AMMAR	OWNER	(763) 447-9722		1055 4TH ST E
ALFURAJI	AMMAR	OWNER	() -	(763) 447-9722	1055 4TH ST E

Background Check Required

License # 160002240 Save Changes to History OK Cancel Help

Properties For License 1055 4TH ST E

Licensee: AMMAR ALFURAJI
DBA: TWINS MARKET & MEAT

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: AMMAR ALFURAJI
DBA: TWINS MARKET & MEAT
Sales Tax Id: ***** Non-Profit: Worker's Comp: 07/23/2021
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

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

Financial Hold Reasons

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Drive
1055 4TH ST E	SAINT PAUL	55106	02/05/1980	00/00/0000	S61910
1055 4TH ST E	SAINT PAUL	55106	00/00/0000	00/00/0000	

Background Check Required

License # 160002240 Save Changes to History OK Cancel Help

License Group Conditions Text

08/21/2020

Licensee: AMMAR ALFURAIJI

DBA: TWINS MARKET & MEAT

License #: 20160002240

1. Temporary window signs placed between the height of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.
2. Licensee shall maintain existing easement agreement with property owner to the north, to provide at least two (2) off-street parking space, including on-site maneuvering lanes for these spaces. This requirement is necessary to comply with the City's zoning requirement for off-street parking for the licensed business. If this easement agreement is terminated for any reason, the licensee shall notify the City's licensing authority at least 90 days in advance of the termination and shall take necessary steps to remain in compliance with the City's off-street parking requirements.

Adverse Action Comments Text

10/14/2020

Licensee: AMMAR ALFURAIJI

DBA: TWINS MARKET & MEAT

License #: 20160002240

09/10/2020- Notice of Violation sent with an 09/24/2020 deadline to respond. SM
6/19/2019- Sent Notice of Violation with 7/2/2019 deadline to respond. SM
8/26/2016 - Sent Notice of Administrative Fine to clerk with a 9/6/2016 deadline to respond. JAK
8/24/2016 - Sent Notice of Violation with a 9/6/2016 deadline to respond. JAK

License Group Comments Text

10/14/2020

Licensee: AMMAR ALFURAIJI

DBA: TWINS MARKET & MEAT

License #: 20160002240

10/8/2020 Re-inspection for compliance after AA from 8/21/2020 - FAIL - Flavor violations found JNV
09/25/2020 Received \$1,000 matrix penalty payment for violation of sales of flavored tobacco. MN
8/21/2020 Flavor violation sent to the CAO for Adverse Action - See Amanda 2016 055707 CIG 00 XS folder for AA Packet JNV
8/21/2020 Complaint inspection - Flavor violations found JNV
6/19/19 Youth tobacco compliance check, pass. ARM
07/1/2019 \$500.00 fine payment received. LKK
5/29/19 Re-sent again to CAO KS
5/6/19 Re-sent to CAO. KS
4/19/19 To CAO flavor violation.KS
4/16/2019 Failed Flavor, Price & window CC hiding flavor products in a draw behind the counter JNV
8/8/18 Tobacco youth compliance check-Pass JNV
4/23/2018 Menthol education / inspection Pass JNV
07/07/2017 Passed tobacco compliance check BLB
03/30/2017 received complaint of flavor and pricing issues, conducted inspection, found no violations BLB
10/14/2016 passed tobacco compliance recheck BLB
10/14/2016 cvd. signed lic. cond. affidavit. Backdated eff. date of lic. to 09/03/2016 to coincide with exp. date of previous lic. JWF
10/06/2016 Letter sent return signed lic. cond. affidavit by 10/24/2016. JWF
09/07/2016 Recv'd \$50.00 check #2029 for employee, Suleiman AlQabalani for cig sale violation. LV
08/30/2016 Paid \$200.00 cigarette fine. LAB
08/08/2016 Failed tobacco compliance check BLB

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 08/21/20 02:41 PM

House#:

Last updated from Ramsey County data on:

Street Name:

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

1055 4th St E - Twins Market - 55106-5210 - [Other Applications](#)

PIN: 332922240224	Census Track: 34500	Census Block: 1004	Council Ward: 7	District Council: 4
Year Built:	Foundation Sq Feet:	Loan Company:	Land Value: 27400	Building Value: 59300
Unverified Usage:			ISP:	Units: 0

Zoning: B2

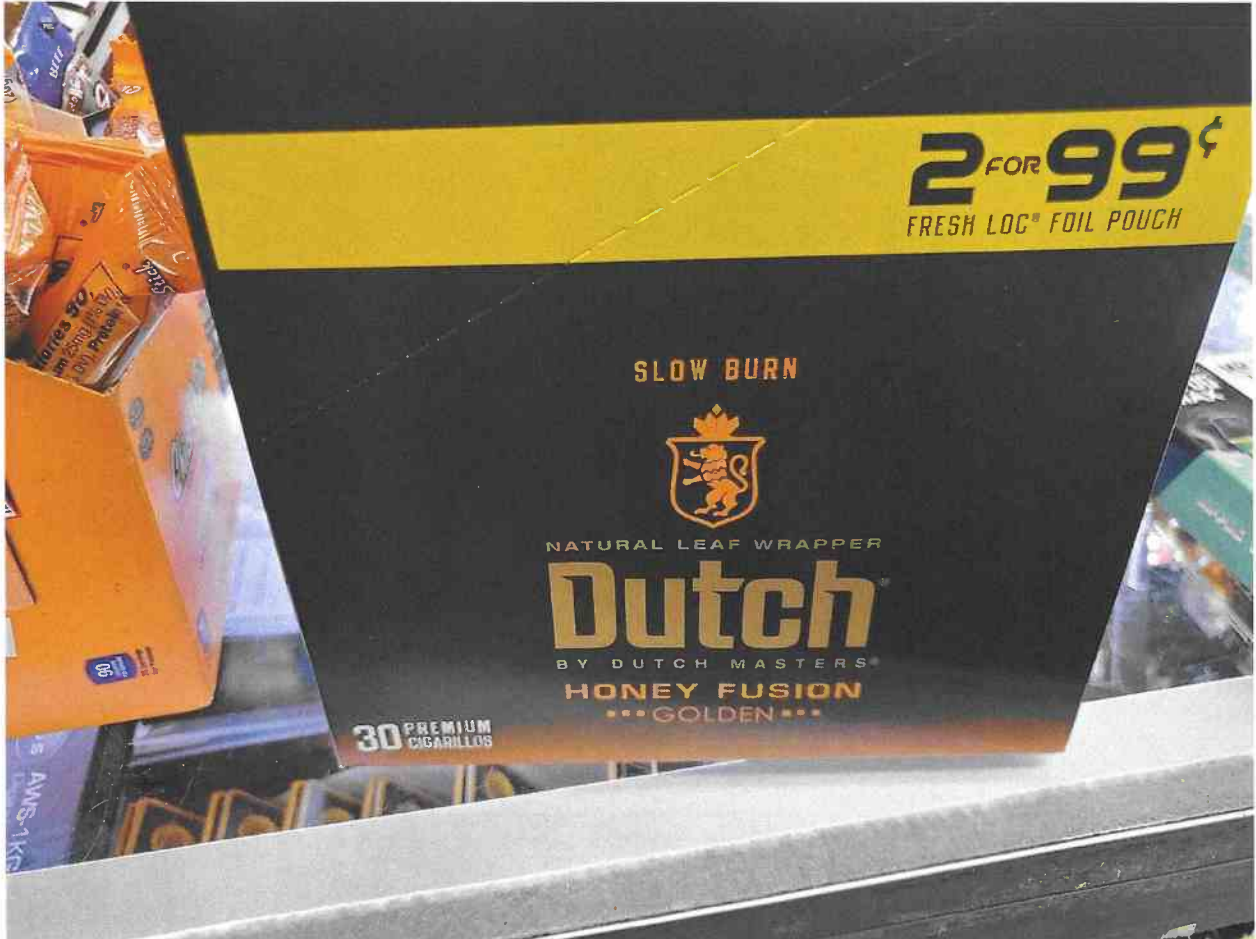
Legal Desc: W. A. DANA'S RE L1-12&17 B2 LOT 1

Owner:

Sadiq Alnabi/C/O Alnabi Inc
1055 4th St E
St Paul MN 55106-5210

Certificate of Occupancy Responsible Party:

Sadiq Alnabi
1055 4th St E
Saint Paul MN 55106-5210
763-227-8005







Saint Paul Police Department

CN Detail Report

PUBLIC REPORT

CN Detail for 20-215946

Incident:	2610	TRAFFIC VIOLATION-COMMERCIAL LICENSE VIOLATIONS			
Location:	1055 4 ST E				
Locale:	TWINS MARKET AND MEAT	Sector/Grid:	3 95		
Call Date:	10/08/2020 10:10:48	Disposition:	Records received		
Occur Date:	10/08/2020	Priority:	4	Time Received:	10:10:48
OccurTime:	10:10:00	Source:	Officer	Time Sent:	10:10:48
Caller information		Fire/Amb:		Time Arrived:	10:10:48
Name:		EDP:		Time Cleared:	10:25:43
Address:		Alarm:		ECC Console:	03
Phone:					

BUSINESSES

Twins Market & Meat	1055 4TH ST E, ST PAUL, MN 55106
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ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN
20215946 20166436

Date and Time of Report
10/14/2020 16:03:41

Primary offense:
TRAFFIC VIOLATION-COMMERCIAL LICENSE VIOLATIONS

Primary Reporting Officer: Graupman, Charles A

Name of location/business:

Primary squad:

Location of incident: 1055 4 ST E

Secondary reporting officer:

ST PAUL, MN 55106

Approver: Henry, Axel C

District: East District

Date & time of occurrence: 10/08/2020 10:10:00 to

Site:

10/08/2020 10:17:00

BodyCam? Yes Squad Video None

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

OFFENSE DETAILS

TRAFFIC VIOLATION-COMMERCIAL LICENSE VIOLATIONS

Attempt Only:

Appears to be Gang Related:

NAMES

Other Alrubaye, Hasan Abbasoleiwi

ST. PAUL, MN

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male

Race: Other

DOB: 12/11/1989

Resident Status:

Hispanic:

Age: 30

from

to

Phones

Home:

Cell:

Contact:

Work:

Fax:

Pager:

Employment

Occupation: Sales Clerk

Employer: Twins Market & Meat

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN
20215946 20166436

Date and Time of Report
10/14/2020 16:03:41

Primary offense:

TRAFFIC VIOLATION-COMMERCIAL LICENSE VIOLATIONS

business. During our visit I was wearing my SPPD issued Body Worn Camera (BWC), which captured the inspection. Upon entry into the store, Inspector Voyda made contact with the lone employee who was later identified by MN ID as (ALRUBAYE, HASAN ABBASOLEIWI DOB/12-11-1989). Inspector Voyda identified himself and I. ALRUBAYE was then informed of the purpose of our visit and that it was in reference to a previous inspection completed on 8-21-20. Inspector Voyda added that the purpose was to ensure that the business was remaining compliant with City ordinance 324.07 (f). I stood by while Inspector Voyda received consent from ALRUBAYE to enter the area behind the counter and perform his inspection. During the inspection, I observed Inspector Voyda locate flavored tobacco products in the sales area. These products were hidden in the change bin and behind the counter cash register area. Inspector Voyda advised me that he also located a single pack of Newport menthol cigarettes with no tax stamp. When ALRUBAYE was asked about this he could not give a further explanation. Inspector Voyda checked several other areas within the store and advised his inspection was complete. Inspector Voyda then advised ALRUBAYE to remove all flavored products from behind the sales area and place them in the back cooler until they could be removed from the premise. Contact information was left with ALRUBAYE and we cleared from the scene.

PUBLIC NARRATIVE

On 10-8-20, at 1010 hrs, St. Paul Police assisted the Department of Safety & Inspection with conducting an inspection at 1055 4th St. E. This inspection was in reference to a previous complaint of license violations that had been documented on 8-12-20 & 8-21-20 by St. Paul Police in separate reports under SPPD CN 20-166-436 & 20-174-058. During the inspection, on 10-8-20, licensing violations were observed by both the DSI Licensing inspector and a St. Paul, Police Sergeant. The violations witnessed included the presence of flavored tobacco products and a single container of menthol cigarettes that were behind the front counter in the sales area. he business is currently not authorized to sell flavored tobacco products. Incident documented and photos taken by Licensing Inspector. Case will be forwarded to the City Attorney's Office for Adverse Action review.

Last page of the report