



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 14, 2012

NOTICE OF VIOLATION

Mohamuud Abbas Haji-Gelani
Al-Salam Halal Market
168 George Street East
St. Paul, MN 55107

RE: Cigarette/Tobacco license held by Mohamuud Abbas Haji-Gelani d/b/a Al-Salam Halal Market for the premises located at 168 George Street East in Saint Paul
License ID #20110000801

Dear Mohamuud Abbas Haji-Gelani:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Mohamuud Abbas Haji-Gelani d/b/a Al-Salam Halal Market for the premises located at 168 George Street East in Saint Paul. The basis for the recommendation is as follows:

On December 3, 2012, a tobacco compliance check was conducted at Al-Salam Halal Market located at 168 George Street East. A fifteen year old male entered your store and asked to buy cigarettes. He was not asked to show his identification, which would have indicated he was underage. Nevertheless, the clerk sold him a package of Marlboro 100's cigarettes. Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(c).

This is the first (1st) violation for the sale of cigarettes to an underage person, therefore, per Saint Paul Legislative Code §324.11 (b) (1) the licensing office will recommend a \$200.00 matrix penalty.

At this time you have three options on how to proceed:

1. You can pay the recommended \$200.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, December 24, 2012**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$200.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.

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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 no later than **Monday, December 24, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$200.00 matrix penalty. 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 by **Monday, December 24, 2012**. 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, December 24, 2012, I will assume that you are not contesting the imposition of the \$200.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised that the clerk who was identified as having made the sale on this date is also being 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 any questions, please feel free to contact me at (651) 266-8710.

Sincerely,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Mohamuud Abbas Haji-Gelani, 100 Emerson Avenue West, #218, West Saint Paul, MN 55118-3150
Mason Wells, Community Organizer, West Side Community Organization, 1 West Water Street, Suite 260,
Saint Paul, MN 55107

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 14th day of December she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Mohamuud Abbas Haji-Gelani
Al-Salam Halal Market
168 George Street East
St. Paul, MN 55107

Mohamuud Abbas Haji-Gelani
100 Emerson Avenue West, #218
West Saint Paul, MN 55118-3150

Mason Wells, Community Organizer
West Side Community Organization
1 West Water Street, Suite 260
Saint Paul, MN 55107

(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
Julie Kraus

Subscribed and sworn to before me
this 14th day of December, 2012

Rita M. Bossard
Notary Public

