



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

June 12, 2015

NOTICE OF VIOLATION

Mohammed Abraham, Owner
Payne EZ Market, Inc.
1132 Payne Avenue
St. Paul, MN 55130

RE: All licenses held by Payne EZ Market, Inc. d/b/a Payne EZ Market, Inc. for the premises located at 1132 Payne Avenue in Saint Paul
License ID #: 20150000195

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Payne EZ Market, Inc. d/b/a Payne EZ Market, Inc. for the premises located at 1132 Payne Avenue in Saint Paul. The basis for the recommendation is as follows:

On May 28, 2015, St. Paul Police came to your establishment based on complaints regarding the illegal sale of individual cigarettes (CN #15-108-627). The officer met with a Confidential Reliable Informant (CRI) who was given money and directed to purchase individual cigarettes from an employee inside the store.

The officers dropped the CRI off approximately a block away and watch them enter the building and exit a few minutes later. The CRI had two (2) Camel Brand cigarettes in their hand. The CRI told the officers that they asked a clerk working at the counter if they could buy a single Newport cigarette. He told the CRI that they could buy two (2) Camel cigarettes for \$1.00. The clerk then took two (2) cigarettes from a carton under the counter and put the \$1.00 in the cash register.

This is a violation of Saint Paul Legislative Code § 324.07 (a): "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."

As a result of this violation, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty.

At this time, you have four (4) 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 **Monday, June 22, 2015**, I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

2. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, June 22, 2015**. 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.
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. I will need to receive your letter by **Monday, June 22, 2015**. 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.
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 **Monday, June 22, 2015**. 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 or DSI by Monday, June 22, 2015, 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,


Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, Deputy Director of DSI
Mohammed Abraham, 3409-34th Avenue South, Unit 1, Minneapolis, MN 55406

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

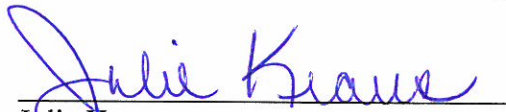
COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 12th day of June she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Mohammed Abraham, Owner
Payne EZ Market, Inc.
1132 Payne Avenue
St. Paul, MN 55130

Mohammed Abraham
3409-34th Avenue South, Unit 1
Minneapolis, MN 55406

(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 12th day of June, 2015


Notary Public

