



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

Dahir Wako, Owner  
7<sup>th</sup> Grocery  
43-7<sup>th</sup> Street West  
Saint Paul, MN 55102

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

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Dahir Wako d/b/a 7<sup>th</sup> Grocery for the premises located at 43-7<sup>th</sup> Street in Saint Paul. The basis for the recommendation is as follows:

On December 21, 2017, a DSI Inspector was contacted by the Minnesota Department of Revenue concerning flavored tobacco products they discovered during an inspection of your store on December 20, 2017. The DSI Inspector came to your store on December 21, 2017 and documented with a photograph the following four (4) boxes of flavored tobacco products on display for sale:

2 boxes of White Owl cigars (Pineapple & White Grape)  
2 boxes of Double Platinum Wraps (Strawberry Kiwi & Blueberry)

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."*

Affirmative Action Equal Opportunity Employer



Based on the violation being directly related to the licensed activity, per Saint Paul Legislative Code §310.05 (m) (2) the licensing department will recommend a \$500.00 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 **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. You can pay the \$500.00 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, January 8, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 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 **Monday, January 8, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 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 **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).

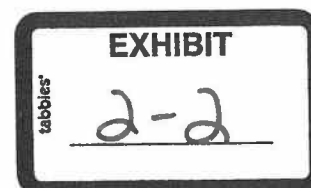
**If you have not contacted me by Monday, January 8, 2018, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.**

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: Dahir Wako, 383 Virginia Street, St. Paul, MN 55104  
Jon Fure, Director, CapitolRiver Council District 17, 180 East 5<sup>th</sup> Street, Suite 260, St. Paul, MN 55101



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 28<sup>th</sup> day of December she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Dahir Wako, Owner  
7<sup>th</sup> Grocery  
43-7<sup>th</sup> Street West  
Saint Paul, MN 55102

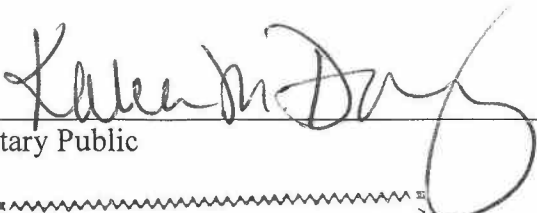
Dahir Wako  
383 Virginia Street  
St. Paul, MN 55104

Jon Fure, Director  
CapitolRiver Council District 17  
180 East 5<sup>th</sup> Street, Suite 260  
St. Paul, MN 55101

(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

