

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Cigarette/Tobacco
Licenses held by Zakariya Abukhudeer d/b/a
The One Stop Market LLC for the premises
located at 1541 Maryland Avenue in the City
of Saint Paul.

**AFFIDAVIT OF
JOSEPH VOYDA**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Joseph Voyda, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Inspector at the Saint Paul Department of Safety and Inspections (“Department”). I provide this Affidavit in support of the Department’s Motion for Summary Disposition.

2. My duties include licensing investigations and inspections, providing detailed information to license holders pertaining to the City of Saint Paul’s Legislative Code and language on State Statutes. It is core to our business licensing function to regularly help drop-in customers that visit DSI’s offices seeking general business requirement information primary to provide initial information on alcohol licenses, lawful gambling, pedestrian skyway system, parking ramp and cigarette/tobacco regulations.

3. I have served as an Inspector for the City of Saint Paul from May of 2018 to present.

4. My experience as a Business Licensing Inspector includes knowledge of the City of Saint Paul’s Legislative code, inspections in cigarette tobacco compliance checks for flavor, price and youth compliance checks. Auto repair license, gambling, liquor, and parking ramp

inspections. I regularly conduct inspections both scheduled and after complaints. After inspections I document pictures, statements and other observed findings. Gathering this information grants better accessibility for others to review and allows for potential future enforcement/adverse actions. I developed a spread sheet for tobacco licensing inclusive of flavor and price compliance/violations, youth compliance check results and an overall pass/fail list for licensed properties with tobacco licenses at the start of inspections per year to provide for more accurate tracking and generating quick reports for the administration to respond to inquiries.

5. My education and training related to tobacco products and flavored products which are prohibited in Saint Paul includes: I am the primary Inspector assigned to conduct tobacco flavor and pricing compliance checks. These requirements have included menthol products prohibited since November 1st, 2018. I am educated on what flavored products look like and have worked to hand deliver educational materials to all the retail tobacco establishments to provide further training to clerks and managers. These include educational mailings produced with a great partnership with ANSR (Association for Nonsmokers-MN). I am the primary Inspector designated to respond to complaints and questions on this topic area. I retain a wealth of knowledge of the City of Saint Paul's Legislative code 324 which relates to prohibited products. My number one priority in my job is to answer questions to assist license holders by educating them on both prior to violations and to bring their operation into compliance with ordinance so they can be successful. I move to enforcement through adverse action if education is not successful or if the violations are such that it is clear to me that the license holder is aware of the regulations but chooses not to follow them.

6. Attached as Exhibit #3 is a true and correct copy of Saint Paul Legislative Code (“SPLC”) § 310 titled Uniform License Procedures.

7. Attached as Exhibit #4 is a true and correct copy of SPLC § 324.07 titled Sales Prohibited.

8. Attached as Exhibit #5 is a true and correct copy of MN Clean Indoor Air Act, MN Statute 144.414, 144.416 and Ramsey County Ordinance B2015-302 which prohibit smoking indoors.

9. I am familiar with the Minnesota Statutes, Rules and SPLC pertaining to licenses and use these materials as a guide when I review potential licensing violations and make penalty recommendations.

10. I received and reviewed files, police reports, videos, statutes and relevant code provisions contained in Exhibits #1-9 though 1-33 (“Documentation”) related to violations and the basis for potential adverse action against the Cigarette/Tobacco License (“License”) held by Zhariya Abukhudeer (“Licensee”) for the premises known as The One Stop Market LLC located at 1541 Maryland Avenue (“Licensed Premises”).

11. I am personally familiar with the Licensee, I met him when he submitted his application and have seen him once since.

12. I am aware of the License Conditions for this Licensed Business. Exhibit #1-14 is a true and correct copy of the License Group Conditions Text from our case management system called AMANDA. This printout contains the license conditions that were signed by the Licensee for The One Stop Market LLC. As noted in Exhibit #1-14 they are:

“1. License holder will make sure that all refuse and trash that is on the premises and surrounding sidewalks is picked up on a daily basis.”

“2. The licensee shall take reasonable steps to discourage loitering in front of the or on the property of the licensed business.”

“3. The license holder shall maintain video surveillance cameras inside and outside the establishment in accordance with the Saint Paul Police Dept. (SPPD) recommendations. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department (SPPD) immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have the technology available to make the copy at the time of the request and shall have it for police without delay. In other cases, if the SPPD or the Department of Safety and Inspections (DSI) requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.”

“4. Signage placed on the inside and/or outside of the window shall not take up more than 30% of the window space and shall not be placed in the area between four (4) and seven (7) feet above the adjacent ground level. Shelving and/or displays shall not be placed in front of the window.”

13. I have reviewed the video produced by the Licensee after a request from the Department for the Licensee’s video from June 1, 2020. That video has been marked as Exhibit #13.

14. I have reviewed the video recovered by SPPD from March 30, 2020 that has been marked as Exhibit #21

15. I have reviewed the Amended NOV which is marked as Exhibit #2-2 – 2-12.

16. I have reviewed the still photographs related to single cigarette and prohibited flavored product sales violations and they accurately depict the violations I observed on the video stream.
17. Because of my expertise in recognizing menthol and non-menthol prohibited flavored products, I reviewed Exhibit #13 with the goal of identifying sales of prohibited flavored products.
18. Attached as Exhibit #2-98 is a true and correct copy of a report I created detailing the prohibited flavored products I observed . .
19. I created still photographs of the violations I observed on the video. Attached is a true and correct copy of those photographs marked as Exhibit #2-99 – 2-103.

FURTHER YOUR AFFIANT SAYETH NOT.

Joseph Voyda Digitally signed by Joseph Voyda
Date: 2021.04.20 14:48:37 -05'00'

JOSEPH VOYDA

Subscribed and sworn to before me
DATE *4-21-2021*

Karen M. Doumany
Notary Public

