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CITY ATTORNEY



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March 24, 2023

VIA FAX AND U.S. MAIL

Therese Skarda
Assistance City Attorney
Office of the City Attorney
Civil Division
15 Kellogg Blvd W, 400 City Hall
St. Paul, MN 55102

Re: Tobacco Shop license held by Amira Grocery d/b/a Winnipeg Grocery, for the premises located at 864 Rice Street in Saint Paul.

License ID # 20210000879

Dear Ms. Skarda:

In reference to your Notice of Violation and Request for Imposition of A 10- Day Suspension of License, dated March 16, 2023, I am pleased to inform you that my office represents Amira Grocery d/b/a Winnipeg Grocery, in this matter.

My client is disputing the facts outlined in the Notice and requesting a hearing before an Administrative Law Judge, because the Notice of Violation and the Request for Suspension are based on inaccurate information and disputed facts.

On February 2, 2023, Mr. Vang, the city inspector visited the store and found the State of Minnesota Dept. of Rev. inspector Mr. Piskor holding 2 black bags containing tobacco products and belong to Mr. Malvin Galloway, who is a sublessee operating the Deli Section of the store and has no other relationship with the licensee. See Mr. Gallaway's letter to Minnesota Dept. of Revenue, in which Mr. Gallaway explains his relationship to Amira Grocery and asserted his ownership to the property, the tobacco products. Mr. Vang took the bags from Mr. Piskor, emptied them and laid all the tobacco products on the top of the display case/counter. The bags were not found behind the counter and not laid on the top of the display case/counter by Mr. Piskor, but Mr. Vang who laid the product on the display case/counter. See the attached video.

In addition to that Mr. Vang removed almost all tobacco products which are not in any violation from the shelves and display cases and ordered the store owner Mr. Mohamed Sultan to store them in the back of the store and not to sell them, although all are not in violation. The store was not allowed to sell and did not sell any of these products for two days, only after Mr. Sultan called Mr. Joseph Voyda, an other DSI

EXHIBIT

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inspector, who advised Mr. Sultan to put the products back to display for sale. The store lost two day revenue for not selling tobacco products not in violation due to Mr. Vang wrongful and unlawful order. (See the video).

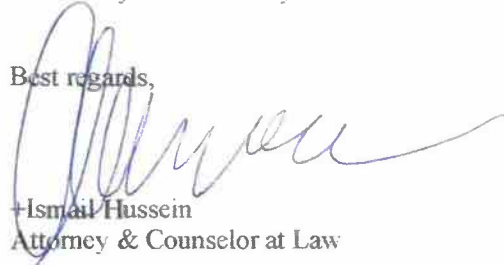
It is worth mentioning that Mr. Sultan, has been the owner and the operator of the licensed store, Amira Grocery, for the last 3 years and before that he was operating the Deli Section for 5 years, without no single violation.

In the instant case the licensee was not selling, offering for sale, or otherwise distributing any flavored tobacco products in violation of Saint Paul Legislative Code section 310.17.

For all the above reasons, the submitted evidence, improper actions of Mr. Vang and inaccurate information he provided, my client is kindly asking the city to dismiss this case against them, or in the alternative they are requesting a hearing before an Administrative Law Judge.

Thank you in advance for your attention to this matter, in the meantime, if you have any questions, please contact my office directly.

Best regards,



+Ismail Hussein
Attorney & Counselor at Law

cc: Mohamed Sultan, owner of Amira Grocery d/b/a Winnipeg Grocery



Tom Piskor
Revenue Tax Special Intermediate
Cigarette, Alcohol, and Tobacco Unit
Minnesota Department of Revenue
Special Tax Division
600 N. Robert St., Mail Station 3331
St. Paul, MN 55146

Re: Seized Property

My name is Melvin Galloway, I am a sub-lessee, operating the Deli section inside Amira Grocery Store at 864 Rice St., St. Paul, MN 55117.

In reference to your Notice of Seized Contraband; **Letter ID: L1829469344**, dated February 6, 2023; addressed to Amira Grocery Inc., and later amended by adding handwritten Attn to: ***Melvin Galloway***.

I declare and admit that I am the owner of the property, tobacco products, seized by Minnesota Department of Revenue on February 03, 2023, and that neither Amira Grocery nor the owner of the store Mr. Mohamed Shaban has anything to do with the seized products.

What happened on that day was as follows: I walked into the store with two plastic bags containing the products in my hands. I saw Mr. Shaban, the owner of the store and my landlord, from whom I rent the Deli section. I stopped to talk to him about the rent payment which was due at the time. I left the two plastic bags on the floor and walked to the Deli area to grab a sandwich. At this moment the Minnesota Revenue's inspectors came in, searched the bags against my will and objection, to find the products to which I confirmed to the inspectors my ownership. The inspectors later seized the products as contraband.

I called the Minnesota Department of Revenue to claim and return my property and I have been told a letter will come in the mail. However, as I mentioned above the Notice of Seize is incorrectly addressed to Amira Grocery, Inc. and later amended to my attention.

Again I declare that neither the store nor its owner has anything to do with the seized products. The only relationship I have with Amira Grocery Store is the sublease to operate the Deli section.

Accordingly, please remove AMIRA GROCERY INC from the Notice and direct any future notices to me personally, addressed to my home address at 264 POPLAR DR, SOREVIEW, MN 55125, and return my products back to me.

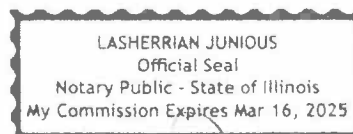
Thank you in advance for your attention to this matter, in the meantime, if you have any questions, please contact the undersigned directly.

Best regards,

Melvin Galloway

Melvin Galloway
264 Poplar Dr.
Shoreview, MN 55125

Phone Number: 651-434-3203



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