

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 the 24th day of August, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF A \$500 FINE FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE** and a correct copy thereof in an envelope addressed as follows:

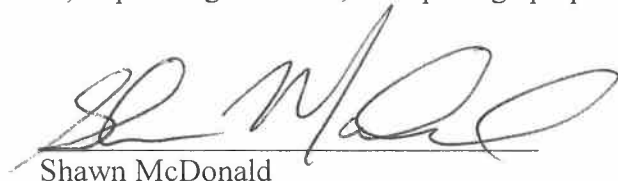
Fresh Food Market
65 George Street West
Saint Paul, MN 55107
Attn: Sami Ibrahim

Sami Ibrahim
606 Crane Creek Lane
Eagan, MN 55121

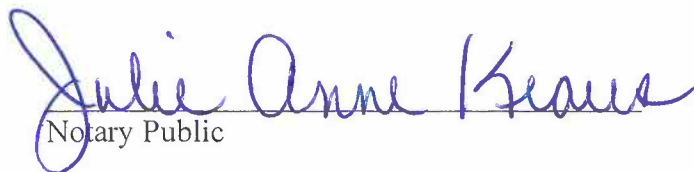
65 West George LLC
P.O. Box 18004
Saint Paul, MN 55118

Monica Bravo, Executive Director
West Side Community Organization
209 Page Street West
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 24th day of August 2022


Notary Public





August 24, 2022

**NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION
OF A \$500 FINE FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE**

Fresh Food Market
65 George Street West
Saint Paul, MN 55107
Attn: Sami Ibrahim

RE: Tobacco license held by Sami ali Ibrahim d/b/a Fresh Food Market for the premises located at 65 George Street West in Saint Paul
License ID #: 20200001735

Sami Ali Ibrahim:

The Department of Safety and Inspections ("Department") is recommending adverse action against the Tobacco license held by Sami ali Ibrahim d/b/a Fresh Food Market ("Licensee") for the premises located at 65 George Street West in Saint Paul. ("Licensed Premises").

Minnesota Statute § 461.12, Subd. 5 states: "A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855."

Minnesota Statute §609.685, Subd. 4 allows for more stringent regulation for selling or furnishing tobacco, tobacco-related devices, or electronic delivery devices to someone under the age of 21.

Saint Paul Legislative Code section 324.10(b)(1) sets the presumptive penalties for violations of provisions of the Legislative Code relating to the Sale to a person under twenty-one (21) years of age:

Under section 324.10(b)(1), the presumptive penalty for a first-time violation is a \$500 fine.



Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based. Section 310.06(b)(c) says that adverse action can be pursued for failure to comply with laws related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

Saint Paul Legislative Code §324.07(i) prohibits the sale of tobacco products to person under the age of twenty-one (21) years.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Minnesota Statute § 609.685, Subd. 4 and Saint Paul Legislative Code §324.07(i) by a preponderance of the evidence.

Synopsis of alleged facts:

On July 20, 2022, at 9:28 am, a tobacco compliance check was conducted at Fresh Food Market located at 65 George Street. A minor entered your store and attempted to purchase cigarettes. The clerk did not ask for any identification to confirm age. Nevertheless, the clerk sold a package of Marlboro cigarettes.

Inspector Voyda came into the establishment afterward and spoke to the owner, Sami ali Ibrahim. He was informed that he failed the minor compliance check by selling Marlboro cigarettes to an underage person.

Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(i).

As the Licensee you have four (4) 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 **September 7, 2022**, I will presume that you agree with the facts as alleged, 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. You can admit to the violation and pay the \$500.00 fine. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **September 7, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 fine will be considered an admission to the facts as alleged and a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500.00 fine, 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 **September 7, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 fine. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. 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 **September 7, 2022**. 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 September 7, 2022, I will assume that you agree with the facts as alleged and do not contest the imposition of the \$500.00 Fine. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised the clerk who made the sale on this date will be charged a \$50.00 administrative penalty pursuant to Minn. Stat. §461.12, subd. 3. This is a separate action from this license matter.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

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: Sami Ibrahim, 606 Crane Creek Lane, Eagan, MN 55121
65 West George LLC, P.O. Box 18004, Saint Paul, MN 55118
Monica Bravo, Executive Director, West Side Community Organization, 209 Page Street West,
Saint Paul, MN 55107

Attachments: Inspector's Report
 Screenshots EClips System
 License Group Comments Text
 Adverse Action Comments Text
 STAMP – Ownership/Zoning Information
 Tobacco Youth Compliance Check Purchase Form
 Clerk Identification form
 Photos of purchased cigarettes

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

*The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.*



Inspector's Report

Inspectors Name: Joseph Voyda

Date & Time: 07/20/2022 at 9:28a.m.

Staff Member's Name: Sami Ibrahim

Business/DBA Name: Fresh Food Market

Property Address: 65 George Street West - Saint Paul, MN 55107

Reason for Visit: 2022 Underage Tobacco Compliance Check

Observations: -

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: -

Action Taken: Education / warning

Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival I spoke to the owner/license holder Sami Ibrahim, I introduced myself as a DSI Licensing Inspector for the City of Saint Paul. I informed him that he failed an underage tobacco compliance check, with a successful attempt to purchase a pack of Marlboro Reds made from an underage buyer at 9:28a.m..



Licensee: SAMIALI IBRAHIM
 DBA: FRESH FOOD MARKET

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: SAMIALI IBRAHIM Browse...

DBA: FRESH FOOD MARKET Properties...

Sales Tax Id: ***** Non-Profit: Worker's Comp: 07/20/2023

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

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
FRESH FOOD MAR			(651) 292-0900		65 GEORGE ST W
IBRAHIM	SAMI	OWNER	(651) 292-0900	(651) 207-7824	606 CRANE CREEK LA

Background Check Required Contact Properties...

Mail License To: Mail To Contact License Address

Mail Invoice To: Mail To Contact License Address

License # 200001735 Save Changes to History OK Cancel Help



Licensee: SAMIALI IBRAHIM
 DBA: FRESH FOOD MARKET

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: SAMIALI IBRAHIM Browse...

DBA: FRESH FOOD MARKET Properties...

Sales Tax Id: ***** Non-Profit: Worker's Comp: 07/20/2023

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

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Drp
65 GEORGE ST W	ST PAUL	55107	00/00/0000	00/00/0000	
606 CRANE CREEK LANE	EAGAN	55121	01/01/1960	00/00/0000	K 821-1

Background Check Required Contact Properties...

Mail License To: Mail To Contact License Address

Mail Invoice To: Mail To Contact License Address

License # 200001735 Save Changes to History OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 08/04/22 01:21 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

65 George St W - Tobacco / 529 Stryker Ave / 531 Stryker Ave / 533 Stryker Ave - 55107-3669 - [Other Applications](#)

PIN: 072822140024

Census Track: 37100 **Census Block:** 3002

Council Ward: 2 **District Council:** 3

Year Built:

Foundation Sq Feet: **Loan Company:**

Land

Building

Value: 24500

Value: 323500

Unverified Usage: 13- COMMERCIAL/APARTMENT- B- Commercial

ISP:

Units: 8

Zoning: T2

Heritage Preservation: HP Inventory #: RA-SPC-1469 / **HP Property Name:** commercial building / **HP**

Architect/Builder: Graivert, D. / **HP Date Built:** 1896 / **HP Address:** 65 George St. W

Legal Desc: WEST ST PAUL BLKS 1 THRU 99 E 35 FT OF LOTS 6 AND LOT 7 BLK 83

Owner:

65 West George Llc
Po 18004
St Paul MN 55118-0004

Tax Owner:

65 West George Llc
Po 18004
St Paul MN 55118-0004

Certificate of Occupancy Responsible Party:

Scott Ficek
Rental Management Guys LLC
34 13th Ave Suite B002e
Minneapolis MN 55413
612-281-5419

Licensee: SAMI ALI IBRAHIM

DBA: FRESH FOOD MARKET

License #: 20200001735

7/20/2022 Failed underage buyers' tobacco compliance check JNV

9/30/2020 Recieved Amended Lease JNV

8/16/2020 Spoke to the applicant about the lease and the lease addendum - also spoke with the property manager Dave Epstein at phone # 612-701-5575 - he will submit a lease to DSI after he recovers from surgery in two weeks. JNV

8/27/2020 Letter sent for 15-day notice to submit a signed lease or a purchase agreement from the property owner on or before September 11,2020 JNV

8/17/2020 Left Voicemails about missing lease at phone numbers 651-207-7824 and 651-292-0900 applicant JNV

8/7/2020 Left Voicemails about missing lease at phone numbers 651-207-7824 and 651-292-0900 applicant JNV

7/31/2020 Spoke to the applicant about missing lease JNV

7/23/2020 Spoke to the applicant about missing lease to email me ASAP JNV

07/21/2020 Informed JNV of application for follow-up. Orig. app. material in JNV in-box. JWF

Licensee: SAMI ALI IBRAHIM

DBA: FRESH FOOD MARKET

License #: 20200001735

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.



Tobacco Underage Buyers/Minor Compliance Check Purchase Form

20200001735
FRESH FOOD MARKET
65 GEORGE ST W

FAIL

Business Type:

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco Product Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club, bowling, etc.)

Inspector: Joseph Voyda
Name

Date: 7 / 20 / 2022
MM DD YY

Time: 9 : 28 a.m. p.m.

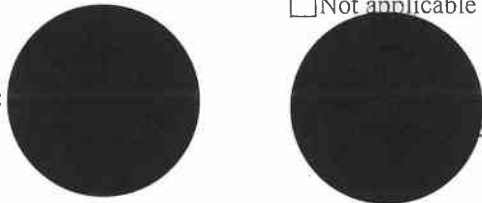
Was purchase attempted?

- Yes
- No

If NO, check reason:

- Does not sell tobacco
- After business hours
- Not applicable
- Unsatisfactory/unsafe conditions
- Out of business
- Other _____

Underage Buyer:



Did adult or officer view transaction?

- Yes
- No

Was sale made?

- Yes
- No

Was age asked?

- Yes
- No

Was ID requested?

- Yes
- No

Was ID shown?

- Yes
- No

Type of purchase:

- Self Service
- Clerk assisted
- Vending machine - Unlocked
- Location of machine _____
- Vending machine - Locked
- Location of machine _____

Type of product:

- Cigarettes
- Smokeless
- Cigars
- Shisha
- E-juice
- Other (cigarette papers, lighter, etc.) _____

Amount spent: \$ 11.60

Clerk Information: Female Male Approximate Age: 18 or Under 18 Actual age if known _____

Name of Clerk: BLACK / WAS WHEAT & MASA / YELLOW SHIRT Address: SAMI IBRAHIM

City & State _____ Zip Code _____

Driver's license # or State I.D.# _____ Date of Birth: _____

Description / Notes: _____



Tobacco Use

Check Purchase Form

2020001735
FRESH FOOD MARKET
65 GEORGE ST W

Business Type:
 Convenience Convenience
 Supermarket / Grocery

Pharmacy Tobacco Product Shop
 Bar/Restaurant Other (private club, bowling, etc.)

Inspector: Joseph Voyda
Name

Date

9 28 am p.m.

Was purchase attempted?
 Yes No

If NO, check reason:

Unsatisfactory (unsafe conditions)
 Out of business

Under

Buyer or officer view transaction?
 No

Was Yes
Type
Cl
Na
Ca
Dr
De

Was ID shown?
 Yes No

Amount: \$11.68

if known

th:

