

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 June 27, 2019, he served the attached **NOTICE OF VIOLATION, RECOMMENDATION FOR IMPOSITION OF \$500.00 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Mounds Park Market
241 Earl St
Saint Paul, MN 55106
Attn: Moundsvue Retail INC

241 Earl LLC/C/O Adam Khatib
2303 Parkview Lane
Woodbury, MN 55125

Lissa Jones-Lofgren, Executive Director,
Dayton's Bluff Community Council;
804 Margaret Street
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.

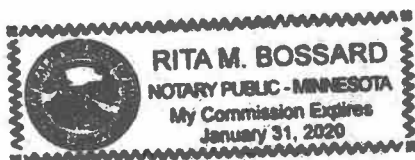


Shawn McDonald

Subscribed and sworn to before me
This 27th day of June 2019



Notary Public



OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

*Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102*

*Telephone: 651 266-8710
Facsimile: 651 298-5619*

June 27, 2019

**NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION
OF \$500 MATRIX PENALTY**

Mounds Park Market
241 Earl St
Saint Paul, MN 55106
Attn: Moundsview Retail INC

RE: Cigarette/Tobacco license held by Moundsview Retail INC d/b/a Mounds Park Market for the premises located at 241 Earl St in Saint Paul
License ID #: 20170000776

Dear Moundsview Retail INC:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Moundsview Retail INC ("Licensee") for the premises known as Mounds Park Market located at 241 Earl St in Saint Paul. ("Licensed Premises").

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored products.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

On April 4, 2019 all cigarette/tobacco licensees in the City of Saint Paul were notified by letter that cigar pricing, flavored tobacco, temporary window sign and tobacco display requirement compliance checks would be conducted during the week of April 8th through May.

On April 12, 2019, Inspector Muhammad conducted a cigarette/tobacco and price compliance inspection at 241 Earl Street, Saint Paul, 55106. Inspector Muhammad observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, he observed flavored products: Hemp Zone Kush, Bee Berry and Jamaican Buzz being offered for sale.

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 **July 17, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **August 7, 2019** City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$500.00 matrix 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 **July 17, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix 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 \$500.00 matrix 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 **July 17, 2019**. 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 **July 17, 2019**. 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 July 17, 2019, 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 August 7, 2019 City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,

Handwritten signature of Therese Skarda in cursive, followed by the initials "S.M." in a stylized font.

Therese Skarda
Assistant City Attorney
License No.: 0240989

d/b/a Mounds Park Market

June 27, 2019

Page 3

cc: Moundsview Retail INC; 241 Earl St; Saint Paul, MN 55106

Adam and Nadia Khatib; 2303 Parkview Ln; Woodbury, MN 55125

Lissa Jones-Lofgren, Dayton's Bluff Community Council; 804 Margaret Street; Saint Paul, MN 55107

Attachments: Inspector's Report and Supporting Documentation.



CITY OF SAINT PAUL

Business Licensing Telephone: 651-266-5759
375 Jackson Street, Suite 210 Facsimile: 651-266-9124
Saint Paul, Minnesota 55101-1006 Web: www.saintpaul.gov/bsl

Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date of Inspection: April 12th, 2019

Date sent to the CAO: May 2, 2019

Business/Property Name: Mounds Park Market

Property Address: 241 Earl St.

License #: 20170000776

Reason for Visit: Flavor/Price Compliance Check

Observations: Flavor Violations: Hemp Zone: KUSH, Bee Berry, and Jamaican Buzz

Photos Taken: Yes, Location of Photo(s):

No

Action Taken: Citation

Warning

Other: Sent to the CAO for Adverse Licensing Action

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival for a cigarette/tobacco flavor and price compliance inspection, I Akbar R. Muhammad, an inspector for the DSI, introduced myself as inspector from DSI to the supervisor, Mr. Mounseim I asked him if he received the letter that was mailed out dated April 4, 2019. As I conducted my inspection I observed Hemp Zone Wraps: KUSH, Bee Berry, and Jamaican Buzz. I advised him that these were all flavors violations and needed to be removed asap to be in compliance with ordinance 324.

DEPARTMENT OF SAFETY AND INSPECTIONS
Reynolds K. Cozzani, Director



CITY OF SAINT PAUL

Business Licensing Telephone: 651-266-8989
333 Jackson Street, Suite 220 Fax: 651-266-9114
Saint Paul, Minnesota 55101-1606 Web: www.spsd.gov/bli

April 4, 2019

Dear Cigarette/Tobacco License Holder,

The Saint Paul Legislative Code establishes minimum cigar prices, prohibits the sale of flavored tobacco products at most retail locations, limits the size of temporary window signs in stores, and regulates customer access to the tobacco and tobacco-related products on display. Compliance checks for these items are typically conducted a minimum of once per calendar year where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold. These checks consist of a DSI Licensing Inspector visiting the establishment unannounced then observing product placement and labeling, speaking with clerks, taking photos, etc. to monitor for compliance with retail tobacco requirements.

Please consider this letter formal notice that the Department of Safety and Inspections (DSI) will begin to conduct the 2019 routine compliance checks for cigar pricing, flavored tobacco, temporary window sign, and tobacco display requirements the week of April 8th and expects to complete the initial checks of all vendors by late May. Of further note, compliance checks may be conducted at any time during the year in response to complaints or reported violations of these or other applicable requirements. Ordinance violations will be forwarded to the City Attorney's Office for adverse action against your license(s) that will result in fines and potential license suspension.

A link to the Cigarette/Tobacco License webpage is further below for your reference and if you have any questions about license requirements or inspection procedures, contact me at 651-266-9014 or Joseph.voyda@ci.stpaul.mn.us. Other DSI Licensing Inspectors are available during my absence at 651-266-8989 to answer questions as well.

Cigarette / Tobacco License | Saint Paul, Minnesota
<https://www.stpaul.gov/departments/safety-inspections/licenses/business/cigarette-tobacco-license>

Sincerely,

Joseph Voyda,
Inspector, DSI Licensing

AA-ADA-EEO Employer



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.spsul.gov/dst

Tobacco Compliance Inspection Sheet

2017000776
MOUNDS PARK MARKET
241 EARL ST

Business Type:

- Convenience Convenience / Gas Gas Drug Store / Pharmacy Tobacco / Smoke Shop
- Supermarket / Grocery General Merchant Liquor Store / Bar Restaurant Other (private club, bowling, etc.)

Cigar prices: Single 2 Pack 3 Pack 4 Pack or More
 \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Menthol, mint & wintergreen flavored products on premises? Yes or No

Flavored tobacco issues present during inspection? Yes or No (if Yes, list below)

Were pictures taken of flavored items/issues? Yes or No

More than thirty (30) percent of the store window / doors covered by temporary signs? Yes or No

Were pictures taken of the windows / doors? Yes or No

Name of (Owner) or (Clerk): Ali Mounaim

Notes/Issues: Flavors Hemp Zone Kush, Bee Berry, and Jamaican Buzz

Reason no inspection was conducted:

- Does not sell tobacco Unsatisfactory/unsafe conditions Out of business After business hours
- Refused inspection Why? _____ Other _____

Inspector: Albar R. Muhammad Date: 4 / 12 / 19 Time: 12:41 a.m. / p.m.
MM DD YY

Properties For License 241 EARL ST

Licensee: MOUNDSVIEW RETAIL INC
DBA: MOUNDS PARK MARKET

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

Licensee Name: MOUNDSVIEW RETAIL INC Browse...
 DBA: MOUNDS PARK MARKET Properties...
 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	Reason	Active	Date

Financial Hold Reasons

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Ph
Business/M	03/01/2017	00/00/0000	MOUNDS PARK MARKET			(651) 777
Other	03/01/2017	00/00/0000	JAHED	AKIL	OWNER	(651) 777

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required Contact Properties...

License # 170000776 Save Changes to History OK Cancel Help

Properties For License 241 EARL ST

Licensee: MOUNDSVIEW RETAIL INC
DBA: MOUNDS PARK MARKET

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

Licensee Name: MOUNDSVIEW RETAIL INC Browse...
 DBA: MOUNDS PARK MARKET Properties...
 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	Reason	Active	Date

Financial Hold Reasons

Contacts for this Licensee

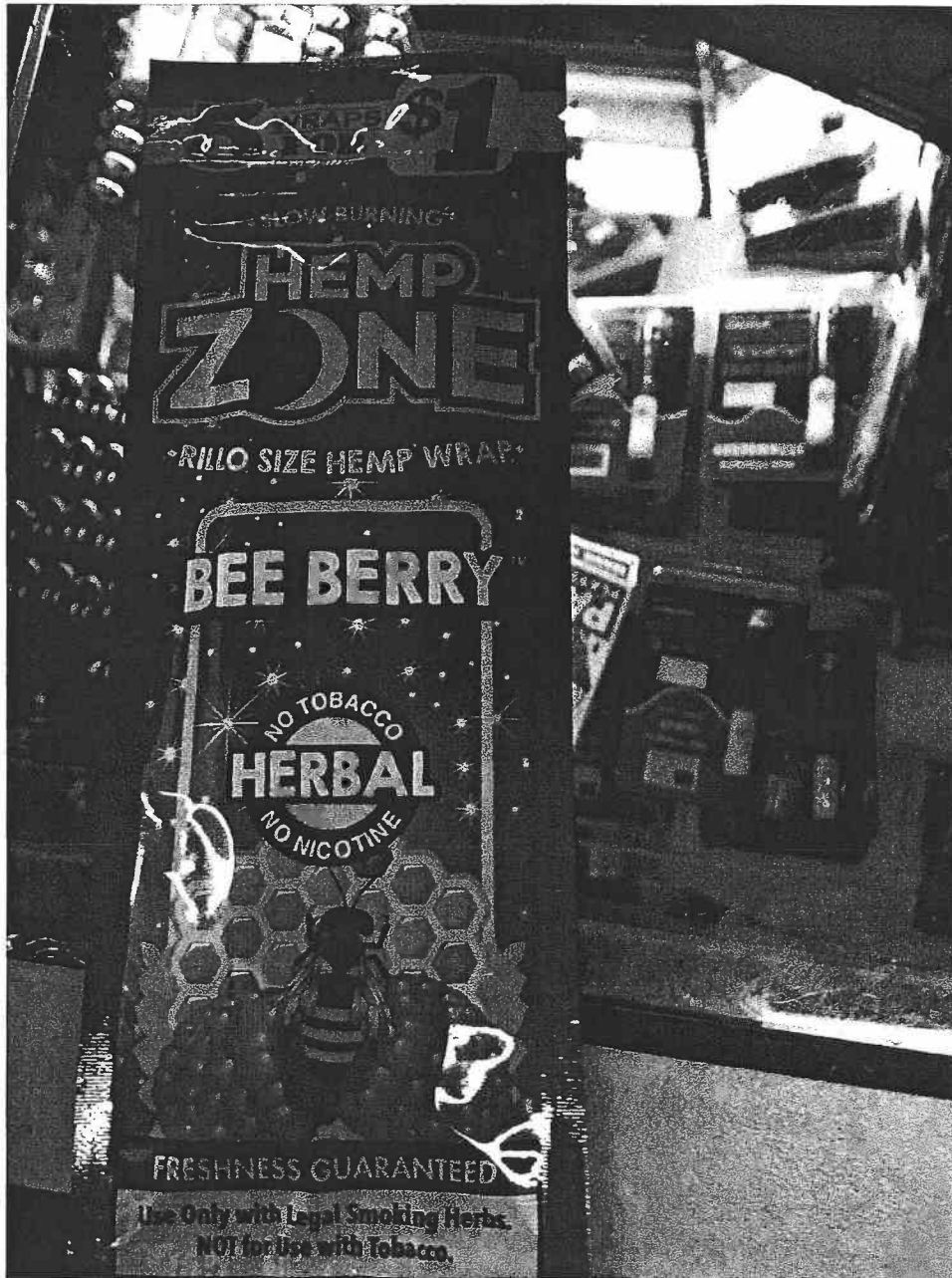
Home Phone	Contact Address	City	Zip	DOB	Las
	241 EARL ST	ST PAUL	55106	00/00/0000	00/00/0000
(763) 221-7633	8126 PLEASANTVIEW CIRCL	MOUNDSVIEW	55112	08/01/1998	00/00/0000

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required Contact Properties...

License # 170000776 Save Changes to History OK Cancel Help





5 WRAPS FOR \$1

5 WRAPS FOR \$1

SLOW BURNING
HEMP ZONE
RILLO SIZE HEMP WRAP

SLOW BURNING
HEMP ZONE
RILLO SIZE HEMP WRAP

KUSH

BEE BERRY

NO TOBACCO
HERBAL
NO NICOTINE

NO TOBACCO
HERBAL
NO NICOTINE

KUSH

BEE BERRY

FRESHNESS GUARANTEED

Use Only with Legal Smoking Herbs.
NOT for Use with Tobacco.

FRESHNESS GUARANTEED

Use Only with Legal Smoking Herbs.
NOT for Use with Tobacco.

JAMAICA BUZZ

HEMP ZONE
PREMIUM

2X
PREMIUM

100%
TOBACCO
SLOW BURNING

FRESHNESS GUARANTEED
Use Only with Legal Smoking Herbs.
NOT for Use with Tobacco.



Golden Valley Wholesale
 7880 Beech Street NE
 Fridley, MN 55432
 Tel: 763-502-7777 || Fax: 763-786-9252
 www.goldenvalleycorp.us

Invoice

Invoice #: 703857

Date: 3/18/2019

Via:

Representative: WC

Terms: Net 7 Days

Collect:

Stop Number: Ayman

Bill To

Mounds Park Market.
 Moundsview Retail Inc.
 241 Earl St.
 St. Paul, MN, 55106

Ship To

Mounds Park Market.
 Moundsview Retail Inc.
 241 Earl St.
 St. Paul, MN, 55106

Tob# : 20170000776 - EXP. C3/01/2019

QTY	ITEM SKU	DESCRIPTION	PRICE	AMOUNT
1	TFKS13	TROPICAL FANTASY KIWI STRAWBERRY 24/22.5OZ BOTTLES	15.60	15.60
1	TLIT9	TROPICAL FANTASY LEMON ICED TEA 24/22.5OZ BOTTLES	15.60	15.60
1	PDJM6	PURE DELIGHT JUICE MANGO 24/16OZ. BOTTLES	8.50	8.50
1	PDJBR1	PURE DELIGHT JUICE BLUE RASPBERRY 24/16OZ. BOTTLES	8.50	8.50
1	PDJG8	PURE DELIGHT JUICE GRAPE 24/16OZ. BOTTLES	8.50	8.50
1	PDJPM	PURE DELIGHT JUICE PUNCH 24/16OZ. BOTTLES	8.50	8.50
1	PDJST5	PURE DELIGHT JUICE STRAWBERRY 24/16OZ. BOTTLES	8.50	8.50
1	PDJBR1	PURE DELIGHT JUICE BLUE RASPBERRY 24/16OZ. BOTTLES	8.50	8.50
1	VHHP	VAN HOLTEN'S JUMBO HOT PICKLE 12CT.	9.23	9.23
1	MRMCC	MARUCHAN RAMEN NOODLES SOUP CREAMY CHICKEN 24/3OZ	5.18	5.18
5	ACBBC	DOG FOOD ALPO BEEF BACON & CHEESE 13.2OZ.CAN	0.94	4.70
3	ACCG	DOG FOOD ALPO CHICKEN GRAVY 13.2OZ CAN	0.94	2.82
4	ACBG	DOG FOOD ALPO BEEF GRAVY 13.2OZ CAN	0.94	3.76
4	ACBSV	DOG FOOD ALPO BEEF STEW & VEGETABLES 13.2OZ CAN	0.94	3.76
4	ACLK	DOG FOOD ALPO LAMB & RICE 13.2OZ CAN	0.94	3.76
4	ACTB	DOG FOOD ALPO TURKEY & BACON 13.2OZ CAN	0.94	3.76
2	PCCHW	PURINA CAT CHOW 18OZ BOX	2.50	5.00
3	9LCB518	9 LIVES DAILY ESSENTIALS CHICKEN,BEEF,SALMON 18OZ. BAG	1.85	5.55
1	MIOF	MIKE & IKE ORIGINAL FRUITS 24CT. BOX	4.32	4.32
3	MMO18	CAT FOOD MEOW MIX ORIGINAL 18OZ. BAG	1.88	5.64
6	GCR8	GERBER RICE CEREAL 8OZ.	2.57	15.42
1	VHHP	VAN HOLTEN'S JUMBO SOUR PICKLE 12CT.	9.23	9.23
1	AMZ152	APPLE MINI ZIPLOC BAG 15X20	8.00	8.00
2	ZFTKR	ZEN FILTER TUBES KING REGULAR 4/25OCT.	7.70	15.40
	CRD	CREDIT	-3.73	-3.73
1	HZ2XJ	HERBAL ZONE WRAP 2XL JAMAICAN BUZZ 25CT.	12.50	12.50
1	HZ2XN	HERBAL ZONE WRAP 2XL NATURAL 25CT.	12.50	12.50
1	HZ2XG	HERBAL ZONE WRAP 2XL GRAPE 25CT.	12.50	12.50
1	HZWKU	HERBAL ZONE WRAP KUSH 5/\$1 15CT.	9.25	9.25
1	HZWBB	HERBAL ZONE WRAP BEEBERRY 5/\$1 15CT.	9.25	9.25
2	GSM6	GOOD STUFF MENTHOL PIPE TOBACCO 6OZ. BAG	7.75	15.50
4	GSR6	GOOD STUFF RED PIPE TOBACCO 6OZ. BAG	7.75	31.00
<i>NOT PAID</i>				
		TOTES RETURN:	Driver Initial	Store Initial
Total Due:				\$286.50

STAMP - Ownership / Zoning Information[New Search](#)[Help using this report](#)**Run Date:** 06/27/19 09:46 AM**House#:** 241**Last updated from Ramsey County
data on:** 07/07/2018**Street
Name:** earl

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

241 Earl St - Mounds Park Market - 55106-6402 - [Other Applications](#)

PIN: 332922340114	Census Track: 34500	Census Block: 2011	Council Ward: 7	District Council: 4
Year Built:	Foundation Sq Feet:	Loan Company:	Land Value: 23800	Building Value: 119200
Existing Primary Use: C-Grocery Store	Legality of Use: Legal Non-Conforming		Occupancy Group Type: M	Units: 2
Zoning: RT1				

Legal Desc: SUBURBAN HILLS S 33 FT OF E 120 FT OF LOT 19 BLK 30**Owner:**241 Earl Llc/C/O Adam Khatib
2303 Parkview Ln
Woodbury MN 55125-9377**Certificate of Occupancy Responsible Party:**Ahmad Khatib & Nadia Khatib (Zafer Bro In Law)
2303 Parkview Lane
Woodbury MN 55125-9377
651-772-2229