



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

March 12, 2019

### NOTICE OF VIOLATION

Midway University & Hamline LLC – Licensee  
d/b/a Midway Amoco BP  
1347 University Avenue West  
St. Paul, MN 55104-4002  
Attn: Khaled Aloul

RE: Cigarette/Tobacco and Gas Station licenses held by Midway University & Hamline, LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue West in Saint Paul  
License ID #: 20100000243

Dear Licensee:

The Department of Safety and Inspections (“Department”) will recommend adverse action against the Cigarette/Tobacco and Gas Station licenses held by Midway University & Hamline, LLC (“Licensee”) for the premises known as Midway Amoco BP located at 1347 University Avenue West (“Licensed Premises”)

The Department asserts the following facts along with attachments herein constitute proof of a violation of Minn. Stat. § 297F.21(j) and Saint Paul Legislative Code §310.06 by a preponderance of the evidence.

**The Department of Safety and Inspections (DSI) received a Notice of Seized Contraband letter from the Minnesota Department of Revenue dated November 13, 2018. The Notice related to an inspection and seizure of contraband flavored tobacco products at the licensed premises on September 4, 2018.**

**During this inspection the following flavored tobacco products were found to be offered for sale or held as inventory without an invoice from a licensed seller and were seized as contraband under the authority granted in Minn. Stat. §297F.21(j). All time periods for judicially challenging the seizure have since expired:**

<b>5</b>	<b>Boxes</b>	<b>Black &amp; Mild Wood Tip Wine Cigars</b>
<b>13</b>	<b>Cigars</b>	<b>Black &amp; Mild Wood Tip Wine Cigars</b>
<b>10</b>	<b>Boxes</b>	<b>Black &amp; Mild Plastic Tip Wine Cigars</b>
<b>3</b>	<b>Cigars</b>	<b>Black &amp; Mild Plastic Tip Wine Cigars</b>

**Under Minn. Stat. 297F.21 (j) “Any cigarette packages or tobacco products offered for sale or held as inventory for which there is not an invoice from a licensed seller as required under section 297F.13, subdivision 4” are contraband.**

**Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your licenses when:**

**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 provisions 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...”**

Pursuant to Saint Paul Legislative Code Section 310.05 (m)(2) the Department is recommending a \$500.00 matrix penalty.

You have four (4) options:

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 **Friday March 22, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **Wednesday, April 3, 2019** City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$500.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday March 22, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500.00 matrix 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 **Friday March 22, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 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 **Friday March 22, 2019**. 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.

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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 Friday March 22, 2019, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the Wednesday, April 3, 2019 City Council Consent Agenda for approval of the recommended penalty.**

If you have questions about these options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Lisa L. Veith  
Assistant City Attorney  
License No. 205060

Cc Khaled Aloul, 231-105<sup>th</sup> Street East, Bloomington, MN 55420  
Melissa Cortes, Community Organizer, Hamline Midway Coalition, Hamline Midway Library  
1558 W. Minnehaha Avenue, St. Paul, MN 55104  
Midway University & Hamline Properties, LLC, Attn: Khal Aloul & Ibrahim Aqel  
1347 University Avenue West, St. Paul, MN 55104-4002

Attachments Minnesota Department of Revenue Seized Cigarette/Tobacco Product letter dated November 13, 2018  
Minnesota Department of Revenue Notice of Seized Contraband dated September 4, 2018  
Screenshots from DSI ECLIPS System dated January 29, 2019  
STAMP Ownership-Zoning Information  
Minnesota Statutes Section 297F.21 Contraband  
Saint Paul Legislative Code §310.05  
Saint Paul Legislative Code §310.06

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 12<sup>th</sup> day of March, she served the attached **NOTICE OF VIOLATION** a correct copy thereof in an envelope addressed as follows:

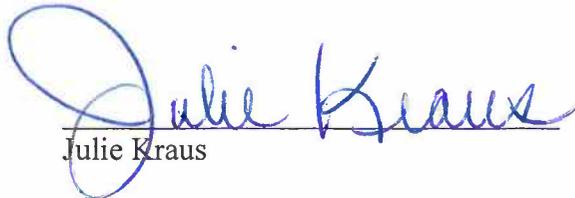
Midway University & Hamline LLC – Licensee  
d/b/a Midway Amoco BP  
1347 University Avenue West  
St. Paul, MN 55104-4002  
Attn: Khaled Aloul

Khaled Aloul  
231-105<sup>th</sup> Street East  
Bloomington, MN 55420

Melissa Cortes, Community Organizer  
Hamline Midway Coalition  
Hamline Midway Library  
1558 W. Minnehaha Avenue  
St. Paul, MN 55104

Midway University & Hamline Properties, LLC  
Attn: Khal Aloul & Ibrahim Aqel  
1347 University Avenue West  
St. Paul, MN 55104-4002

(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 12<sup>th</sup> day of March 2019

  
Notary Public

