



March 16, 2023

**NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION
OF A 10-DAY SUSPENSION OF YOUR LICENSE**

Amira Grocery
d/b/a Winnipeg Grocery
864 Rice Street
Saint Paul, MN 55117

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 Licensee:

The Department of Safety and Inspections (the "Department") is recommending adverse action against the Cigarette/Tobacco license held by Amira Grocery, d/b/a Winnipeg Grocery (the "Licensee"), for the premises located at 864 Rice Street in Saint Paul (the "Licensed Premises") for a first-time flavored product violation.

Saint Paul Legislative Code section 324.07(j) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored tobacco products. Under Saint Paul Legislative Code section 310.17, the conduct of any clerk, employee, manager, or agent working for or on behalf of a licensee is treated as the conduct of the licensee for the purpose of adverse action.

Saint Paul Legislative Code section 310.03 (m)(3) contains the presumptive penalty matrix 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 310.03 (m)(3), the presumptive penalty for a first-time violation is a 10-day license suspension.

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





Synopsis of Alleged Facts:

On February 2, 2023, Department Inspector Vang went to the Licensed Premises to perform an inspection in response to a complaint that prohibited flavored tobacco products were being sold from a black bag behind the counter. Upon arrival, Inspector Vang introduced himself to the Licensee, Mohamed Sultan. Vang met with Inspector Tom Piskor from the State of Minnesota Department of Revenue who was also inspecting premises. Inspector Vang noted that Inspector Piskor had already laid out a number of prohibited flavored products that he had found in two (2) black bags behind the display counter. The prohibited products included: Newport Menthol Cigarettes twenty (20) single cigars in an open box, Four (4) Dutch Java Fusion, five (5) Dutch Gold Fusion, four (4) Dutch OG fusion, four (4) Backwood Russian Cream, one (1) Backwood Banana, fifteen (15) packs of Newport Menthol cigarettes (in addition to being prohibited flavored products, these were missing tax stamps) one (1) Backwood Honey Bourbon, one (1) Backwood Black Russian, one (1) Backwood Honey, four (4) Backwood Dark Stout, one (1) Loon Max Pineapple, three (3) Frontomaster Cream, three (3) Dutch, Honey Fusion, three (3) Dutch Sweet Fusion Red, four (4) Dutch Berry Fusion, and one (1) Dutch Blue Dream Fusion.

The Licensee attempted to claim that the products belonged to a store employee. Vang explained that all the products found are violations of Saint Paul Legislative Code chapter 324 and that Inspector Vang and Inspector Voyda had just educated him on prohibited products 13 days earlier when they performed an opening inspection for another location under which he is a Licensee located at 516 Rice Street. Inspector Vang documented his findings in his report and with photographs. Because the prohibited products were not on the Licensee’s tobacco invoice, Inspector Piskor seized them as being in violation of state statutes.

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 30, 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 imposition of the presumptive penalty of a 10-day suspension of your license.
2. If you wish to admit the facts but you contest the presumptive 10-day suspension penalty, you may request a 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 hearing no later than **March 30, 2023**. The





matter will then be scheduled before the City Council to determine whether to impose the presumptive 10 day suspension of your 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 30, 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 hearing will need to be scheduled. At that 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 30, 2023, I will assume that you do not contest the imposition of a 10-day suspension 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

cc: Mohamed Sultan, 14200 43rd Avenue Unit F, Minneapolis, MN 55446
Winnipeg Apartments LP, 755 Selby Avenue Unit A, Saint Paul, MN 55104-7643
Kerry Antrim, Executive Director, North End Neighborhood Organization, 171 Front Street, Saint Paul, MN 55117

Attachments: Inspector's Report
Licensee information on Eclips System
Adverse Action Comments Text
License Group Comments Text
License Group Conditions Text
STAMP - Ownership/Zoning Information





SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDESEY 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

Photos of tobacco products

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

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



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 16th day of March, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF A 10-DAY SUSPENSION OF YOUR LICENSE** and a correct copy thereof in an envelope addressed as follows:

Amira Grocery
d/b/a Winnipeg Grocery
864 Rice Street
Saint Paul, MN 55117

Mohamed Sultan
14200 43rd Avenue Unit F
Minneapolis, MN 55446


Winnipeg Apartments LP
755 Selby Avenue Unit A
Saint Paul, MN 55104-7643

Kerry Antrim, Executive Director
North End Neighborhood Organization
171 Front Street
Saint Paul, MN 55117

(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 16th day of March 2023


Notary Public

