



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

December 28, 2017

NOTICE OF VIOLATION
NOTICE OF INTENT TO SUSPEND LICENSE

Talib Al-Tamar, Owner
Blue Store St Paul
879 Fremont Avenue
Saint Paul, MN 55106

RE: Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul for the premises located at 879 Fremont Avenue in Saint Paul.
License ID #: 20090000478

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul for the premises located at 879 Fremont Avenue in Saint Paul. The basis for the recommendation is as follows:

On December 18, 2017, a DSI Inspector was contacted by the Minnesota Department of Revenue concerning flavored tobacco products they discovered during an inspection of your store. The DSI Inspector joined their inspection and documented with photographs the following five (5) boxes of flavored tobacco products on display for sale:

- 1 box Hemp Zone Kiwi-Strawberry
- 1 box Twisted Hemp Grape Burst
- 1 box Twisted Hemp Mango/Pineapple
- 1 box Twisted Hemp California Dream
- 1 box Twisted Hemp Tropical Breeze

The sale of flavored tobacco is a violation of Saint Paul Legislative Code § 324.07 (f): *"No person shall sell, offer for sale, or otherwise distribute any flavored tobacco products...."*

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your licenses based on any one or more of the following grounds:

Section 310.06 (b) (6) (a): *"the license or applicant (or any person whose conduct may by law be imputed to the licensee of applicant) has violated, or performed any act which is a violation of, any of the provision 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..."*

Section 310.06 (b) (6) (c): *"the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn."*

Section 310.06 (b) (6) (8): *"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."*

This is now the third (3rd) violation within the past eighteen (18) months directly related to the licensed activity; therefore, the licensing department will recommend a \$2,000.00 matrix penalty and a ten (10) day suspension of your Cigarette/Tobacco license.

At this time, you have three (3) options to proceed:

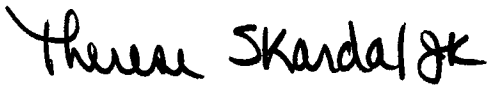
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, January 8, 2018**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the next available City Council Agenda for approval of the proposed remedy.
2. 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, January 8, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$2,000.00 matrix penalty and ten (10) day suspension of your Cigarette/Tobacco license. 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 **Monday, January 8, 2018**. 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 Monday, January 8, 2018, I will assume that you do not contest the imposition of the \$2,000.00 matrix penalty and ten (10) day suspension of your Cigarette/Tobacco license. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

Cc: Talib Al-Tamar, 6487 – 5th Street NE, Fridley, MN 55432-5087
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council, East Side Enterprise Center
804 Margaret Street, Saint Paul, MN 55106

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 28th day of December she served the attached **NOTICE OF VIOLATION – NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Talib Al-Tamar, Owner
Blue Store St Paul
879 Fremont Avenue
Saint Paul, MN 55106

Talib Al-Tamar
6487 – 5th Street NE
Fridley, MN 55432-5087

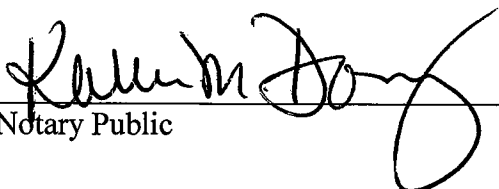
Deanna Abbott-Foster, Executive Director
Dayton's Bluff District 4 Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55106

(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 _____ day of December, 2017



Notary Public

