



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

September 22, 2017

NOTICE OF VIOLATION

Talib Al-Tamar, Owner
 Blue Store St Paul
 879 Fremont Avenue
 Saint Paul, MN 55106

RE: Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul for the premises located at 879 Fremont Avenue in Saint Paul.
 License ID #: 20090000478

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Blue Store St Paul d/b/a Blue Store St Paul for the premises located at 879 Fremont Avenue in Saint Paul. The basis for the recommendation is as follows:

On August 21, 2017, the Department of Safety and Inspections received a letter and Notice of Seized Contraband from the Minnesota Department of Revenue regarding an inspection of the licensed premises on June 19, 2017. During the inspection, the following tobacco products were seized as contraband by the Minnesota Department of Revenue and the Saint Paul Police Department (CN #17-139-740):

5 Cartons Camel Crush Silver	3 Cartons Camel Crush
1 Carton Marlboro Black 100's	1 Carton Marlboro Gold 100's
1 Carton Marlboro 100's	1 Carton Marlboro Gold
3 Cartons Marlboro	7 Packs Camel
7 Packs Camel Blue	6 Packs Camel Crush
6 Packs Camel Crush Silver	12 Packs Marlboro
1 Pack Timeless Time Blue 100's	9 Packs Marlboro Gold
15 Packs Marlboro Gold 100's	9 Packs Marlboro Black 100's
1 Pack Marlboro 100's	9 Boxes Black and Mild Wood Tip (10 packs of 5)
9 Boxes Black and Mild (10 packs of 5)	11 Boxes Black and Mild Wood Tip Jazz (box of 25)
5 Packs Black and Mild Wood Tip (packs of 5)	15 Cigars Black and Mild Jazz
2 Packs Black and Mild Wood Tip Jazz (packs of 5)	8 Cigars Black and Mild
5 Packs Black and Mild Wood Tip (packs of 5)	10 Cigars Black and Mild Wood Tip
8 Boxes Black and Mild Jazz (box of 25)	20 boxes Swisher Sweet Cigarillos (Buy 1 get 1 pack of 5)
13 Cigars Black and Mild Wood Tip Jazz	7 Cigars Backwoods Stout
7 Packs Black and Mild (packs of 5)	1 box show cigars OG Kush (15 packs of 5)
2 Boxes Backwoods Stout single packs (box of 24)	2 packs show cigars OG Kush (packs of 5)
1 Box of Backwoods Stout single pack (box of 12)	
10 Packs White Owl Sweets (pack of 2)	
1 Box Good Times Cigarillos Sweet (30 packs per box)	
15 Packs Good Times Cigarillos Sweet (packs of 2)	
5 Packs Black and Mild Wood Tip Sweet (packs of 5)	
20 Cigars Black and Mild Sweet	
13 Cigars Black and Mild Wood Tip Sweet	

1 box Backwoods Honey Berry single pack (box of 12)
1 box White Owl Blue Raspberry cigarillos (packs of 2)
13 packs White Owl Blue Raspberry (packs of 2)
11 cigars Backwoods Honey Bourbon
1 box Good Times Cigarillos Pineapple (30 packs per box)
1 box Good Times Cigarillos Melon Berry (15 packs of 2)
2 packs Good Times Cigarillos Pineapple (packs of 2)
5 boxes Black and Mild Wine (10 packs of 5)
4 boxes Backwoods Sweet Aromatic Single packs (box of 24)
13 packs White Owl White Grape (packs of 2)
1 box Good Times Cigarillos Fruit Punch (box of 30)
1 box Good Times Cigarillos Watermelon (30 packs per box)
14 packs Good Times Cigarillos Melon Berry (packs of 2)

The sale of flavored tobacco is a violation of Saint Paul Legislative Code § 324.07 (f): *"No person shall sell, offer for sale, or otherwise distribute any flavored tobacco products...."*

In addition, during the inspection, fifteen (15) cartons of unstamped cigarettes along with seventy-three (73) packs of unstamped cigarettes were found. Inspectors asked the store clerk for invoices on those tobacco products and he was given one (1) hour to produce the invoices or the items would be seized.

The inspectors then asked where the products were purchased. The clerk called you and you said the items were purchased from Sam's Club. The inspectors told you Sam's Club is an authorized licensed distributor and they do not sell untaxed stamps. The clerk was only able to produce a partial number of the required invoices.

Minn. Stat. § 297F.21 (a) defines contraband as: *"Cigarette packages which do not have stamps affixed to them as provided in this chapter, including but not limited to (i) packages with illegible stamps and packages with stamps that are not complete or whole even if the stamps are legible....."*

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your licenses based on any one or more of the following grounds:

Section 310.06 (b) (6) (a): *"the license or applicant (or any person whose conduct may by law be imputed to the licensee of applicant) has violated, or performed any act which is a violation of, any of the provision of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith..."*

Section 310.06 (b) (6) (c): *"the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn."*

Section 310.06 (b) (6) (8): *"the licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public."*

This is the second (2nd) violation within the past twelve (12) months directly related to the licensed activity; therefore, the licensing department 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, October 2, 2017**, 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. You can pay the recommended \$1,000.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, October 2, 2017**. 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, October 2, 2017**. 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, October 2, 2017**. 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, October 2, 2017**, 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 next available 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

Cc: Talib Al-Tamar, 6487 – 5th Street NE, Fridley, MN 55432-5087
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council, East Side Enterprise Center
804 Margaret Street, Saint Paul, MN 55106

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

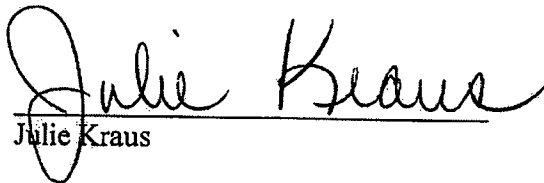
Julie Kraus, being first duly sworn, deposes and says that on the 22nd day of September she served the attached NOTICE OF VIOLATION and a correct copy thereof in an envelope addressed as follows:

Talib Al-Tamar, Owner
Blue Store St Paul
879 Fremont Avenue
Saint Paul, MN 55106


Talib Al-Tamar
6487 – 5th Street NE
Fridley, MN 55432-5087

Deanna Abbott-Foster, Executive Director
Dayton's Bluff District 4 Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55106

(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 22nd day of September, 2017


Notary Public

