

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 15th 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:

Dahir Wako
d/b/a 7th Grocery
43 7th Street West
Saint Paul, MN 55102

Dahir Wako
383 Virginia Street
Saint Paul, MN 55104

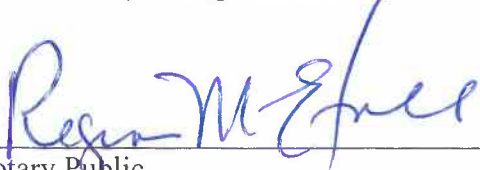
Assumption Properties LLC
51 7th Street West
Saint Paul, MN 55102-1117

Jon Fure, Executive Director
Capitolriver Council
370 Wabasha Street North, Suite 720
Saint Paul, MN 55102

(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 15th day of September 2021



Notary Public





September 15, 2021

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

Dahir Wako
d/b/a 7th Grocery
43 7th Street West
Saint Paul, MN 55102

RE: Cigarette/Tobacco license held by Dahir Wako d/b/a 7th Grocery for the premises located at 43 7th Street West in Saint Paul
License ID #: 20140002629

Dahir Wako:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Dahir Wako d/b/a 7th Grocery ("Licensee") for the premises located at 43 7th Street West 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 August 31, 2021 at 10:02am, a tobacco compliance check was conducted at 7th Grocery located at 43 7th Street West. A twenty-year-old female entered your store and attempted to purchase cigarettes. She was not asked to show her identification which indicated she was underage. Nevertheless, the clerk sold her a pack of American Spirit Cigarettes. Inspector Yang came into the establishment afterward and spoke to the clerk, Abdi Hashis. He was informed that he failed the youth compliance check by selling American Spirit to an underage person. He refused to provide Inspector Yang his Identification.

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 29, 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 29, 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 29, 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 29, 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 29, 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 /s.m.

Therese Skarda
Assistant City Attorney
License No.: 0240989

Cc: Dahir Wako, 383 Virginia Street, Saint Paul, MN 55104
Assumption Properties LLC, 51 7th Street West, Saint Paul, MN 55102-1117
Jon Fure, Executive Director, Capitolriver Council, 370 Wabasha Street North, Suite 720, Saint Paul, MN 55102

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
 Clerk Identification form
 Photos of purchased cigarettes
 Photo of 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: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 08/31/2021 at 12:55 PM

Business/Property Name: 7th Grocery

Property Address: 43 7th Street West - Saint Paul, MN 55102

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, 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 Spirts cigarettes was successfully made from an underage buyer at 12:55 p.m. I asked the clerk for his name and form of ID and he refused to provide me his ID. He hesitantly identified himself as Abdi Hashis. He than proceed to argue with me that he did not sell cigarettes to a minor.

Properties For License 43 7TH ST W

Pay Print Warn Hist Summ

Licensee: DAHIR WAKO
DBA: 7TH GROCERY

Licensee Licensee Lic. Types Insurance Bond Requirements

Licensee Name: DAHIR WAKO
DBA: 7TH GROCERY
Sales Tax Id: [redacted] 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 Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho
Business	09/02/2014	00/00/0000	WAKO	DAHR		(651) 287-7851	(651
Other	09/02/2014	00/00/0000	WAKO	DAHR	OWNER	() -	(651

Background Check Required Contact Properties...

License # 140002629 Save Changes to History OK Cancel Help

Properties For License 43 7TH ST W

Pay Print Warn Hist Summ

Licensee: DAHIR WAKO
DBA: 7TH GROCERY

Licensee Licensee Lic. Types Insurance Bond Requirements

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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 Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dir
43 7TH ST W	ST PAUL	55102	01/01/1991	00/00/0000	P92611
383 VIRGINIA ST	ST PAUL	55104	01/01/1991	00/00/0000	P92611

Background Check Required Contact Properties...

License # 140002629 Save Changes to History OK Cancel Help

License Group Comments Text

09/03/2021

Licensee: DAHIR WAKO

DBA: 7TH GROCERY

License #: 20140002629

8/31/2021 Youth Tobacco compliance fail KY
 7/7/2021 LM Spoke to the license holder about an assault that accord on 7/3/2021 for video. No video was recorded JNV
 11/26/2019 Rec'd Additional \$500.00 fine payment. LAB
 10/16/2019 Spoke with Dahir Wako via phone. Advised him \$500 fine balance was still outstanding and if not received would result in issuance of Notice of Suspension. Left subsequent voicemail advising if not paid by end of day Oct. 16, 2019 Notice of Suspension would follow. EVH
 09/30/2019 Contacted store to advise \$500 fine balance due immediately. EVH
 09/27/2019 Rec'd \$500.00 fine payment. LAB
 9/26/2019 1st violation upward departure \$1000.00 penalty JNV
 8/27/19 To CAO for adverse action, 1st violation for multiple upward depart to 2nd notice of seized tobacco product on 6/20/19 also noted by DSI flavored prod. was seized. KS
 6/11/2019 Youth Compliance Check Pass JNV
 04/10/2019 Flavor and Price Compliance Check: Passed. DC
 8/6/2018 Tobacco youth compliance check-Pass JNV
 06/22/2018 Received \$1,060.00 for fines for sale/display of flavored tobacco products, and failure to show for ALJ hearing. MN
 5/4/2018 Flavor / price inspection-Pass JNV
 05/02/2018 CF #18-101 adopts ALJ findings and imposes \$1,060 in total penalties (payable within 30 days) as follows: \$500 matrix penalty (sale/display of flavored tobacco products), & \$560 due to frivolous nature of licensee's defense and failure to show for ALJ hearing. JWF
 01/04/2018 Rcvd. request for hearing involving violation letter. To KS/JK via email. JWF
 12/21/2017 revived complaint from MN Dept. of Rev. Found flavored tobacco products and flavored tobacco related produces (cigars and wraps). request for adverse action sent to CAO. BLB
 06/30/2017 Passed Tobacco Compliance Check BLB
 07/27/2016 passed tobacco compliance check BLB
 04/25/2016 Paid remaining \$1,350.00 on fine. LAB
 04/05/2016 Per Eric H; okay to accept partial payment of \$150 towards \$1500 matrix penalty. Rcv'd check #3152.
 02/17/2016 Council file #16-29 imposes \$1,500 matrix penalty for contraband tobacco products seized by MN Dept. Rev on 07/21/2015 & 10/30/2015. Payment of \$1,500 penalty due within 30 days. JWF
 1/22/16 Resolution 16-29 entered for Public Hearing by CC. on 2/17/16KS.
 1/19/16 recd. letter contesting fine. Forward to CAO KS
 1/6/2016 - Request for adverse action (5-day license suspension) given to CAO. JAK
 12/29/2015 - DSI received a Notice of Seizure of Contraband from the MN Department of Revenue concerning contraband seized on 10/20/2015. JAK
 10/28/2015 Rcvd \$700.00 for fine. AMW
 7/27/15 Passed Tobacco Compliance check BLB
 08/21/2014 Rcvd. signed cond. affidavit. JWF

Adverse Action Comments Text

09/03/2021

Licensee: DAHIR WAKO

DBA: 7TH GROCERY

License #: 20140002629

11/6/2019- updated Notice sent 9/13/2019- Sent Notice of Violation with an 9/27/2019 deadline to respond. SM
 4/17/2018 - Updated resolution and entered attachments into Legistar (RES PH #18-101) for 5/2/2018 Public Hearing Agenda. JAK
 4/17/2018 - Sent Notice of Council Hearing with attachments to licensee, OAH and District Council (May 2, 2018 @ 5:30 pm). Uploaded packet to OAH file online. JAK
 3/2/2018 - Received ALJ's Findings of Fact, Conclusion of Law and Recommendation Upon Default recommending \$500.00 penalty. JAK
 2/8/2018 - Licensee did not show up for administrative hearing. JAK
 1/12/2018 - Notice of Administrative Hearing sent to licensee, OAH and District Council (February 8, 2018 @ 9:30 a.m at the OAH). JAK
 1/04/2018 - Received request from licensee for an administrative hearing. JAK
 12/28/2017 - Sent Notice of Violation (selling flavored tobacco products) with a 1/8/2018 deadline to respond. JAK
 3/30/2016 - Sent Notice of Intent to Suspend License (for non-payment of Council imposed \$1500 penalty) with a 4/6/2016 deadline to respond. JAK
 2/25/2016 - DSI sent Notice of Imposition of Fine to licensee. Council imposed a \$1500 matrix penalty instead of the five (5) day license suspension. Penalty needs to be paid by 3/17/2016. JAK
 1/22/2016 - Entered resolution and attachments into Legistar (RES PH #16-29) for 2/17/2016 public hearing. JAK
 1/22/2016 - Sent Notice of Council Hearing to licensee, property owner and District Council (February 17, 2016 @ 5:30 p.m) JAK
 1/19/2016 - Received licensee's letter requesting a public hearing.
 1/6/2016 - Sent Notice of Violation with a 1/18/2016 deadline to respond. JAK
 10/27/2015 - Entered resolution and attachments into Legistar (RES #15-1899) for 11/4/2015 Consent Agenda. JAK
 10/9/2015 - Sent Notice of Violation with a 10/19/2015 deadline to respond. JAK
 9/29/2015 - Sent to CAO for \$700.00 matrix penalty. MN Dept. of Revenue seized contraband tobacco products on 7/21/2015

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 09/03/21 01:29 PM

House#: 43

Last updated from Ramsey County data on:

Street Name: 7th

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

39 7th St W / 41 7th St W / 43 7th St W - Alis Inc / 467 St Peter St / 469 St Peter St - 55102 - [Other Applications](#)

PIN: 062822210010

Census Tract: 34202

Census Block: 2021

Council Ward: 2 District Council: 17

Year Built:

Foundation Sq Feet:

Loan Company: 00

Land

Building

Value: 252000

Value: 103000

Existing Primary Use: C-

Legality of Use:

Occupancy

Units: 0

Retail-General

Group

Type: M

Zoning: B2 / B5

Heritage Preservation: HP Inventory #: RA-SPC-3500 / HP Property Name: commercial building / HP Date Built: ca. 1915 / HP Address: 467 St. Peter St. N.

Legal Desc: BAZIL AND GUERIN'S ADDITION SELY 60 FT OF LOTS 8 AND LOT 9 BLK 9

Owner:

Assumption Properties Llc

51 7th St W

St Paul MN 55102-1117



CITY OF SAINT PAUL

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

Telephone: 651-266-8959
Facsimile: 651-266-9124
Web: www.stpaul.gov/bli

Tobacco Youth Compliance Check Purchase Form

20140002629
7TH GROCERY
43 7TH ST W
ST PAUL, MN 55102
17

Fail

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: Kaizouyang Yang
Name

Date: 08 / ³¹24 / 2021
MM DD YYYY

Time: 2:55 a.m. (P.M.)

Was purchase attempted?

- Yes
- No

If NO, check reason:

- Does not sell tobacco
- After business hours
- Not applicable
- Unsatisfactory/unsafe conditions
- Out of business
- 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 25ish

Name of Clerk: Abdi Hashis Address: _____

City & State _____ Zip Code _____

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

Description / Notes: Black, Skinny, Mask



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.stpaul.gov/dsl

Tobacco Youth Compliance Check Purchase Form

20140002629
7TH GROCERY
43 7TH ST W
ST PAUL, MN 55102
17

Business Type:

- Convenience
- Convenience / Gas
- Gas
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Inspector: Kaozouapang Yang
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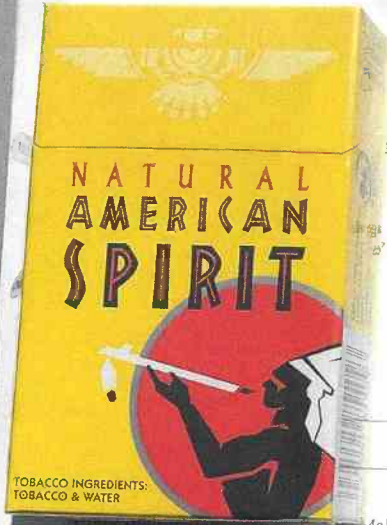
Date:

- If NO, check reason:
- Does not sell
 - After business hours
 - Not applicable

Sex
Female

Age asked?
 No

Type of purchase:
 Cash
 Store credit
 Check
 Store gift card
 Other



Male Appr

Name of Clerk:

City & State:

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

Description / Notes: Blade, Smoking

