



CITY OF SAINT PAUL
Mayor Melvin Carter

Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102

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

December 3, 2018

NOTICE OF INTENT TO DENY LICENSE

Khaled Zeid Ghneim
807 White Bear Avenue
St. Paul, MN 55106

RE: Cigarette/Tobacco license application submitted by Stryker Market, LLC d/b/a Stryker Market for the premises located at 605 Stryker Avenue in Saint Paul
License ID #20180002288

Dear Applicant:

The Department of Safety and Inspections (DSI) will recommend denial of the Cigarette/Tobacco license application submitted by Stryker Market, LLC d/b/a Stryker Market for the premises located at 605 Stryker Avenue in Saint Paul. The basis for the recommendation is as follows:

On June 29, 2018, you submitted a Cigarette/Tobacco license application with the Department of Safety and Inspections (DSI) for the premises located at 605 Stryker Avenue. State of Minnesota records show that Stryker Market, LLC is currently managed by Ahmad Al-Hawwari.

Ahmad Al-Hawwari applied for a Cigarette/Tobacco license with the City of Saint Paul on September 14, 2016. A Notice of Intent to Deny License was sent to Mr. Al-Hawwari on January 12, 2017 based on information provided by the City of Minneapolis showing numerous violations related to the license activity within the previous five (5) years. Mr. Hawwari withdrew his license application on January 23, 2017.

The Department believes that Ahmad Al-Hawwari is an interested party under the definition of Saint Paul Legislative Code Saint Paul Legislative Code §310.02 (e) and your application must be treated as an application by the person whose license was denied or revoked: *“Reapplication after denial; “interest” of applicant in revoked license. An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term “interest,” as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.”*

Saint Paul Legislative Code §324.01 (d) states the basis for denial of a Cigarette/Tobacco license: *“(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years....”*

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, December 13, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **January 2, 2019** City Council Consent Agenda for approval of the proposed remedy
2. If you wish to admit the facts but contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send a letter with a statement admitting the facts and requesting a public hearing by **Thursday, December 13, 2018**. The matter will then be scheduled before the City Council to determine whether to deny your Cigarette/Tobacco 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 **Thursday, December 13, 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).

4. You can withdraw your license application. Complete the enclosed REQUEST TO WITHDRAW REQUEST FOR REFUND form and return it to the Department of Safety and Inspections (DSI), 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, December 13, 2018**. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me by Thursday, December 13, 2018, I will assume that you are not contesting the denial of your Cigarette/Tobacco license. In that case, the matter will be placed on the January 2, 2019 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
License No. 0240989

cc: Bahieh Hartshorn, Community Organizer, West Side Community Organization, Baker Center
209 Page Street West, Saint Paul, MN 55107
A & A Market LLC, c/o A & M, LLC, 6301 Balsam Lane North, Maple Grove, MN 55369-6150

Enc: REQUEST TO WITHDRAW REQUEST FOR REFUND
Signature Copy of RES #15-242 dated February 10, 2015

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

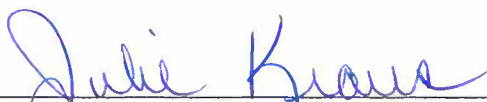
Julie Kraus, being first duly sworn, deposes and says that on the 3rd day of December she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Khaled Zeid Ghneim
807 White Bear Avenue
St. Paul, MN 55106

Bahieh Hartshorn, Community Organizer
West Side Community Organization
Baker Center
209 Page Street West
Saint Paul, MN 55107

A & A Market, LLC
c/o A & M, LLC
6301 Balsam Lane North
Maple Grove, MN 55369-6150

(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 3rd day of December 2018


Notary Public

