

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 16th day of April, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO A \$1000 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Mahdi LLC.
d/b/a East Market Grocery and Tobacco
913 Payne Avenue
Saint Paul, MN 55130

Abbas Neamah Hashim Oglah
1024 Rice Creek Ter
Fridley, MN 55432

Song Lee Vang
3496 Commonwealth Avenue
Woodbury, MN 55125-4315

Jack Byers, Executive Director
Payne-Phalen Community Council
567 Payne Avenue
Saint Paul, MN 55130

(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 16th day of April 2021


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

April 16, 2021

NOTICE OF VIOLATION AND
REQUEST FOR UPWARD DEPARTURE TO A
\$1000 MATRIX PENALTY

Mahdi LLC.
d/b/a East Market Grocery and Tobacco
913 Payne Avenue
Saint Paul, MN 55130

RE: Cigarette/Tobacco license held by Mahdi LLC d/b/a East Market Grocery and Tobacco for the premises located at 913 Payne Avenue in Saint Paul
License ID #: 20200001880

Mahdi LLC.:

The Department of Safety and Inspections (“Department”) will recommend adverse action against the Cigarette/Tobacco license held by Mahdi LLC (“Licensee”) for the premises known as East Market Grocery and Tobacco located at 913 Payne Avenue in Saint Paul. (“Licensed Premises”) including an upward departure one box on the matrix penalty to \$1,000.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

Section 310.06(b)(7) says that adverse action can be pursued if the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

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

Section 310.06(b)(8) supports adverse action when the “The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.”

Requested Penalty:

Saint Paul Legislative Code Section 310.05 (m)(1) prescribes a \$500 fine for a first violation within a 12-month period. The prescribed penalty for a second violation is a \$1,000 fine. The prescribed penalty for a third violation is a \$2,000 penalty and 10-day suspension of all licenses. The prescribed penalty for a fourth violation is revocation of all licenses.

Although matrix penalties are presumed to be appropriate, Saint Paul Legislative Code Section 310.05 allows council to upwardly depart where the council finds that there are substantial and compelling reasons to do so.

The Department believes there was a compelling reason to upwardly depart one box on the matrix penalty to a \$1,000.

In your case, the Department bases its request to upwardly depart on both the amount of flavored tobacco products found being offered for sale during its March 3, 2021 inspection of the licensed premises in violation of Saint Paul Legislative Code Section 324.07 and the pre-packaged drug kits that the Inspector found being offered for sale in violation of Saint Paul Legislative Code Sections 310.06(b)(7) and (8). The Department believes that the facts outlined below, along with photographs prove the violations beyond a preponderance of the evidence.

Synopsis of alleged facts:

On March 3, 2021, Inspector Joseph Voyda and a Saint Paul Police officer conducted an inspection at 913 Payne Avenue, Saint Paul, MN 55130 because a complaint had been received that flavored tobacco products were being sold. During the inspection Inspector Voyda observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, he observed 'Hemp Zone'- Banana, Grape, Wet & Fruity, Bee Berry, Russian Gem, and Kiwi Strawberry/'High Hemp'- Bananagoo, Grapeape, Regular, Dutch Cream, Blazin Cherry and Hydrolemonade/'Lit' – Georgia Peach, Paradise Express and Russian Cream/'American Spirits' – Black (Perique)/'KoKo Nuggz' CBD – Patty Cake/'Pure Hemp' – Elektra/'Moon Rock' Strawberry, Mango, Mint, Pepper Lemon and Sour Mango/'Urb' – Strawberry Shortcake, Twisted Citrus and Chill Indica found behind the register. Also, there were small rose pipes with copper wool and lighter kits (known to Inspector Voyda as drug paraphernalia) found behind the counter. The Clerk was advised to remove all flavored products and place them in a backroom.

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 **April 30, 2021**, 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. You can admit to the violation and pay the \$1000.00 matrix penalty. 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 **April 30, 2021**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1000.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$1000.00 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

April 16, 2021

Page 3

facts and requesting a public hearing no later than **April 30, 2021**. The matter will then be scheduled before the City Council to determine whether to impose the \$1000.00 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 **April 30, 2021**. 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 April 30, 2021, I will assume that you do not contest the imposition of the \$1000.00 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 contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,



Therese Skarda
Assistant City Attorney
License No.: 0240989

cc: Abbas Neamah Hashim Oglah; 1024 Rice Creek Ter; Fridley, MN 55432
Song Lee Vang, 3496 Commonwealth Avenue, Woodbury, MN 55125-4315
Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130

Attachments: Inspector's Report, supporting documentation and photos



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Faeximile: 651-266-9124
Web: www.stpaul.gov/dzi

Inspector's Report

Inspectors Name: Joseph Voyda

Date: 3/3/2021

Business/Property Name: East Market Grocery and Tobacco

Property Address: 913 Payne Avenue

Reason for Visit: Complaint for flavored product being sold

Observations: Multiple flavor violations found behind counter

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

Behind the counter/register

Action Taken: Education / warning

Request for Adverse Action

Other: -

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

Upon arrival on March 3rd, 2021, I spoke with the clerk Ameen Samir, I introduced myself as an Inspector for the City of Saint Paul with DSI I introduced the Saint Paul Police officer that works with DSI. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco product being sold.

In plain sight located behind the counter/cash register were multiple flavor tobacco product violations (See Attached Photos – 23 Total). I asked Ameen if there were any other flavor products that were present or hidden, his response was "no we don't sell menthol and no other flavor products". Continuing the inspection, I advised Ameen to move all products that where flavor violation into the back storge room and advised him to have the owner call the distributor for a pickup. I educated Ameen on the flavor violations that were discovered, he agreed and said, "I'll tell the owner".

Types of flavored tobacco products found: 'Hemp Zone' - Banana, Grape, Wet & Fruity, Bee Berry, Russian Gem, and Kiwi Strawberry / 'High Hemp' – Bananagoo, Grapeape, Regular, Dutch Cream, Blazin Cherry and Hydrolemonade / 'Lit' - Georgia Peach, Paradise Express and Russian Cream / 'American Spirits' - Black (Perique) / 'KoKo Nuggz' CBD - Patty Cake / 'Pure Hemp' - Elektra / 'Moon Rock' Strawberry, Mango, mint, Pepper Lemon and Sour Mango / 'Urb' - Strawberry Shortcake, Twisted Citrus and Chill Indica

****Drug Kits prepacked Rose pipe lighter and copper scrubber****

AA-ADA-EEO Employer

License Group Comments Text

03/15/2021

Licensee: MAHDI LLC

DBA: EAST MARKET GROCERY AND TOBACCO

License #: 20200001880

3/3/2021 Tobacco inspection - flavor violations found JNV

License Group Conditions Text

03/15/2021

Licensee: MAHDI LLC

DBA: EAST MARKET GROCERY AND TOBACCO

License #: 20200001880

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.

STAMP - Ownership / Zoning Information

Page 1 of 1

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 03/15/21 02:53 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

913 Payne Ave / 917 Payne Ave - 55130-4001 - [Other Applications](#)

PIN: 292922420253	Census Track: 31500	Census Block: 2008	Council Ward: 6	District Council: 5
Year Built:	Foundation Sq Feet:	Loan Company: 90 Western Ba	Land Value: 72000	Building Value: 73000
Existing Primary Use: C-Mixed Commercial/Residential	Legality of Use:		Occupancy Group Type: B	Units: 4
Zoning: B3				

Legal Desc: CHAS WEIDES SUB B25-26 ARLINGT LOTS 4,5 & LOT 6 BLK 26

Owner:

Song Lee Vang
3496 Commonwealth Ave
Woodbury MN 55125-4315
651-395-0121

Certificate of Occupancy Responsible Party:

Song Lee Vang
3496 Commonwealth Ave
Woodbury MN 55125-4315
651-395-0121

Properties For License 913 PAYNE AVE

Licensee: MAHDI LLC
DBA: EAST MARKET GROCERY AND TOBACCO

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

Licensee Name: MAHDI LLC
 DBA: EAST MARKET GROCERY AND TOBACCO
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 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

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus
Business	08/06/2020	00/00/0000	EAST MARKET GR			(
Other	08/06/2020	00/00/0000	AMEEN	SAMIR	OFFICER	(763)
Mail To	08/06/2020	00/00/0000	OGLAH	ABBAS NEAMAH HASHIM	PRESIDENT	(

Background Check Required

License # 200001880 Save Changes to History

Properties For License 913 PAYNE AVE

Licensee: MAHDI LLC
DBA: EAST MARKET GROCERY AND TOBACCO

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

Licensee Name: MAHDI LLC
 DBA: EAST MARKET GROCERY AND TOBACCO
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 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

Bus. Phone	Home Phone	Contact Address	City	Zip
() -	(651) 706-5883	913 PAYNE AVE	ST PAUL	55130
() -	(651) 706-5883	1024 RICE CREEK TER	FRIDLEY	55432
(763) 291-7159		632 108TH AVE NW	COON RAPIDS	55448

Background Check Required

License # 200001880 Save Changes to History







Internet search from 'Urban dictionary' and a google word search for 'crack pipe kits'.

2

chore boy

A abrasive copper pad for cleaning, but in the **urban definition** is as a necessary part of creating a **crack pipe**. First get yourself a stem. A clear tube..... usually can be purchased at a convenient store with a small rose in it.... cut up the chore boy....stuff a piece in your stem.....about a **half inch**.....and leave about a half inch open on one end..... the chore boy now becomes your filter in your crack pipe..... now lean your head back with the stem in the air.... put yourself a crack rock in the open end and take a fire to the end and suck the crack smoke into your lungs..... exhale....repeat



This 'crack kit' comes with steel wool, a pipe and a lighter.

Supplying drug kits/assembling and offering for sale - drug kits contain a lighter, a cut piece of copper scrubbing pad and a 'chillum' (rose glass pipe) in a clear plastic bag as a set/kit.

Pictures below were taken from the inspection that was held on 3/3/2021.

