



## 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

May 18, 2015

## NOTICE OF VIOLATION

Baderledin Elzubair, Owner  
Snap Market, Inc.  
957 Rice Street  
Saint Paul, MN 55117

RE: Cigarette/Tobacco license held by Snap Market, Inc. d/b/a Snap Market, Inc. for the premises located at 957 Rice Street in Saint Paul.  
License ID #: 20070003014

Dear Baderledin Elzubair:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Snap Market, Inc. d/b/a Snap Market, Inc. for the premises located at 957 Rice Street in Saint Paul. The basis for the recommendation is as follows:

On May 11, 2015, the Department of Safety and Inspections received a report from the Minnesota Department of Revenue regarding an inspection of the licensed premises on February 26, 2015. During the inspection the following items were seized as contraband:

- 15 boxes of 60 Swisher Sweet Summer Twist Save on 2
- 1 box of 90 Garcia Vega 3 for 2
- 13 boxes of 10 packs of 12 Swisher Sweets Mini Cigarillos Buy One Get One
- 4 boxes of 60 White Owl White Grape 2 for \$1.49
- 2 boxes of 60 Swisher Sweet Tropical Fusion Save on 2
- 3 boxes of 20 packs of 5 Swisher Sweet Cigarillos 5 for 3
- 7 packs of 2 White Owl Sweet 2 for \$1.49
- 10 packs of 2 White owl White Grape 2 for \$1.49

These items were seized under Minn. Stat. Chapter 297F.21 Subdivision (j): *“Any cigarette packages or tobacco products offered for sale or held as inventory for which there is not an invoice from a licensed seller as required under section 297F.13, subdivision 4.”*

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.”**

Due to the fact the violations are directly related to the licensed activity, per Saint Paul Legislative Code § 310.05 (m) (5) the licensing department will recommend a \$700.00 matrix penalty.

At this time, you have four (4) options to proceed:

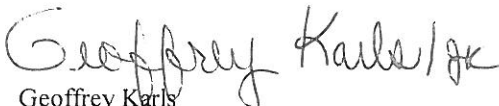
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Thursday, May 28, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$700.00 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 **Thursday, May 28, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$700.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
3. 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 **Thursday, May 28, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$700.00 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 **Thursday, May 28, 2015**. 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 or DSI by Thursday, May 28, 2015, I will assume that you do not contest the imposition of the \$700.00 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 feel free to contact me at 266-8710.

Sincerely,

  
Geoffrey Karls  
Assistant City Attorney

Cc: Dan Niziolek, DSI Deputy Director  
Baderledin Elzubair, 979 Woodland Drive, Mahtomedi, MN 55115  
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, Saint Paul, MN 55117

