



City of Saint Paul

Signature Copy

Resolution: RES 17-1191

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES 17-1191

Sustaining adverse action against the Cigarette/Tobacco license held by Payne EZ Market at 1132 Payne Avenue.

WHEREAS, Payne EZ Market, Inc., d/b/a Payne EZ Market ("Licensee"), located at 1132 Payne Avenue in the City of Saint Paul holds a Cigarette/Tobacco license; and

WHEREAS, Mohamed Samir Abraham is the sole owner of Payne EZ Market, Inc.; and

WHEREAS, on December 22, 2016 a Notice of Violation was sent to Licensee stating that the City was taking adverse action against his tobacco license based upon his November 22, 2016 conviction of a felony financial transaction card fraud for trafficking of Supplemental Nutritional Assistance Program ("SNAP") benefits. The Notice indicated that the City would seek the presumptive penalty of a \$2,000 fine; and

WHEREAS, an amended Notice of Violation dated February 10, 2017 was sent advising that the City intended to seek revocation of the tobacco license based upon new information regarding drug activity occurring in and around the business; and

WHEREAS, a second Amended Notice of Violation dated March 17, 2017 added the City's intention to use Licensee's convictions between 2005 and 2009 for misdemeanor domestic assault, misdemeanor violation of a domestic no-contact order, gross misdemeanor violation of an order for protection, and a misdemeanor criminal damage to property; and

WHEREAS, a hearing was held before an Administrative Law Judge on May 11 and 12, 2017 and the Findings of Fact, Conclusions of Law and Recommendations were issued on June 26, 2017; and

WHEREAS, the report of the Administrative Law Judge concluded that the City had shown substantial and compelling reasons to revoke the Licensee's tobacco products license for reasons identified in St. Paul Legislative Code §§ 310.06(b)(6)(a) and (c) and 310.06 (b)(8); and

WHEREAS, the Council agrees that the testimony at the hearing regarding Licensee's knowledge of drug dealing going on in and around his store, the numerous complaints about people loitering and playing dice on the perimeter of the store property, and the criminal convictions are substantial and compelling reasons to depart upward from the presumptive

penalty of a \$2,000 fine and to revoke the tobacco license; now, therefore be it

RESOLVED, that the Findings of Fact, Conclusions of Law and Recommendation of the Administrative Law Judge in this matter are hereby adopted as the Findings of the City Council in this matter; and be it


FURTHER RESOLVED, that the Cigarette/Tobacco license held by Payne EZ Market are hereby revoked.

At a meeting of the City Council on 8/9/2017, this Resolution was Passed.

Yea: 5 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, and Councilmember Stark


Nay: 0

Absent: 2 Councilmember Noecker, and Councilmember Prince

Vote Attested by  **Date** 8/9/2017
Council Secretary Trudy Moloney

Approved by the Mayor  **Date** 8/10/2017
Melvin Carter III

Clerk  **Date** _____
Shari Moore

Test Signature  **Date** _____
Shari Moore