

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 22nd day of March, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION** and a correct copy thereof in an envelope addressed as follows:

New Hope Grocery LLC
1132 Payne Avenue
Saint Paul, MN 55130
Attn: Saadoun Al-Khiqany

Saadoun Al-Khiqany
11350 Ivywood Street
Coon Rapids, MN 55433

Ruiher LLC
977 Payne Avenue
Saint Paul, MN 55130

Jack Byers, Executive Director
Payne-Phalen Community Council
567 Payne Avenue
Saint Paul, MN 55130

(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 22nd day of March 2022


Notary Public





March 22, 2022

NOTICE OF VIOLATION AND
REQUEST FOR UPWARD DEPARTURE TO
REVOCAION

New Hope Grocery LLC
1132 Payne Avenue
Saint Paul, MN 55130
Attn: Saadoun Al-Khiqany

RE: Cigarette/Tobacco license held by New Hope Grocery LLC for the premises located at 1132 Payne Avenue in Saint Paul.
License ID #: 20190003616

Dear Licensee:

The Department of Safety and Inspections ("Department") is recommending adverse action against the Cigarette/Tobacco license held by New Hope Grocery LLC ("Licensee") for the premises known as New Hope Grocery located at 1132 Payne Avenue in Saint Paul ("Licensed Premises"), including an upward departure to Revocation, based on the following violations:

- Evidence of flavored tobacco products being stored under floorboard behind the service counter;
- Evidence of flavored tobacco products inside glass counter;
- Evidence of multiple flavored tobacco products for sale on the wall behind the service counter
- Evidence of a large volume of flavored tobacco products observed by Inspector Ferrara during the complaint inspection on January 5, 2022.

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



first-time violation is a 10-day license suspension. The presumptive penalty for a second violation within a 24-month period is revocation of the license.

Although matrix penalties are presumed to be appropriate, Saint Paul Legislative Code section 324.10(a) allows the City Council to upwardly depart where the Council finds that there are substantial and compelling reasons to do so. Even though this is a first-time violation, the Department believes that the following factors constitute substantial and compelling reasons to upwardly depart to Revocation of your Cigarette/Tobacco license:

- The amount of flavored tobacco products found on the Licensed Premises; and
- The blatant, intentional nature of the violations and the total disregard for ordinances.

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

Synopsis of Alleged Facts:

On January 5, 2022, Department of Safety and Inspections Inspector Ferrara, an inspector from the Minnesota Department of Revenue ("MDR"), a Saint Paul Police Officer went to the Licensed Premises for a complaint inspection. Upon arrival Inspector Ferrara spoke with the store clerk, Ashraf Ghazi Faisal Almaged, and informed him that the Department received a complaint of the business selling flavored tobacco products. Ferrara asked the clerk to go behind the counter to conduct a flavor inspection and the clerk said "Yes".

During the inspection, Inspector Ferrara located and photographed a large volume of prohibited flavored tobacco products in the following locations:

- behind glass in the service counter;
- along the wall behind the service counter;
- behind the counter;
- hidden in a compartment in the floor; and
- hidden behind the service counter underneath the product display.



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 **April 5, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for revocation of the licenses.
2. If you wish to admit the facts but you contest the upward departure to revocation, 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 **April 5, 2022**. 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 ("ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 5, 2022**. At that hearing both you and the City will appear and present witnesses, 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 that time, 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 of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code section 310.05(k).

If you have not contacted me by April 5, 2022, I will assume that you do not contest the Revocation of your licenses. In that case, the matter will be placed on a City Council Consent Agenda for approval of the recommended penalty.

Sincerely,

Stephen Earnest
Assistant City Attorney
License No.: 0402652



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

cc: Saadoun Al-Khiqany, 11350 Ivywood Street, Coon Rapids, MN 55433
Ruiher LLC, 977 Payne Avenue, Saint Paul, MN 55130
Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130

Attachments: Inspector's Report
Licensee information on Eclips System
License Group Conditions Text
License Group Comments Text
Requirement Comments Text
STAMP – Ownership/Zoning Information
Photos of tobacco products

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.*



Inspector's Report

Inspectors Name: Thomas Ferrara

Date & Time: 1/5/2022 12:27pm arrival

Staff Member's Name: Ashraf Ghazi Faisal Almaged

Business/DBA Name: New Hope Grocery

Property Address: 1132 Payne Avenue - Saint Paul, MN 55130-3722

Reason for Visit: Complaint (CS 21 326405)

Observations: Flavor Violation - Hidden Products in floors and No Tax Stamps on Packs of Cigarettes

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: Click or tap here to enter text.

Glass enclosed service counter(s); display racks, shelves and hangers on wall behind service counter(s) and cash register; and spaces behind service counter where illegal tobacco products were concealed including under floorboards and within counter structure.

Action Taken: Education / warning

Request for Adverse Action

Other: NA

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

Upon entry to the business, I introduced myself as a DSI licensing inspector and handed him my business card. The State inspector accompanying me introduced herself informing she is from the MN Department of Revenue. We were accompanied by a SPPD Officer that also introduced himself as being there to observe.

I informed the only staff person present, clerk Ashraf Ghazi Faisal Almaged, that the reason for the visit was to inspect the business in response to a complaint the City of Saint Paul received stating the business is selling flavored tobacco products and concealing illegal tobacco products under floorboards where the cashier stands behind the counter. I asked Ashraf Ghazi if we could go behind the counter to conduct an inspection and he replied, "yes."

Located behind glass in the long service counter with the cash register on top and also along the wall behind that service counter multiple flavored tobacco/tobacco related products were displayed in public view. The floor behind the counter where the clerk stands had an opening and multiple flavored tobacco product where visible under the raised floor from that opening. See photos. More flavored tobacco products were observed the from the back of the service counter located in space underneath the product display that was visible through a protruding board. See photos.

List of flavored tobacco products observed:

CBD PHARM, Delta 8-THC DISPOSABLE VAPE, 0.3ML, LIMON CELLO
CBD PHARM, Delta 8-THC DISPOSABLE VAPE, 0.3ML, GOLDEN PINE-APPLE
CBD PHARM, Delta 8-THC DISPOSABLE VAPE, 0.3ML, BLUE WIDOW
CBD PHARM, Delta 8-THC DISPOSABLE VAPE, 0.3ML, BLUE BERRY HAZE
CBD PHARM, Delta 8-THC DISPOSABLE VAPE, 0.3ML, BERRY GELATO
CBD PHARM, Delta 8-THC DISPOSABLE VAPE, 0.3ML, RASP BERRY KUSH
Cake, BIRTHDAY CAKE INDICA, DELTA 8 * ONE GRAM DISPOSABLE DEVICE
Cake, SKYWALKER OG HYBRID, DELTA 8 * ONE GRAM DISPOSABLE DEVICE
Cake, STRAWBERRY COUGH SATIVA, DELTA 8 * ONE GRAM DISPOSABLE DEVICE
Cake, ICE CREAM CAKE HYBRID, DELTA 8 * ONE GRAM DISPOSABLE DEVICE
NEWPORT, SMOOTH SELECT, BOX 100s - Wisconsin stamps scratched off most.
BLACKWOODS, DARK STOUT, CIGAR(S)
SWISHER SWEETS, LEAF, HONEY, CIGARS
BACKWOODS, HONEY BOURBAN, CIGAR(S)
BACKWOODS, BANANA, CIGARS
BACKWOODS, RUSSIAN CREAM, CIGAR(S)
BACKWOODS, BLACK RUSSIAN, CIGARS
RUM, Al Capone, 100% TOBACCO LEAF WRAP
DUTCH, IRSH FUSION, CREAMY, CIGARILLOS
MIDDLETON'S, BLACK & MILD, WINE, PIPE-TOBACCO CIGARS
OPTIMO, CIGARILLOS, MANGO
Al Capone, SWEETS, COGNAC DIPPED, CIGARILLOS
NATURAL, AMERICAN SPIRIT, CIGARETTES
DUTCH, SWEET FUSION RED, CIGARILLOS
MIDDLETON'S, BLACK & MILD, WOOD TIP "CASINO" CIGARAS
MIDDLETON'S, BLACK & MILD, CASINO, PIPE-TOBACCO CIGARS
DUTCH, DUTCH BLEND SILVER, CIGARILLOS
D10 BUDDY, GREEN CRACK, SATIVA, ^10 THC CARTRIDGE, 1G
D10 BUDDY, CEREAL MILK, HYBRID, ^10 THC CARTRIDGE, 1G
D10 BUDDY, FORBIDDEN FRUIT, INDICA, ^10 THC CARTRIDGE, 1G
D10 BUDDY, CEREAL MILK, HYBRID, 1G, DISPOSABLE
D10 BUDDY, FORBIDDEN FRUIT, INDICA, 1G, DISPOSABLE
E CLOUD CBD, FRESH MINT, 1000MG PEN
2000 PUFFS, STRAWBERRY LEMONADE
2000 PUFFS, ICED PINEAPPLE
2000 PUFFS, BOWZER BERRY
GOLD NARA, COCONUT SHELL CHAROAL
Premium ZIG-ZAG WRAPS, Straight Up
OPTIMO, CIGARILLOS, COGNAC
OPTIMO, CIGARILLOS, CREAM
Al Fakher Gum with Mint Flavor



Licensee: NEW HOPE GROCERY LLC
 DBA: NEW HOPE GROCERY LLC

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name:	NEW HOPE GROCERY LLC				Browse...
DBA:	NEW HOPE GROCERY LLC				
Sales Tax Id:	*****	Non-Profit:	<input type="checkbox"/>	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:	<input type="checkbox"/>		

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee						
Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address	
AL-KHIQANY	SAADOUN	OWNER	(651) 772-6976	(763) 232-6049	1132 PAYNE AVE	Mail License To: <input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
AL-KHIQANY	SAADOUN	OWNER	(651) 772-6976	(763) 232-6049	11350 IVYWOOD ST	

Mail Invoice To:
 Mail To Contact
 License Address

License # 190003616 Save Changes to History



Licensee: NEW HOPE GROCERY LLC
 DBA: NEW HOPE GROCERY LLC

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name:	NEW HOPE GROCERY LLC				Browse...
DBA:	NEW HOPE GROCERY LLC				
Sales Tax Id:	*****	Non-Profit:	<input type="checkbox"/>	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:	<input type="checkbox"/>		

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee						
Contact Address	City	Zip	DOB	Last Check	Dr	
1132 PAYNE AVE	ST PAUL	55130	01/01/1972	00/00/0000	K02113	Mail License To: <input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
11350 IVYWOOD ST	COON RAPIDS	55433	01/01/1972	00/00/0000	K02113	

Mail Invoice To:
 Mail To Contact
 License Address

License # 190003616 Save Changes to History

License Group Comments Text

03/09/2022

Licensee: NEW HOPE GROCERY LLC

DBA: NEW HOPE GROCERY LLC

License #: 20190003616

1/5/2022 Operation Tobacco Out inspection - Fail flavor tobacco TPF
8/28/2021 TYCC Pass JNV
6/23/2021 Youth compliance check Pass JNV
10/30/2019 License type requirement comments JNV

Requirement Comments Text

03/09/2022

Licensee: NEW HOPE GROCERY LLC

DBA: NEW HOPE GROCERY LLC

License #: 20190003616

05/19/2021 Sent e-mail requesting wc form. LAB
1/23/2020 Gave application to the licensing manager for review for Council agenda JNV
1/22/2020 Received Signed license conditions JNV
12/06/2020 Received licensee's background history from the City of Minneapolis JNV
11/26/19 Background check is clear. RJH
11/07/19 Background check requested. RJH
10/30/2019 Received application JNV

License Group Conditions Text

03/09/2022

Licensee: NEW HOPE GROCERY LLC

DBA: NEW HOPE GROCERY LLC

License #: 20190003616

1. The licensee shall maintain the premises in accordance with applicable City ordinances and regulations with regards to issues including, but not necessarily limited to, graffiti and grass height.
2. None of the following items shall be sold at the store: Diluents and adulterants; separation gins and sifters; hypodermic syringes or needles; metal, wooden, acrylic, glass, stone, plastic or ceramic pipes; permanent screens, hashish heads or punctured metal bowls; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips; miniature cocaine spoon, and cocaine vials; chamber pipes; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; and ice pipes or chillers.
3. No drug paraphernalia shall be sold.
4. No individual razor blades or portions of opened packages of razor blades shall be sold.
5. The store hours shall be no earlier than 6:00 a.m. and no later than 12:00 a.m. midnight.
6. No adult magazines or movies shall be sold.
7. Licensee will create a video surveillance camera and Lighting placement plan (Video Surveillance Plan) for the interior and exterior of the licensed premises. Licensee will submit the video Surveillance Plan to the Saint Paul Police Department liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved Video Surveillance Plan, licensee will ensure that video surveillance cameras are installed prior to license issuance. Licensee will maintain installed video surveillance cameras in working order; ensure that they are recording 24-hours per day and capable of producing surveillance video in a commonly used, up-to-date format. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, Licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of a surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, Licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
8. Licensee will ensure that daily inspection of the perimeter of the licensed premises takes place to remove any trash, debris, bottles, cups or similar materials.
9. Licensee acknowledges that a Cigarette/Tobacco license only permits the sale of items in original packaging and such sale shall be limited to packaged cigarettes, cigars, smokeless tobacco, lighters, and cigarette paper intended for use as a wrapper cover for tobacco products. The sale of items including blunts, single cigarettes, and flavored products is prohibited at this establishment.
10. Licensee agrees to comply with all federal, state, and local laws.

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

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 03/09/22 03:18 PM

House#:

Last updated from Ramsey County data on:

Street Name:

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

1132 Payne Ave - Little Burma Grocery - 55130-3722 - [Other Applications](#)

PIN: 292922120038

Census Tract: 31000 **Census Block:** 4003

Council Ward: 6 **District Council:** 5

Year Built:

Foundation Sq Feet: **Loan Company:**

Land

Building

Value: 20200

Value: 68800

Unverified Usage: 13- COMMERCIAL/APARTMENT- B- Commercial

ISP:

Units: 2

Zoning: B2

Legal Desc: HOLTERHOFF AND MEAD'S ADDITION LOT 4 BLK 3

Owner:

Ruiher Lic
977 Payne Ave
St Paul MN 55130-3901
612-290-5852

Certificate of Occupancy Responsible Party:

Jonathan Lopez
977 Payne Ave
St Paul MN 55130
651-771-5363

Saint Paul Police Department

CN Details for 22-002253

Incident:	74	INVESTIGATE-CODE ENFORCEMENT		
Location:	1132 Payne Avenue			
Locale:	New Hope Market [1132]			
		Sector/Grid:	3	54
Call Date:	01/05/2022, 12:20:43	Disposition:	Advise/Assist	
Occur Date:	01/05/2022	Priority:	4	Time Received: 12:20:43
Occur Time:	12:20:43	Source:	Officer	Time Sent: 12:20:43
Caller Information:		Fire/Amb:		Time Arrived: 12:20:43
Name:		EDP:		Time Cleared: 14:50:00
Address:		Alarm:		ECC Console: 393
Phone:				





Add Caption

Wednesday · Jan 5, 2022 ·

1:26 PM

IMG_6729

Adjust

Add Caption

Wednesday · Jan 5, 2022 ·

1:26 PM

IMG_6726

Adjust





Add a Caption

Wednesday · Jan 5, 2022 · Adjust

1:26 PM

IMG_6728

Add a Caption

Look Up - Book

Wednesday · Jan 5, 2022 · Adjust

1:26 PM

IMG_6727



Add a Caption

Wednesday · Jan 5, 2022 · Adjust

1:27 PM

IMG_6730

Add a Caption

Wednesday · Jan 5, 2022 · Adjust

1:15 PM

IMG_6724







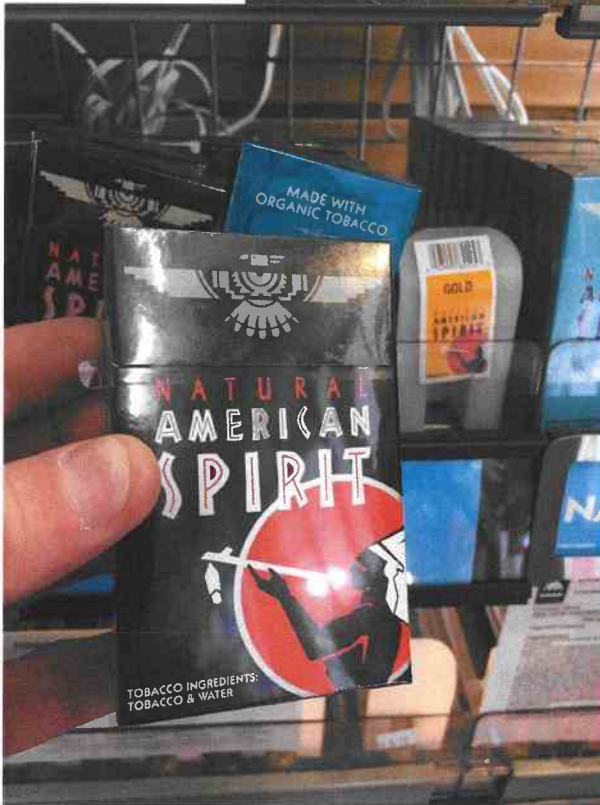


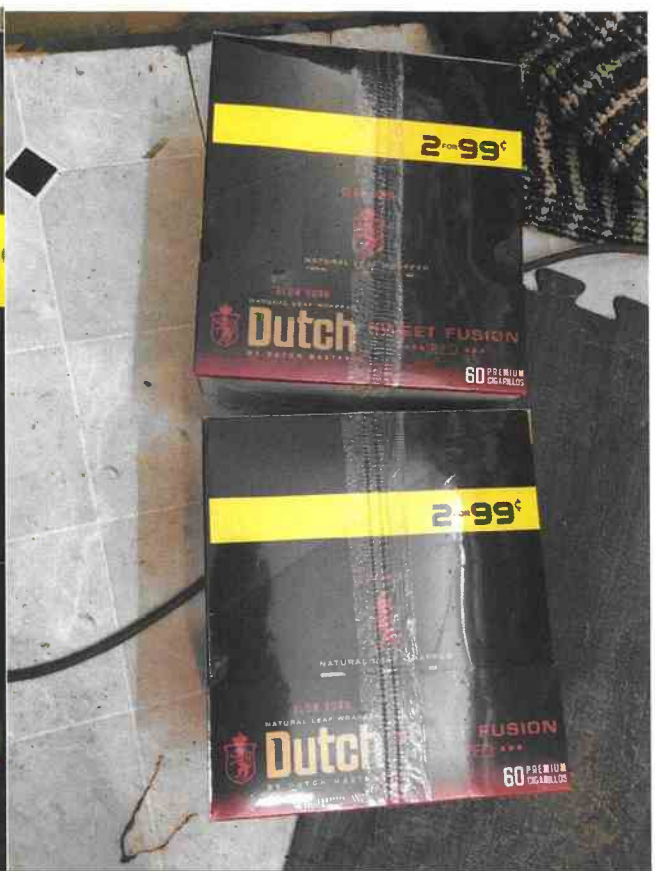
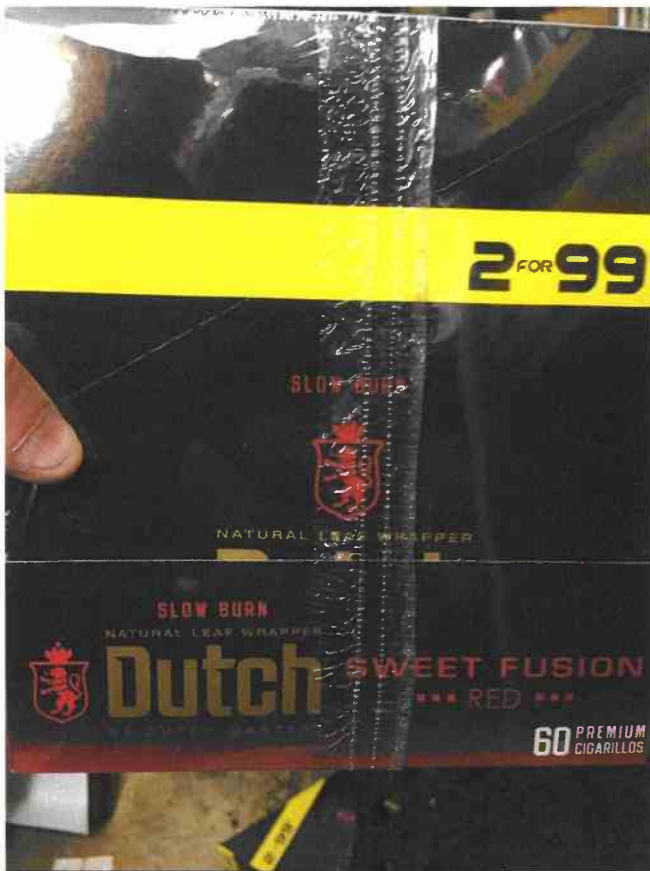










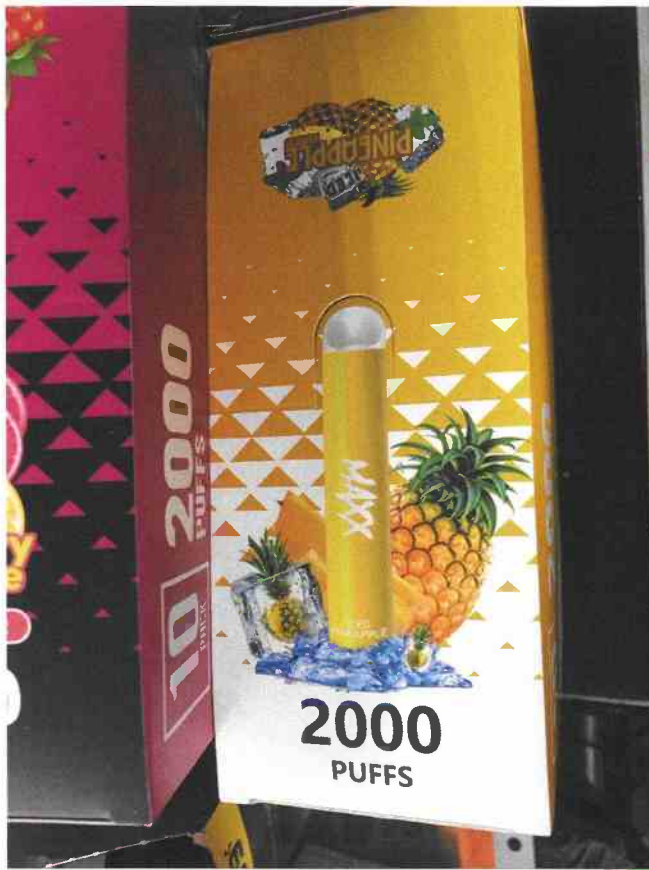






Palmer Avenue
Fero Casin
1877-271-2627









Add a Caption

Wednesday · Jan 5, 2022 ·
2:46 PM

Adjust

✓ IMG_6732

Apple iPhone 11

HEIF

Wide Camera — 26 mm *f*1.8

12 MP · 4032 × 3024 · 2.2 MB