



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

March 2, 2018

NOTICE OF INTENT TO DENY LICENSE

Jawad Almaliki
New Hope Market
1132 Payne Avenue
St. Paul, MN 55130

RE: Cigarette/Tobacco-Product Shop license application submitted by New Hope Market, LLC d/b/a New Hope Market for the premises located at 1132 Payne Avenue in Saint Paul
License ID #20170002877

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend denial of the Cigarette/Tobacco-Product Shop license application submitted by New Hope Market, LLC d/b/a New Hope Market for the premises located at 1132 Payne Avenue in Saint Paul. The basis for the recommendation is as follows:

On January 4, 2018, the Department of Safety and Inspections (DSI) received a SEIZED CIGARETTE/TOBACCO PRODUCT and a NOTICE OF SEIZED CONTRABAND letter from the Minnesota Department of Revenue concerning contraband cigarette/tobacco products seized from your business during an inspection on October 19, 2017.

During the inspection, the inspectors observed tobacco products displayed behind the counter and a number of empty tobacco and cigarette cartons in the trash behind the sales counter. When the inspector asked to see your City of Saint Paul license, you were unable to provide it to them. According to DSI records, you did not have a license to sell Cigarette/Tobacco products on October 19, 2017. Your Cigarette/Tobacco license was hand-delivered to you on October 27, 2017, nine (9) days after the Minnesota Department of Revenue's inspection date.

Saint Paul Legislative Code § 310.06 (b) (1) provides that adverse action may be taken against your license based on the following grounds: "The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith."

At this time, you have three (3) 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, March 12, 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. 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 no later than **Monday, March 12, 2018**. The matter will then be scheduled before the City Council to determine whether to deny the Cigarette/Tobacco-Product Shop license. 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 no later than **Monday, March 12, 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, March 12, 2018, I will assume that you do not contest the denial of the Cigarette/Tobacco-Product Shop license. 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 four (4) options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Jawad Almaliki, 5811 Hackmann Avenue NE, Fridley, MN 55432
Lissa Jones-Lofgren, Interim Executive Director, Payne Phalen District 5 Planning Council
567 Payne Avenue, St. Paul, MN 55130

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 2nd day of March, she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Jawad Almaliki
New Hope Market
1132 Payne Avenue
St. Paul, MN 55130

Jawad Almaliki
5811 Hackmann Avenue NE
Fridley, MN 55432

Lissa Jones-Lofgren, Interim Executive Director
Payne Phalen District 5 Planning Council
567 Payne Avenue
St. Paul, MN 55130

(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 2nd day of March, 2018


Notary Public

