



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

October 7, 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 28, 2010, a DSI Inspector came to your establishment to hand-deliver an invoice indicating that your license fees were delinquent. When the inspector entered, she smelled cigarette smoke. The inspector handed the invoice to the clerk behind the counter and noticed a lit cigarette sitting on the counter behind him. She informed the clerk that he was not allowed to smoke in the store; he laughed and apologized but made no attempt to put out the cigarette as the inspector left. The inspector returned to ask for his name and she noticed the cigarette was still burning. This is a violation of Minn. Stat. § 144.414, Subd. 1 (Clean Indoor Act) which states: "Smoking shall not be permitted in and no person shall smoke in a public place, at a public meeting, in a place of employment, or in public transportation...."**

Therefore, per Saint Paul Legislative Code 310.05(m) (2), the licensing office will recommend a \$500.00 matrix penalty.

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

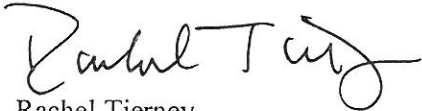
1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, October 18, 2010**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 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, October 18, 2010**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 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, October 18, 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 \$500.00 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

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 7<sup>th</sup> day of October, 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

Subscribed and sworn to before me  
this 7<sup>th</sup> day of October, 2010

  
Notary Public

