

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 9th day of September, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$300 ADMINISTRATIVE PENALTY FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE** and a correct copy thereof in an envelope addressed as follows:

1198 Earl LLC  
d/b/a East Side Tobacco  
1198 Earl Street Unit 2  
Saint Paul, MN 55106

Ahmed Al-Hawwari  
770 Lilium Trail  
Medina, MN 55340

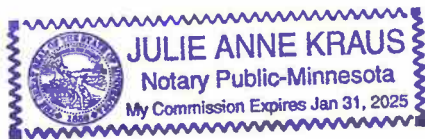
Jack Byers, Executive Director  
Payne Phalen Community Council  
567 Payne Avenue  
Saint Paul, MN 55130

(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 9th day of September 2021

  
Notary Public





September 9, 2021

**NOTICE OF VIOLATION  
RECOMMENDATION FOR IMPOSITION  
OF \$300 ADMINISTRATIVE PENALTY FOR TOBACCO YOUTH COMPLIANCE  
CHECK FAILURE**

1198 Earl LLC  
d/b/a East Side Tobacco  
1198 Earl Street Unit 2  
Saint Paul, MN 55106

RE: Cigarette/Tobacco-Product Shop license held by 1198 Earl LLC d/b/a East Side Tobacco for the premises located at 1198 Earl Street Unit 2 in Saint Paul  
License ID #: 20190000870

1198 Earl LLC:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco-Product Shop license held by 1198 Earl LLC d/b/a East Side Tobacco ("Licensee") for the premises located at 1198 Earl Street Unit 2 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 §461.12, Subd 2 states; "If a licensee or employee of a licensee sells, give, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$300 for the first violation."



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(g) 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 § 461.12, Subd. 2 and Saint Paul Legislative Code §324.07(g) by a preponderance of the evidence.

### **Synopsis of alleged facts:**

On July 27, 2021 at 10:39am, a tobacco compliance check was conducted at East Side Tobacco located at 1198 Earl Street. A twenty-year-old female entered your store and attempted to purchase cigarettes. She was asked to show her identification which indicated she was underage. Nevertheless, the clerk sold her a package of American Spirit cigarettes. Inspector Yang came into the establishment afterward and spoke to the clerk, Malick Fall. He was informed that he failed the youth compliance check by selling American Spirit 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(g).

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 23, 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 \$300.00 administrative 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 **September 23, 2021**. A self-addressed envelope is enclosed for your



convenience. Payment of the \$300.00 administrative 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 \$300.00 administrative 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 no later than **September 23, 2021**. The matter will then be scheduled before the City Council to determine whether to impose the \$300.00 administrative 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 **September 23, 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 September 23, 2021, I will assume that you do not contest the imposition of the \$300.00 administrative penalty. 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 and 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.**

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.



**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

Sincerely,

Therese Skarda  
Assistant City Attorney  
License No.: 0240989

Cc: Ahmed Al-Hawwari, 770 Lilium Trail, Medina, MN 55340  
A & M Market LLC, 770 Lilium Trail, Hamel, MN 55340  
Jack Byers, Executive Director, Payne Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130

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

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.



CITY OF SAINT PAUL

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

*Telephone: 651-266-3989*  
*Facsimile: 651-266-9124*  
*Web: www.stpaul.gov/dsi*

## Inspector's Report

Inspectors Name: Kaozonapang Yang

Time & Date: 7/27/2021 at 10:39AM

Business/Property Name: East Side Tobacco

Property Address: 1198 Earl Street Unit 2 - Saint Paul, MN 55106

Reason for Visit: Annual Cigarette/Tobacco Youth Compliance Check

Observations: Youth purchased a Pack of American Spirit Cigarettes

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 clerk Malick Fall. I introduced myself as a DSI Licensing Inspector for the City of Saint Paul. I informed him that he failed a youth compliance check, an attempted purchase of a pack of American Spirits cigarettes was successfully made from an underage buyer at 10:39 a.m. I asked the clerk for an ID and he did not have one on him. He provided me his name and address.

**Properties For License** 1198 EARL ST UNIT 2

Licensee: 1198 EARL LLC  
DBA: EAST SIDE TOBACCO

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

Licensee Name: 1198 EARL LLC   
 DBA: EAST SIDE 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	Financial Hold Reasons	Reason	Active	Date

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho	Mail License To:
Business	04/04/2019	00/00/0000	EAST SIDE TC			( ) - (76)		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
Other	04/04/2019	00/00/0000	AL-HAWWARI	AHMAD	OWNER	( ) - (76)		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address

Background Check Required

License # 190000870

**Properties For License** 1198 EARL ST UNIT 2

Licensee: 1198 EARL LLC  
DBA: EAST SIDE TOBACCO

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

Licensee Name: 1198 EARL LLC   
 DBA: EAST SIDE 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	Financial Hold Reasons	Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dr	Mail License To:
1198 EARL ST	ST PAUL	55108	00/00/0000	00/00/0000		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
770 LILJUN TRAIL		55340	06/01/1963	00/00/0000	W02321	<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address

Background Check Required

License # 190000870

License Group Conditions Text

08/05/2021

Licensee: 1198 EARL LLC

DBA: EAST SIDE TOBACCO

License #: 20190000870

1. This license is issued for a retail use only, and the licensee shall conduct this retail cigarette/tobacco business in compliance with the "Minnesota Clean Indoor Air Act" (MN Stat. 144.411 - 144.417).
2. Licensee agrees to operate the business in a manner that is consistent with the Business Summary submitted by the licensee dated 4/4/19 and floor plans submitted with the Department of Safety and Inspections (DSI). Licensee agrees to obtain prior written approval from DSI before making any substantive changes to their approved method of operation.
3. No sampling of tobacco products is permitted unless the space is made compliant with applicable code discipline requirements including the mechanical / ventilation code
4. Licensee agrees to provide a detailed breakdown of all items sold, including total dollar amounts for individual items by category, at the time of license renewal if requested by DSI.
5. Licensee agrees to take appropriate measurements to ensure compliance with age limitations in accordance with the City of St. Paul legislative code chapter 324 tobacco, which include age restrictions of who may enter the establishment.
6. 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.
7. Licensee acknowledges that the interior door between the Tobacco Product Shop and other adjoining retail space (currently Convenient Store) shall remain locked at all times. The clerk/cashier of the Tobacco Product Shop shall have a key with the ability to unlock the door only to allow customers/patrons of the Tobacco Product Shop access to use of the restroom in the adjoining retail space at all times the Tobacco Product Shop is open for business.

Requirement Comments Text

08/05/2021

Licensee: 1198 EARL LLC

DBA: EAST SIDE TOBACCO

License #: 20190000870

2/10/2020 Missing Workers comp form JNV

4/16/2019 NOTE: License Condition #7 may be eliminated if licensee chooses to make the whole store a product shop JNV

4/04/2019 submit old licensee withdraw of licenses and to submit owners / lease agreement JNV

License Group Comments Text

08/05/2021

Licensee: 1198 EARL LLC

DBA: EAST SIDE TOBACCO

License #: 20190000870

07/27/2021 Youth Tobacco compliance check fail KY

4/06/2020 Sent letter dated 3-3-2020 in email from licensing manager and a follow up phone call for closure of product shop for executive order 20-20 Covid-19 JNV

02/10/2020: open inspection, issue license. KPY

6/11/19 Youth tobacco compliance check, Not open yet. ARM



## STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

**Run Date:** 09/09/21 02:16 PM

**House#:** 1198

**Last updated from Ramsey County data on:**

**Street Name:** earl

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

1198 Earl St - Maryland Super Usa - 55106-2732 - [Other Applications](#)

<b>PIN: 282922120126</b>	<b>Census Track:</b> 31100	<b>Census Block:</b> 1009	<b>Council Ward:</b> 6	<b>District Council:</b> 5
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b>	<b>Land Value:</b> 90000	<b>Building Value:</b> 164300

**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial

**ISP:**

**Units:**

**Zoning:** B2

**Legal Desc:** CLOVERDALE, ST. PAUL, MINN. LOTS 12 AND LOT 13 BLK 2

**Owner:**

A&M Market Llc  
770 Liliun Trl  
Hamel MN 55340-4442

**Certificate of Occupancy Responsible Party:**

Anwar Kamal  
Maryland Super USA  
1198 Earl St  
St Paul MN 55106  
612-508-5755



CITY OF SAINT PAUL

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

Telephone: 651-266-8089  
Facsimile: 651-266-9124  
Web: www.spsd.gov/bli

Tobacco Youth Compliance Check Purchase Form

Fail

20190000870  
EAST SIDE TOBACCO  
1198 EARL ST UNIT 2  
ST PAUL, MN 55108  
5

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: Kaozouapang Yang  
Name

Date: 07 / 27 / 2021  
MM DD YYYY

Time: 10:39 (a.m.) p.m.

Was purchase attempted?  
 Yes  No

If NO, check reason:

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

Buyer: \_\_\_\_\_  
Name

Age: 20  
Sex: Female

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: \$ .

Clerk Information:  Female  Male Approximate Age:  18 or  Under 18 Actual age if known 20 ish

Name of Clerk: Nalick Fall Address: 3225 29th Avenue

City & State: Minneapolis, MN Zip Code: 55406

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

Description / Notes: glasses, Tall, Black



CITY OF SAINT PAUL

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

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: www.spsaint.gov/dsl

Tobacco Youth Compliance Check Purchase Form

2019000870  
EAST SIDE TOBACCO  
1198 EARL ST UNIT 2  
ST PAUL, MN 55106  
5

Business Type:

- Convenience
- Convenience / Gas
- Supermarket / Grocery
- General

Inspector: Kaozouapang Yang  
Name

If NO,

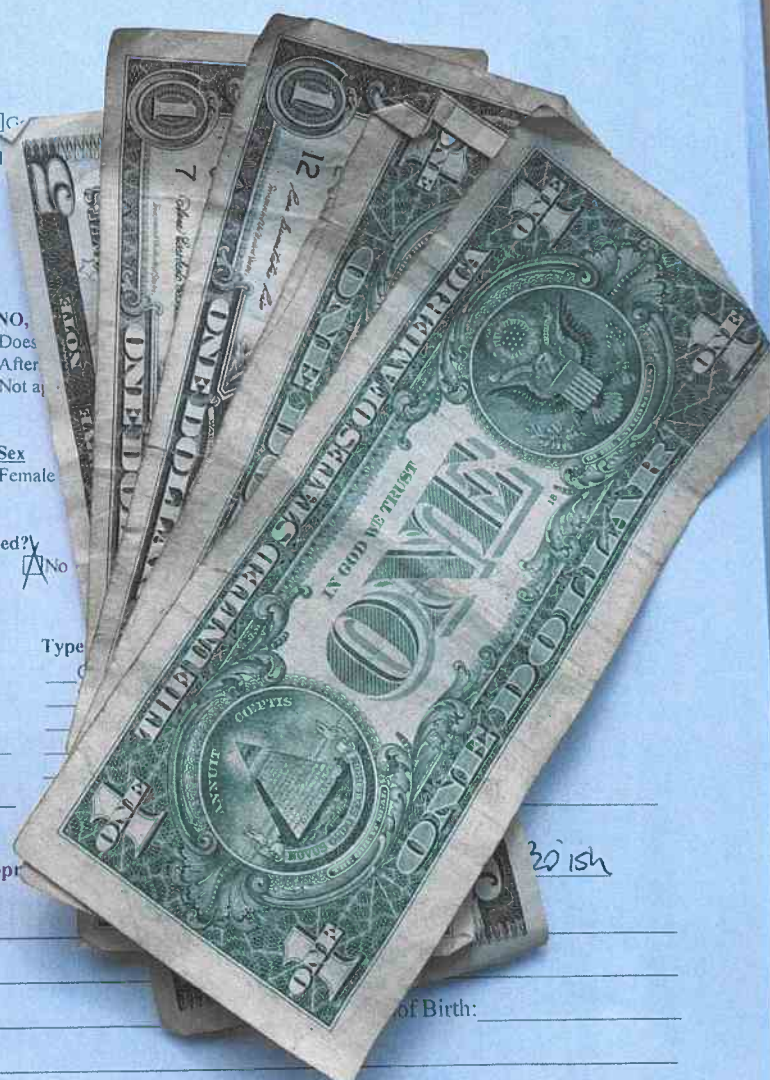
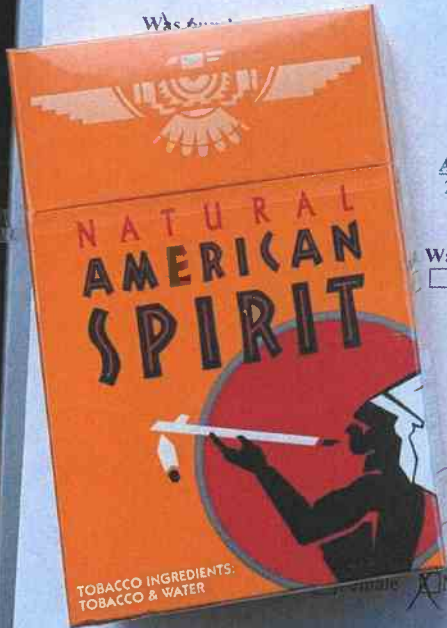
- Does
- After
- Not at

Age  
20

Sex  
Female

Was age asked?  
 Yes  No

Type



Name of Clerk: \_\_\_\_\_

City & State \_\_\_\_\_

Driver's license # or State I.D.# \_\_\_\_\_

of Birth: \_\_\_\_\_

Description / Notes: GLASSES

20 ish

Malick Fall, The Clerk that sold to the underage buyer

Address: 3225 29<sup>th</sup> Avenue, Minneapolis, MN 55406

