



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

January 31, 2023

NOTICE OF VIOLATION AND
REQUEST FOR
REVOCATION OF LICENSE

MJ Market Inc.
d/b/a MJ Market
922 Thomas Avenue
Saint Paul, MN 55104

RE: Cigarette/Tobacco license held by MJ Market Inc., d/b/a MJ Market, for the premises located at 922 Thomas Avenue in Saint Paul.
License ID #: 20210001131

Dear Licensee:

The Department of Safety and Inspections (the "Department") is recommending adverse action against the Cigarette/Tobacco license held by MJ Market Inc., d/b/a MJ Market (the "Licensee"), for the premises located at 922 Thomas Avenue in Saint Paul (the "Licensed Premises") for a second flavored tobacco violation.

Saint Paul Legislative Code section 324.07(j) prohibits a 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 9, 2023, during an inspection of the Licensed Premises, an inspector discovered prohibited flavored tobacco products, cigarettes without their tax stamps and cigarettes with tax stamps from other states (Kansas, Missouri) hidden in boxes, tubs, and behind a drawer under a foot board at the base of the counter.

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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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 August 3, 2021, during a youth compliance check conducted at the Licensed Premises, a store clerk sold tobacco products to an individual who was less than twenty-one (21) years of age. That fine was paid on October 6, 2021.

On May 6, 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 revocation of the license. That case is currently under review by Administrative Law Judge O'Reilly.

On January 9, 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 Amint, told Vang that they do not sell any Newport Menthol Cigarettes and Inspector Vang left.

Inspector Voyda and Inspector Vang then re-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. Inspector Voyda spoke with the son of license holder named Aquati and asked for permission to conduct an inspection, and was told "of course, go through anything you'd like to". During the inspection, the inspectors observed and documented with a report and photographs, prohibited flavored tobacco products hidden under the left side of the display case foot board in compartments fitted with magnets, large springs, and hinges. Inside the compartment was a green tub with various flavored products. Specifically, vape pens (Red berry, Bubble Gum, Purple Blitz (grape), Banana, Mango, Berry lemon, Mint, Banana taffy), Six (6) cartons and nine (9) packs of Newport menthols cigarettes, one (1) carton of Malboro Red Box, Six (6) packs of Marlboro Red 100's, Two (2) cartons and one (1) pack of Marlboro lights, Eight (8) packs of Marlboro Menthol, Five





(5) packs of Camel Lights, Three (3) packs Camel Crush Silver Menthol, and Two (2) packs of Camel Crush blue packs of cigarettes. The packs of Marlboro Red Box, Marlboro Red 100's, Marlboro lights, Camel Lights were not flavored violations but are in violation but are in violation of State Statutes for either missing/removed tax stamp or Tax Stamps from other states.

After the inspection, Inspector Voyda asked the clerk, Amint, if there were any other flavored tobacco products and he responded, "I don't know, I know nothing". Amint was advised to place all flavored cigarettes in a trash bag along with all the flavored products in the green tub into a back storage.

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 **February 14, 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 **February 14, 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 **February 14, 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 310.05(k).





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If you have not contacted me by February 14, 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.: 0402652

cc: Anas Tel, 4456 Van Buren Street, Northeast, Spring Lake Park, MN 55432
Majid Nitaishoon, 466 82nd Avenue NE, Spring Lake, MN 55432
Caty Royce, Co-Executive Director, Frogtown Neighborhood Association, 501 Dale Street, Saint Paul, MN 55117
Tia Williams, Co-Executive Director, Frogtown Neighborhood Association, 501 Dale Street, Saint Paul, MN 55117

Attachments: Inspector's Report
Licensee Information on Eclips System
License Group Conditions Text
License Group Comments Text
STAMP - Ownership/Zoning Information
Photos of Tobacco Products

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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

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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 31st day of January, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR REVOCATION OF LICENSE** and a correct copy thereof in an envelope addressed as follows:

MJ Market Inc.
d/b/a MJ Market
922 Thomas Avenue
Saint Paul, MN 55104

Anas Tel
4456 Van Buren Street NE
Spring Lake Park, MN 55432

Majid Nitaishoon
466 82nd Avenue NE
Spring Lake, MN 55432

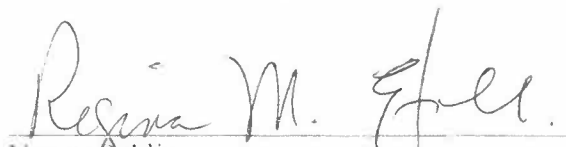
Caty Royce, Co-Executive Director
Frogtown Neighborhood Association
501 Dale Street
Saint Paul, MN 55117

Tia Williams, Co-Executive Director
Frogtown Neighborhood Association
501 Dale 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 31st day of January 2023


Notary Public