

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 27th day of February, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR REVOCATION OF LICENSE** and a correct copy thereof in an envelope addressed as follows:

Peters Market Inc.
d/b/a Peters Market
530 Saint Peter Street
Saint Paul, MN 55102

Del Co Limited Partnership
P.O. Box 17122, Northeast
Saint Paul, MN 55117

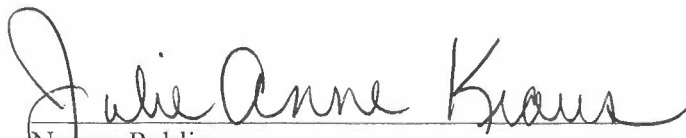
Ibraheem Sulaiman
13932 Kimberly Circle
Rogers, MN 55374

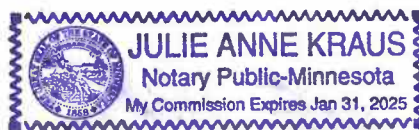
Jon Fure, Executive Director
CapitolRiver Council
370 Wabasha Street North, Suite 720
Saint Paul, MN 55102

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Shawn McDonald

Subscribed and sworn to before me
This 27th day of February 2023


Notary Public



CITY000001



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

February 27, 2023

NOTICE OF VIOLATION AND
REQUEST FOR
REVOCATION OF LICENSE

Peters Market Inc.
d/b/a Peters Market
530 Saint Peter Street
Saint Paul, MN 55102

RE: Cigarette/Tobacco license held by Peters Market Inc., d/b/a Peters Market, for the premises located at 530 Saint Peter Street in Saint Paul.
License ID #: 20200001649

Dear Licensee:

The Department of Safety and Inspections (the "Department") is recommending adverse action against the Cigarette/Tobacco license held by Peters Market Inc., d/b/a Peters Market (the "Licensee"), for the premises located at 530 Saint Peter Street in Saint Paul (the "Licensed Premises") for a second flavored tobacco violation.

Saint Paul Legislative Code section 324.07(j) prohibits a tobacco licensee from selling, offering for sale, or otherwise distributing any flavored tobacco products.

Saint Paul Legislative Code section 324.10(b)(2) sets the presumptive penalties for violations of provisions of the Legislative Code relating to the display, possession, or multiple incidents of sales of menthol or flavored tobacco products. Under section 324.10(b)(2), the presumptive penalty for a second violation within a 24-month period is revocation of the license.

Records from the Department show that on January 27, 2023, during a complaint inspection of the Licensed Premises, an inspector discovered prohibited flavored tobacco products in a metal drawer to the left side of the counter.

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.

CITY000002



The Department asserts that the following facts, along with photos of the violations attached herein, constitute proof of a second violation of section 324.07(j) of the Saint Paul Legislative Code by preponderance of the evidence.

Synopsis of Alleged Facts:

Records from the Department show the following violations

On May 12, 2022, a Department inspector conducted an inspection of the Licensed Premises and found multiple flavored tobacco products. Based on these findings, the Department recommended adverse action against your Cigarette/Tobacco license and a 10-Day suspension of your license. The license was suspended from September 2, 2022, until September 11, 2022.

On January 27, 2023, Department Inspectors Joseph Voyda and Allan Vang went to the Licensed Premises to investigate a complaint related to the sale of prohibited flavored tobacco products. Inspector Vang entered the Licensed Premises and attempted to purchase a pack of Newport Menthol Cigarettes. The Clerk, whose name was Alex, told Vang that they do not sell any Newport Menthol Cigarettes.

Inspector Voyda then entered the store and informed the clerk that the Department received a complaint of the business selling flavored tobacco products. He asked the clerk to contact the license holder and informed him that they were there for a tobacco complaint inspection. Alex stated that the licensee was out of the country in Liberia. During the inspection, the inspectors observed and documented with a report and photographs, prohibited flavored tobacco products in a metal drawer on the left side of the counter and wall display case behind the counter. Specifically the metal drawer held 31 single packs of Newport Menthol Cigarettes, 1 carton of Newport Menthol Cigarettes (which contains 10 single packs), 1 pack of Alfakher (mint flavor), 4 packs of Natural American Spirit, 1 pack of Winner Menthol Cigarettes, 3 packs of Mlack & Mild Wine Cigars, 2 Black & Mild Wine Cigars in an open box, 1 pack of Twisted Palm Island Hopper, 1 Pack of Dutch OG Fusion, 1 pack of Dutch Leaf, 1 pack of Blow vape, 1 pack of Zig-Zag Hemp Wrap Blue Dream, 2 packs of Backwood 5 Honey Cigars, 1 GST Plus Lush Ice Vape, 1 pack of Backwood Honey Berry 5-cigars and 1 pack of Frontleafmaster Palma Cigar Wrap.

Once Department Inspectors concluded their investigation, they advised the clerk to place all flavored products into a back storage room.



You have three (3) 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 **March 13, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent Agenda for revocation of your license.

2. If you wish to admit the facts but you contest the revocation of your license, 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 **March 13, 2023**. The matter will then be scheduled before the City Council to determine whether to revoke the license. You will have an opportunity to appear before the Council and make a statement.

3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (the "ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **March 13, 2023**. At that hearing, both you and the City will appear and present witnesses and 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 the public hearing, 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 reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code section 310.03(k).

If you have not contacted me by March 13, 2023, I will assume that you do not contest the Revocation of your license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Sincerely,

Therese Skarda
Assistant City Attorney
License No.: 0240989



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

cc: Del Co Limited Partnership, P.O. Box 17122, Northeast, Saint Paul, MN 55117
Ibraheem Sulaiman, 13932 Kimberly Circle, Rogers, MN 55374
Jon Fure, Executive Director, CapitolRiver Council, 370 Wabasha Street North, Suite 720,
Saint Paul, MN 55102

Attachments: Inspector's Report
Licensee Information on Eclips System
License Group Conditions Text
Adverse Action Comments Text
License Group Comments Text
Copy of Complaint
STAMP – Ownership/Zoning Information
Photos of Tobacco Products
Copy of July 8, 2022, Notice of Violation
Copy of August 31, 2022, Notice of City Council Action for 10-Day Suspension

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

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based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.*

CITY000005



Inspector's Report

Inspectors Name: Allan Vang

Date & Time: 1/27/2023 at 9:20 AM

Staff Member's Name: Alex (Clerk)

Business/DBA Name: Peters Market

Property Address: 530 St. Peter Street

Reason for Visit: Flavor Tobacco Products Complaint Inspection

Observations: Multiple flavor cigars and cigarettes

Photos Taken: ☒ Yes ☐ No – Area(s) of where the Photo(s) where taken: Behind the Counter and drawers

Action Taken: ☐ Education / warning

☒ Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival I went into the store to attempt to purchase a pack of Newport Menthol cigarettes Clerk Alex stated they don't sell any Newport Menthol cigarette. Inspector Voyda entered the store and introduced ourselves as Licensing Inspector for the City of Saint Paul with Department of Safety & Inspections (DSI). Inspector Voyda explained to Alex that the reason for today's visit was due to a complaint received by DSI for allegedly selling flavor products. Inspector Voyda requested that Alex call the license holder to make him aware that we were here for a tobacco complaint inspection. With permission from Alex to go behind the counter to conduct an inspection. Alex stated that the licensee was out of country in Liberia. Upon our inspection we found flavor tobacco cigarettes and cigars in the metal drawers to the left side of the counter and couple on the wall display case on the back. Inspector Voyda advised Alex to place the flavored cigarettes and cigars in a bag, remove the flavored tobacco products and place them in a back room away from the front counter. Inspector Voyda was able to find a room in the back where Alex could place the tobacco products in. After the inspection Alex had stated to Inspector Voyda, "if we stop selling flavor tobaccos, our license will be good and not be taken away?" Inspector Voyda replied, that he didn't know the answer to that, until the the Adverse Action went through City Council.

Located to the left side of the register counter there was a metal drawer that had thirty-one (31) single pack of Newport Menthol cigarette, one (1) carton of Newport Menthol cigarette which contain ten (10) pack of cigarette inside, one (1) pack of Alfakher (mint flavor), four (4) pack of Natural American Spirit, one (1) pack of Winner Menthol cigarette, three (3) pack of Black & Mild Wine cigar and two (2) Black & Mild Wine cigar in an open box, one (1) pack of Twisted Palm Island Hopper, one (1) pack of Dutch OG Fusion, one (1) pack of Dutch Leaf, one (1) pack of Blow vape, one (1) pack of Zig-Zag Hemp Wrap Blue Dream, two (2) pack of Backwood 5-Honey cigars, one (1) GST Plus Lush Ice vape, one (1) pack of Backwood Honey Bourbon 5-cigars, one (1) pack of Backwood Banana 5-cigar, one (1) Cali 2K Mango vape, One (1) pack of Backwood Honey Berry 5-cigars, and one (1) pack of Frontleafmaster Palma cigar wrap. (See Photo's for all flavor violations)

Properties For License 530 ST PETER ST



Licensee PETERS MARKET INC

DBA PETERS MARKET

License	Licensee	Lic. Types	Insurance	Bond	Requirements																											
Licensee Name: PETERS MARKET INC Browse... DBA: PETERS MARKET Properties... Sales Tax Id: ***** Non-Profit: ☐ Worker's Comp: 00/00/0000 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000 AA Fee Collected: 00/00/0000 Discount Rec'd: ☐																																
Other Agency Licenses			Financial Hold Reasons																													
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License # 200001649 Save Changes to History ☒ OK Cancel Help																																

Properties For License 530 ST PETER ST



Licensee PETERS MARKET INC

DBA PETERS MARKET

License	Licensee	Lic. Types	Insurance	Bond	Requirements																					
Licensee Name: PETERS MARKET INC Browse... DBA: PETERS MARKET Properties... Sales Tax Id: ***** Non-Profit: ☐ Worker's Comp: 00/00/0000 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000 AA Fee Collected: 00/00/0000 Discount Rec'd: ☐																										
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Home Phone	Contact Address	City	Zip	DOB	Las	Mail License To:																				
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License # 200001649 Save Changes to History ☒ OK Cancel Help																										

CITY000007

STAMP - Ownership / Zoning Information

[New Search](#)[Help using this report](#)**Run Date:** 01/31/23 11:36 AM**House#:****Last updated from Ramsey County data on:****Street Name:**

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

23 10th St W - House Of Hair / 530 St Peter St - G & H Market / 532 St Peter St / 534 St Peter St - Capitol Guitars / 538 St Peter St / 544 St Peter St - Babani'S Restaurant - 55102-1009 - [Other Applications](#)**PIN: 312922340009****Census Track:** 34204**Census Block:** 2010**Council Ward:** 2 **District Council:** 17**Year Built:****Foundation Sq Feet:****Loan Company:** 95
Thomas Del**Land****Building****Value:** 495000**Value:** 1530100**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial**ISP:****Units:** 64**Zoning:** CA / CAAPCJ**Heritage Preservation: HP Inventory #:** RA-SPC-3502 / **HP Property Name:** Colonnade Hotel / **HP Date Built:** 1889/1899 / **HP Address:** 534-544 St. Peter St.**Legal Desc:** BAZIL AND GUERIN'S ADDITION LOTS 7 AND LOT 8 BLK 2**Owner:**Del Co Limited Partnership
Po Box 17122
St Paul MN 55117-0122
651-488-5463**Tax Owner:**Del Co Limited Partnership
Po Box 17122
St Paul MN 55117-0122

Adverse Action Comments Text

01/31/2023

Licensee: PETERS MARKET INC

DBA: PETERS MARKET

License #: 20200001649

07/08/2022 - Notice of Violation sent with an 07/22/2022 deadline to respond. SM

CITY000009

Licensee: **PETERS MARKET INC**

DBA: **PETERS MARKET**

License #: **20200001649**

1/26/2023 Complaint inspection - 2nd tobacco flavor violations discovered JNV
11/22/2022 Underage tobacco compliance check pass AYV
9/2/2022 Placarded building for ten-day suspension until 11:59 on 9/11/2022 JNV
8/31/2022 Spoke to the LH - Order to remove all tobacco and related products from the store to back room prior to 12:01am Friday. JNV
08/31/2022 CF 22-1286 Suspends license for 10 period. Starting 12:01am 9.3.2022 until 11:59 pm 9.12.2022. SLH
5/17/2022 Sent to the CAO for a first violation of an upward departure to revocation of thier tobacco license JNV
5/12/2022 Complaint Inspection Multiple tobacco flavors found JNV

Licensee: PETERS MARKET INC

DBA: PETERS MARKET

License #: 20200001649

1. Temporary window signs placed between the height of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.

Folder #: 2023 008925 LIC

PIN: 312922340009

Status: Under Review

In Date: 1/26/23

Ward: 2

Zoning: CA

Subtype: License

Dist Council: 17

Owner:

Worktype: Complaint

Complaint Location:

530 ST PETER ST

Census Tract: 34204

Del Co Limited Partnership 651- 488- 5463

Census Block: 2010

Po Box 17122 St Paul MN 55117- 0122

Homesteader:

Tax Owner:

Legal Desc: BAZIL AND GUERIN'S ADDITION LOTS 7 AND LOT 8 BLK 2

Complainant:

Details: Tobacco: [REDACTED] discovered hidden Menthol cigarettes in a draw by the cash register - Newport, Crown, Winner Green", American Spirit Black Perique and other tobacco flavors

This complaint has been referred to the following departments:

DSI Licensing Response - Scheduled Date: 1/26/23

Comment:

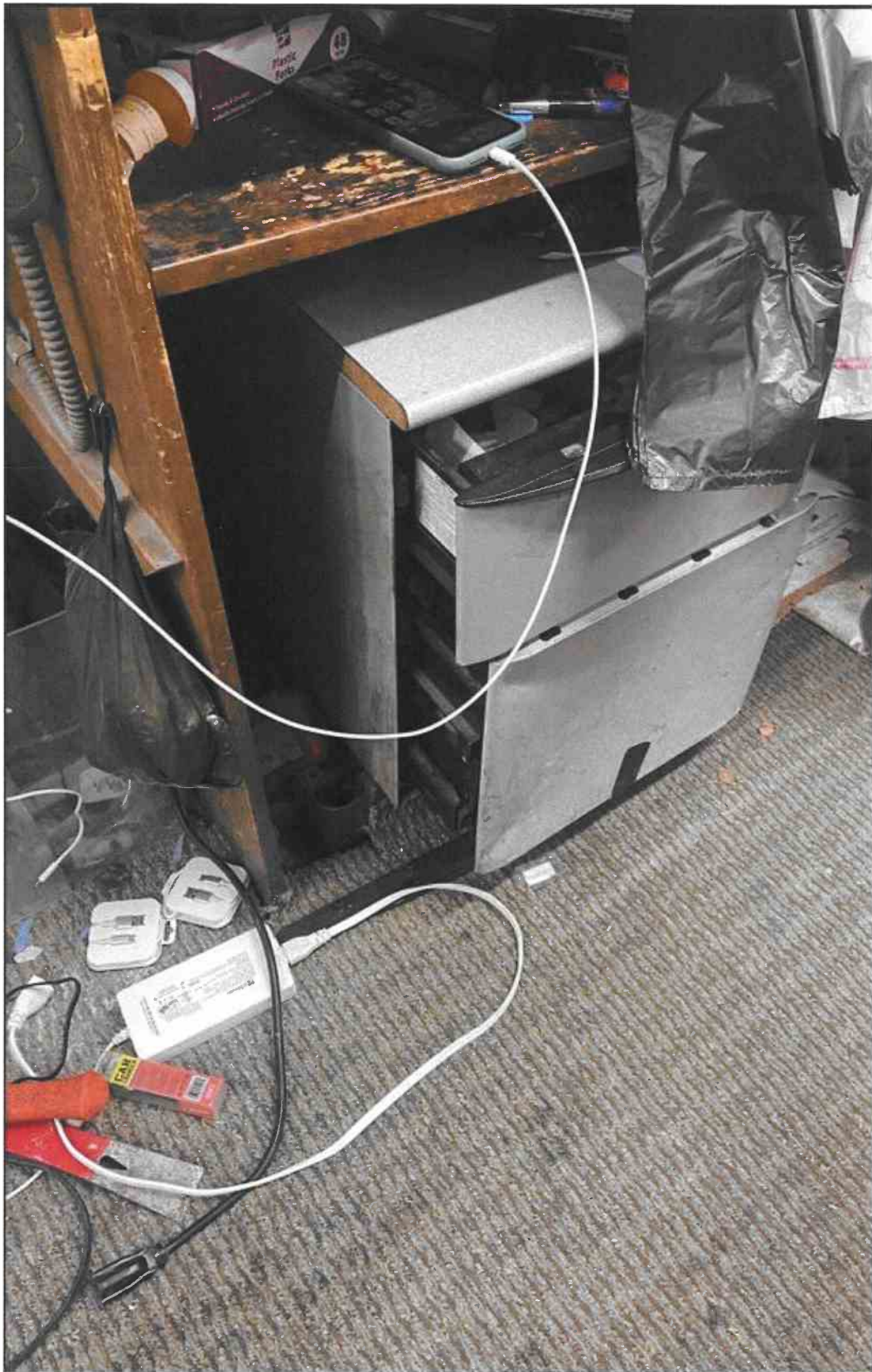
Inspector Assigned: Joseph Voyda, Phone: 651- 266- 9014

Results	Entered By	Comment
2/1/23 Under Review	Vang, Allan	AA sent to JNV for review

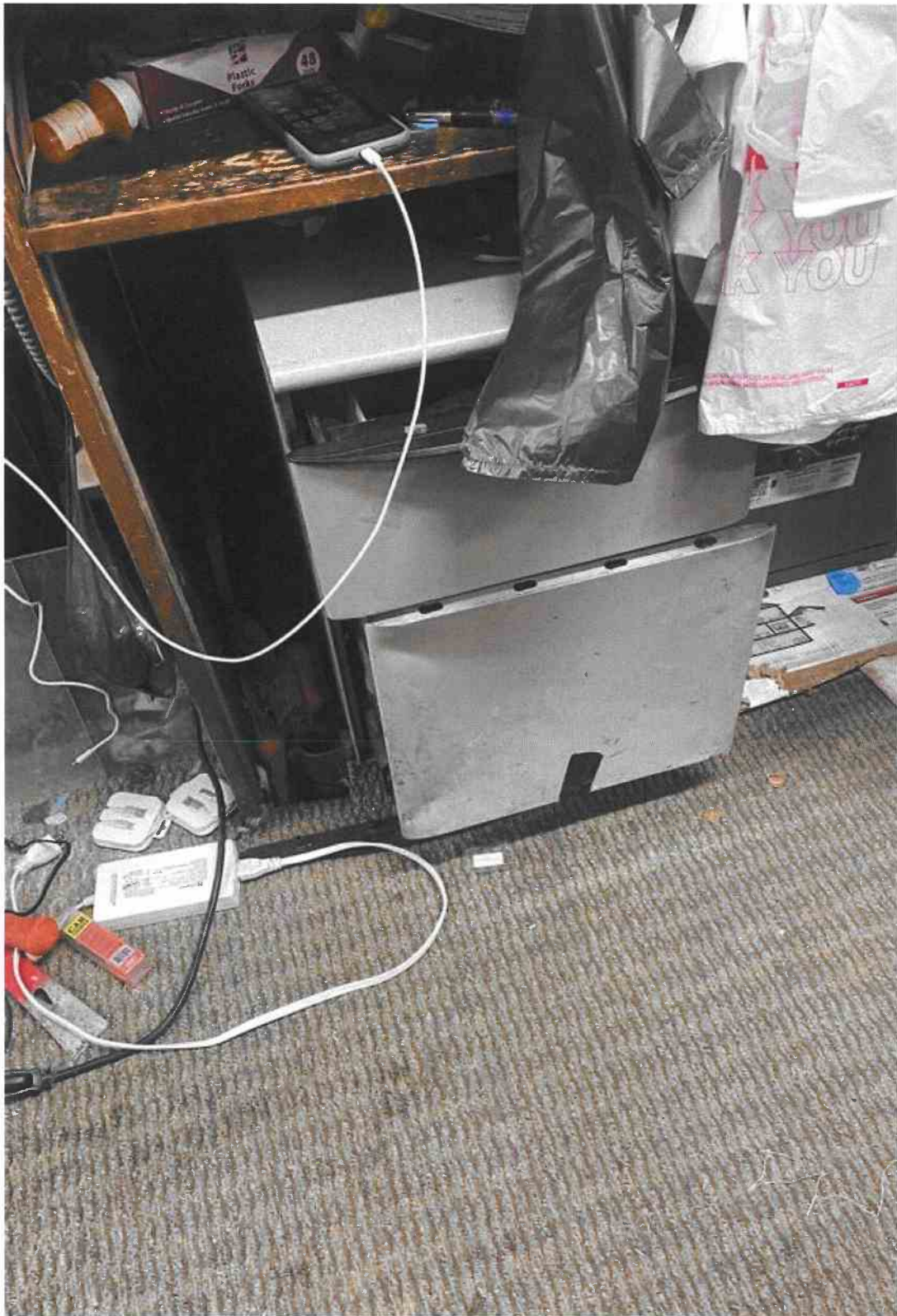
Comment:

Inspector Assigned: Joseph Voyda, Phone: 651- 266- 9014

Results	Entered By	Comment
1/27/23 Under Review	Voyda, Joseph	Tobacco Flavor Violations Found



CITY000013



CITY000014



CITY000015





CITY000017



CITY000018



CITY000019



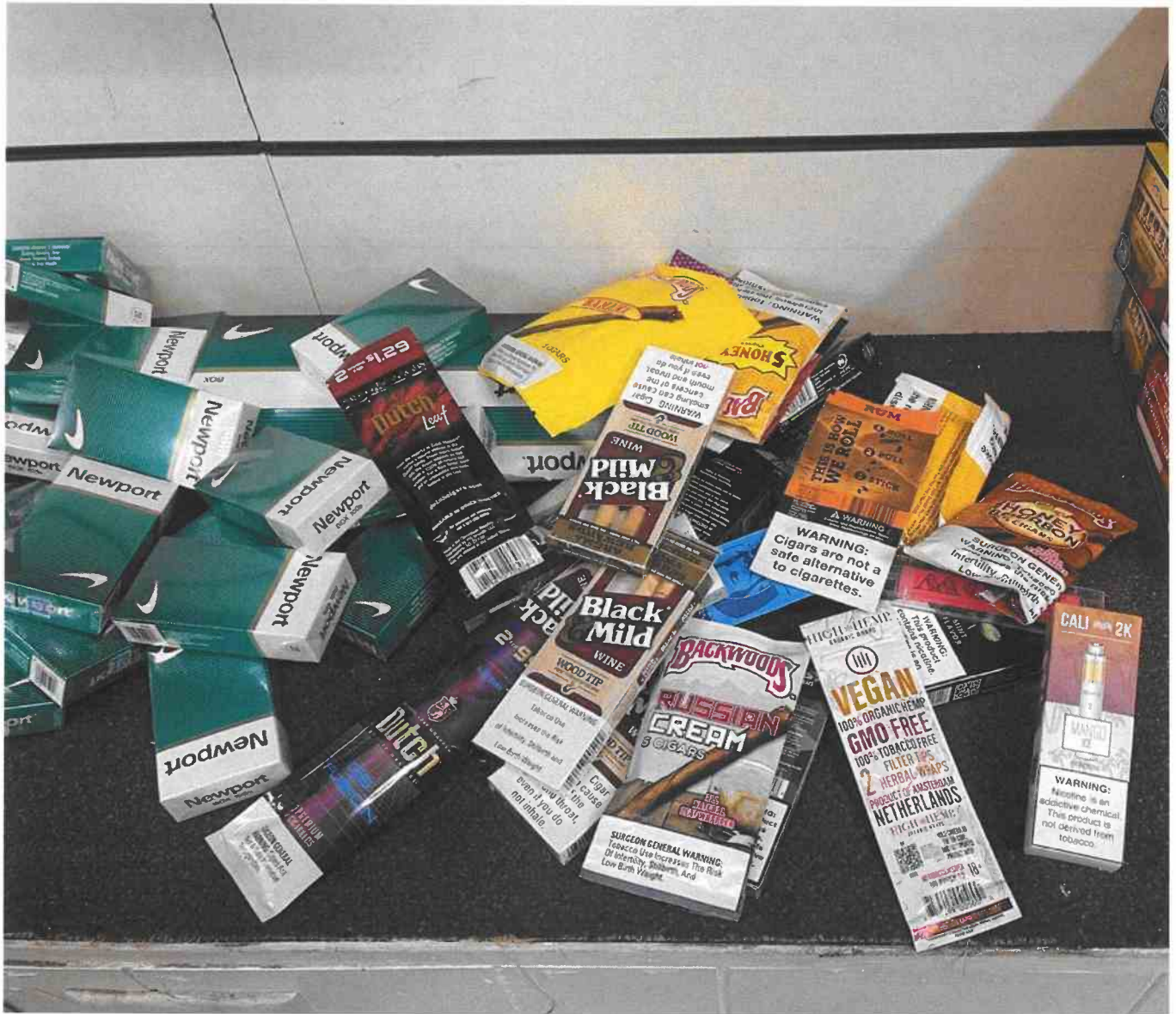
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CITY000021



CITY000022



CITY000023

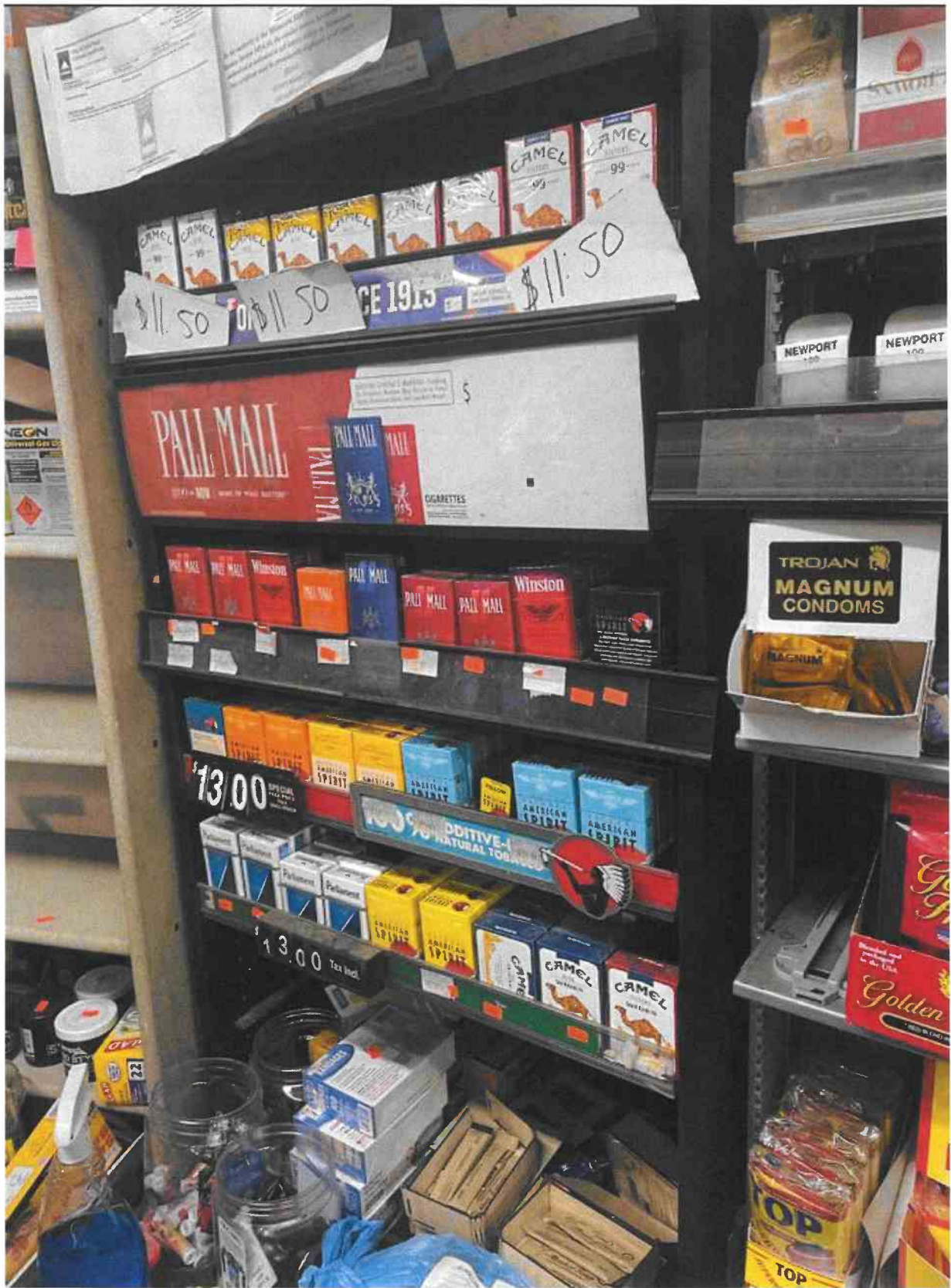




CITY000025



CITY000026



CITY000027



CITY000028



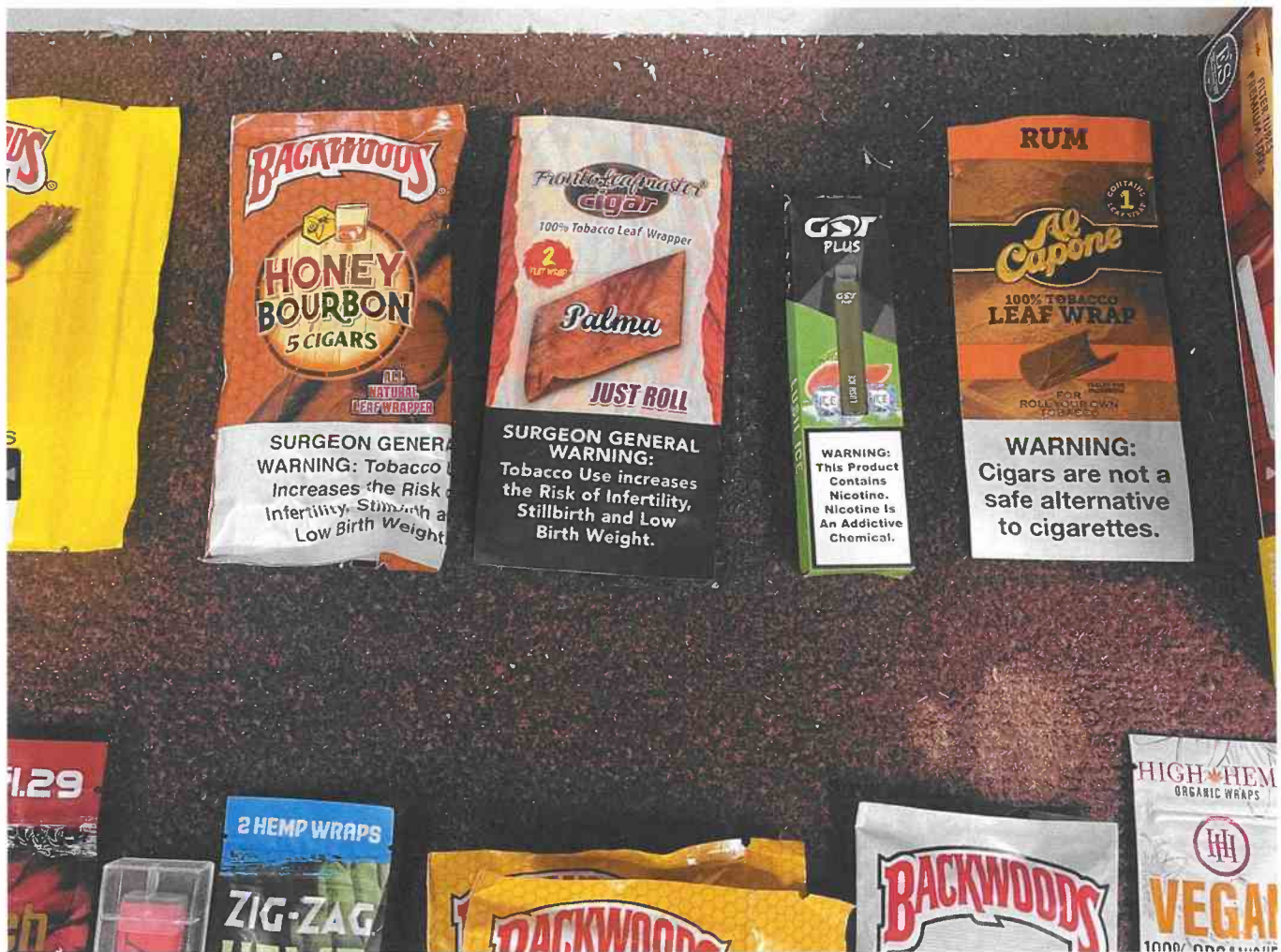
CITY000029











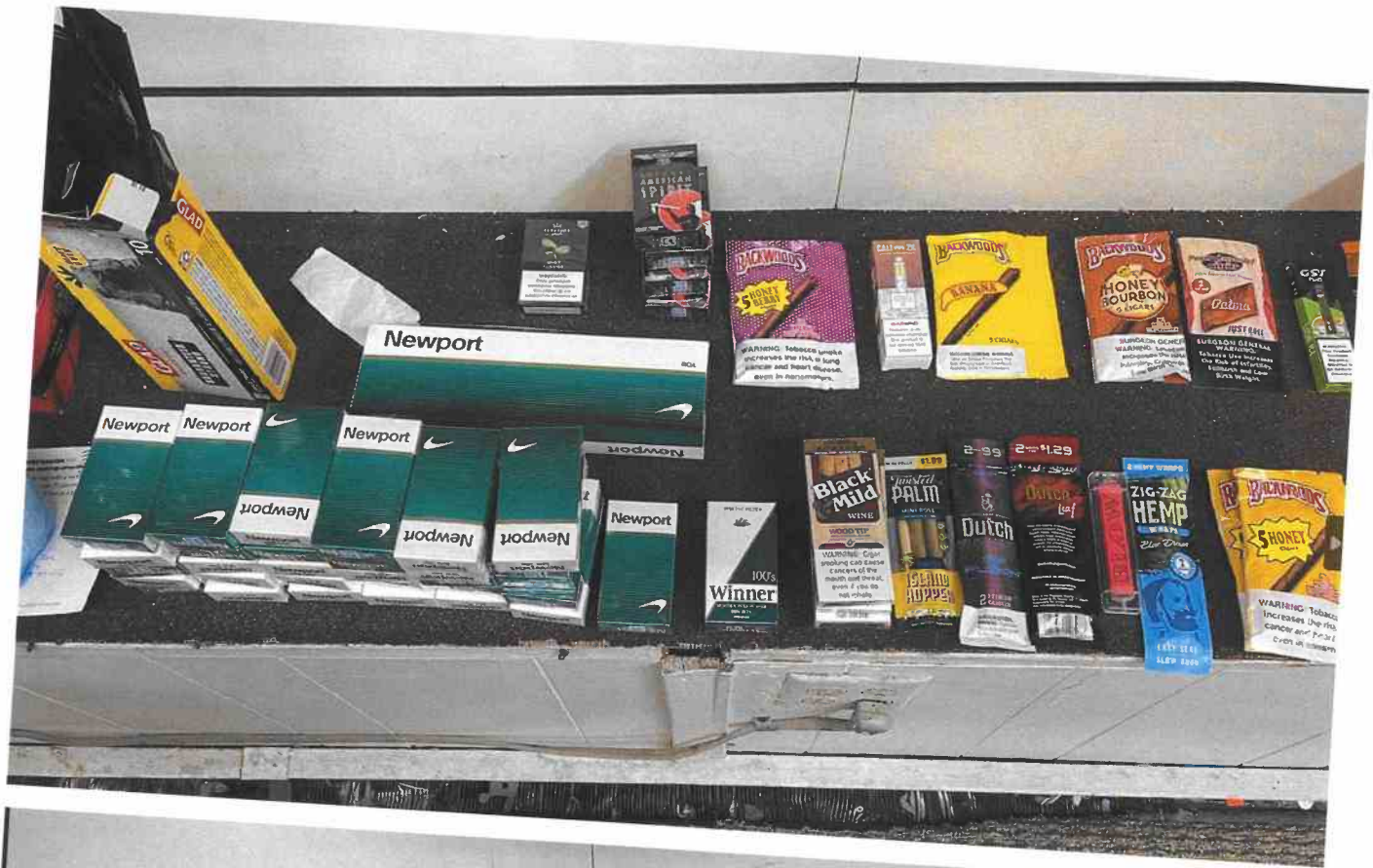
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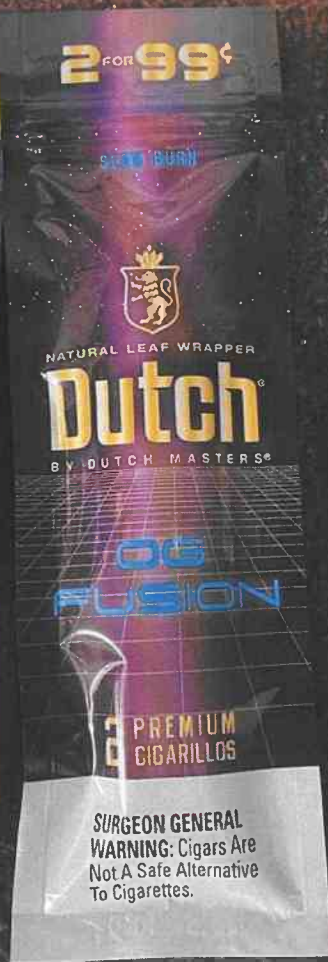














CITY000045



WARNING: Tobacco smoke increases the risk of lung cancer and heart disease, even in nonsmokers.

SURGEON GENERAL WARNING: Tobacco Use Increases The Risk Of Infertility, Stillbirth, And Low Birth Weight.

BACKWOODS

KEY

ALL NATURAL LEAF WRAPPER

Tobacco smoke
the risk of lung
d heart disease,
nonsmokers.

BACKWOODS

RUSSIAN CREAM

5 CIGARS

ALL NATURAL LEAF WRAPPER

SURGEON GENERAL WARNING:
Tobacco Use Increases The Risk
Of Infertility, Stillbirth, And
Low Birth Weight.

HIGH HEMP
ORGANIC WRAPS

HH

VEGAN

100% ORGANIC HEMP
GMO FREE
100% TOBACCO FREE
2 FILTER TIPS
HERBAL WRAPS
PRODUCT OF AMSTERDAM
NETHERLANDS

HIGH HEMP
ORGANIC WRAPS

OR

QR CODE

HOLD CAMERA TO
THE QR CODE
AND GET UPDATED
PRODUCT INFO!

NO TOBACCO = SAFER
HH POUCH 13 **18+**

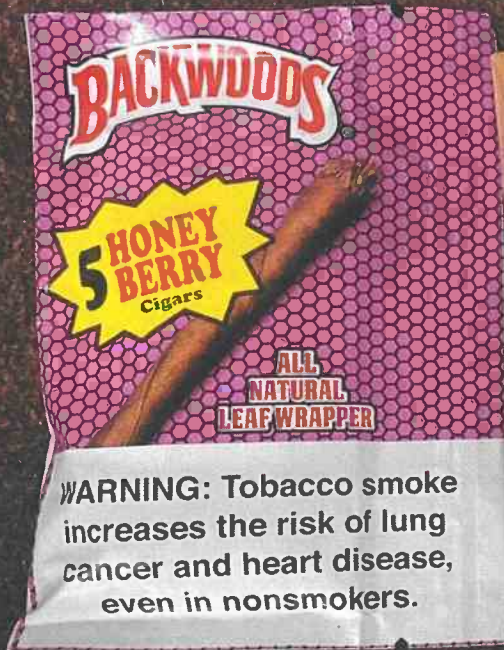
7 19499 00560 0

WWW.HIGHHEMPWRAPS.COM

THIS PRODUCT IS SOLELY FOR LEGAL HERBAL BLENDS.
PACKED IN U.S.A.





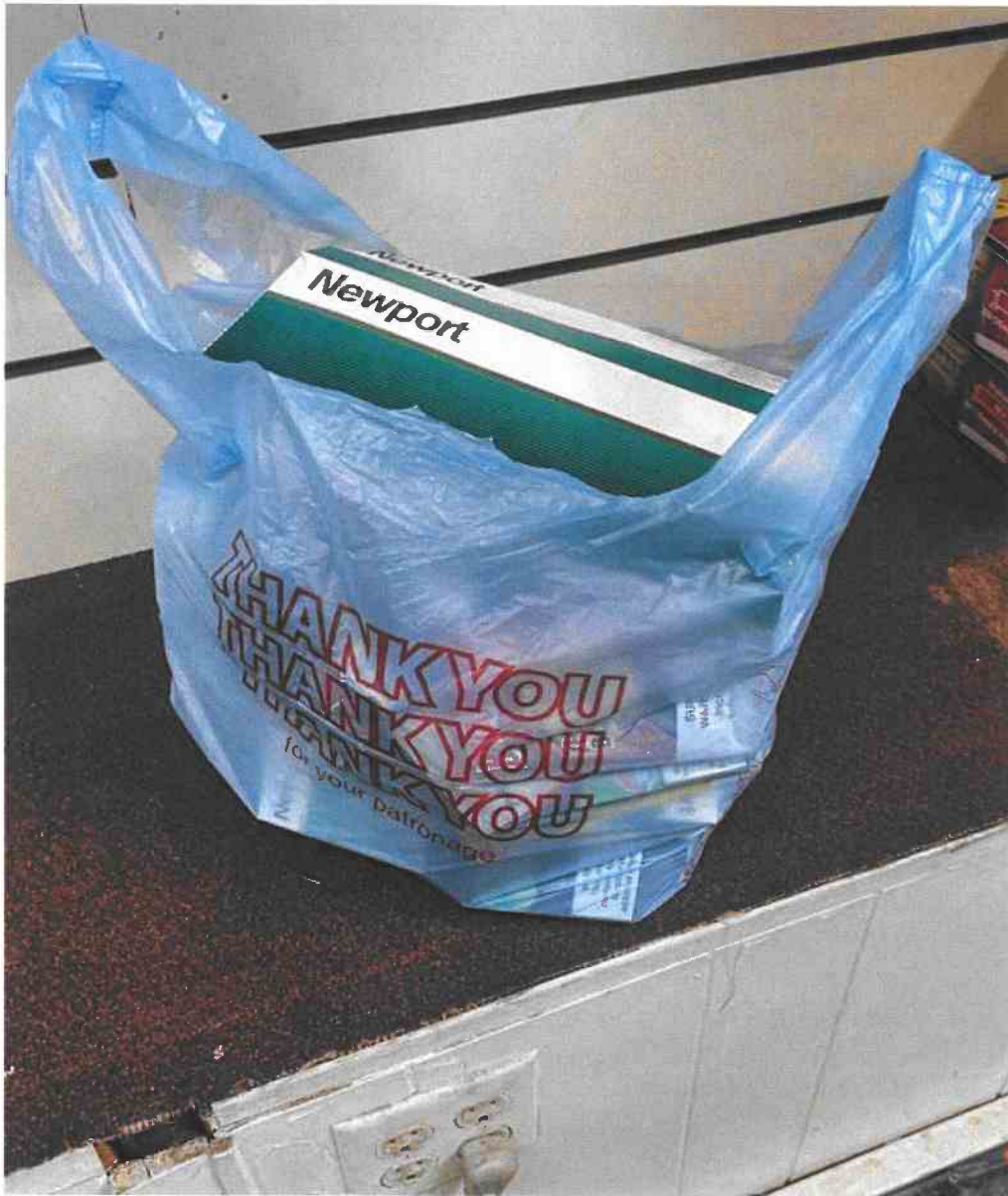




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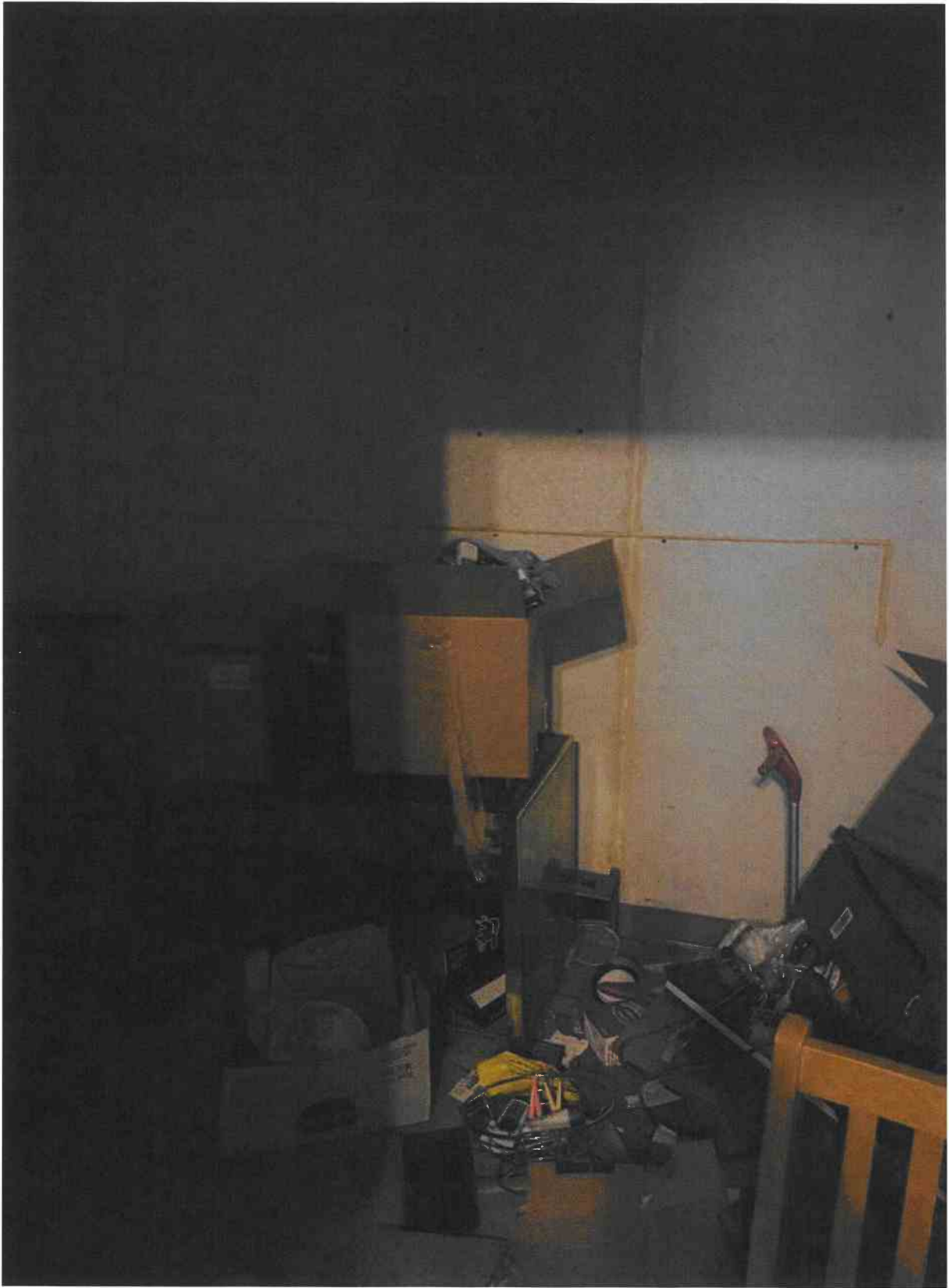
CITY000052



CITY000053



CITY000054



CITY000055



CITY000056



CITY000057