



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

May 14, 2015

NOTICE OF VIOLATION

Towfik Hassen, President
Super USA
976 – 7th Street East
St. Paul, MN 55106

RE: All licenses held by Tom Super USA, LLC d/b/a Super USA for the premises located at 976 - 7th Street East in Saint Paul.
License ID #: 20090000182

Dear Towfik Hassen:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Tom Super USA, LLC d/b/a Super USA for the premises located at 976 – 7th Street East in Saint Paul. The basis for the recommendation is as follows:

On May 5, 2015, St. Paul Police came to 976–7th Street East based on numerous complaints regarding the illegal sale of individual cigarettes (CN #15-090-625). The officer met with a Confidential Reliable Informant (CRI) who was given \$2.00 and directed to purchase individual cigarettes from an employee inside the store.

The officers watched as the CRI went into the store and returned a short time later. The CRI then produced three (3) Newport brand individual cigarettes which he/she had purchased with the \$2.00 from an employee inside the store. According to the CRI, he/she handed the money directly to the employee and received the unpackaged cigarettes from that same employee.

This is a violation of Saint Paul Legislative Code § 324.07 (a): “No person shall sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes shall be sold in packages of fewer than twenty (20) cigarettes.”

This is the second violation for the sale of individual cigarettes within twelve (12) months, so per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$1,000.00 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, May 25, 2015**, I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.


2. You can pay the recommended \$1,000.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, May 25, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 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, May 25, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 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, May 25, 2015**. 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 or DSI by Monday, May 25, 2015, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, Deputy Director of DSI
Towfik Hassen, 1910 – 52nd East Street, Apt. 107, Inver Grove Heights, MN 55077
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council
804 Margaret Street, Saint Paul, MN 55106
Morgan Vi LLC, 34321 Myrtle Lane, Union City, CA 94587-8027

