

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 August 19, 2019, he served the attached **NOTICE OF VIOLATION, RECOMMENDATION FOR IMPOSITION OF \$200.00 MATRIX PENALTY FOR SALE OF TOBACCO TO A MINOR AND \$500 MATRIX PENALTY FOR SALE OF FLAVORED PRODUCTS** and a correct copy thereof in an envelope addressed as follows:

SNAP Market  
957 Rice  
Saint Paul, MN 55117  
Attn: High 5 Inc.


Husam Elh Ali  
2516 Jackson Street NE Apt. 2  
Minneapolis, MN 55418

Kerry Antrim  
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 19th day of August 2019



Notary Public



OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division  
400 City Hall and Court House  
15 West Kellogg Boulevard  
Saint Paul, Minnesota 55102

Telephone: 651 266-8710  
Facsimile: 651 298-5619

August 19, 2019

**NOTICE OF VIOLATION AND  
RECOMMENDATION FOR IMPOSITION  
OF \$200 MATRIX PENALTY FOR SALE OF TOBACCO TO A MINOR  
AND \$500 MATRIX PENALTY FOR SALE OF FLAVORED PRODUCTS**

SNAP Market  
957 Rice Street  
Saint Paul, MN 55117  
Attn: High 5 Inc.

RE: Cigarette/Tobacco license held by High 5 Inc. d/b/a SNAP Market for the premises located at 957 Rice in Saint Paul  
License ID #: 20190001517

Dear High 5 Inc.:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by High 5 Inc. ("Licensee") for the premises known as SNAP Market located at 957 Rice in Saint Paul. ("Licensed Premises").

Sale of tobacco to an underage person is a violation of both Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(d).

Saint Paul Legislative Code §324.11(b)(1) provides for a presumptive penalty of \$200 for a first-time violation for the sale of tobacco to an underage person.

Saint Paul Legislative Code §324.07(f) prohibits a licensee from offering for sale, selling and distributing flavored products.

Saint Paul Legislative Code §310.05(m)(2) sets the penalty for a first-time violation of a provision of the legislative code relating to the licensed activity at \$500.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §§'s 324.07(d) and 324.07(f) by a preponderance of the evidence.

On June 16, 2019, at approximately 1:33 p.m., DSI Inspector Muhammad conducted an underage tobacco compliance check at SNAP Market located at 957 Rice Street in the City of Saint Paul. DSI Inspectors use underage cooperating individuals (UCI's) who carry valid Minnesota picture ID's with "UNDER 21" clearly printed above their pictures when they conduct these types of compliance checks. The UCI was told to go into the store and attempt to purchase tobacco.

The UCI entered the store and requested Marlboro cigarettes. He walked to register and the clerk later identified as Al Easar Khalid Riyadh rung up the purchase.

The UCI left the store and turned the Marlboro cigarettes and change over to DSI Inspector Muhammad.

DSI Inspector Muhammad went back into the store and identified himself as DSI Inspector who was conducting underage tobacco compliance checks. DSI Inspector Muhammad informed Al Easar Khalid Riyadh that he had failed the compliance check by selling to an underage person.

Al Easar Khalid Riyadh denied selling the cigarettes and would not give Inspector Muhammad his identification. Al Easar Khalid Riyadh called the owner and Inspector Muhammad spoke with him, explained what happened and that he needed to document this violation. The owner spoke with Al Easar Khalid Riyadh who then provided his identification so that Inspector Muhammad could document the violation.

While he was behind the counter Inspector Muhammad observed and documented the following prohibited flavor products: Black and Mild Wine, Zig-Zag Grape, Zig-Zag Slo Burn Grape, Zig-Zag Cigarillos, White Grape and Double Platinum KUSH. Inspector Muhammad informed Al Easar Khalid Riyadh that these items were a violation of Saint Paul Ordinance 324 and needed to be removed from the store.

As the Licensee you have four (4) options:

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 **Friday, August 30, 2019**, 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 approval of the proposed remedy.
2. You can admit to the violation and pay the \$200.00 matrix penalty. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, August 30, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$200.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.

3. If you wish to admit the facts but you contest the \$200.00 and \$500.00 matrix penalty, 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 **Friday, August 30, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$200.00 and \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. 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 **Friday, August 30, 2019**. 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 § 310.05 (k).

**If you have not contacted me by Friday, August 30, 2019, I will assume that you do not contest the imposition of the \$200.00 and \$500.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.**

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,



Therese Skarda  
Assistant City Attorney  
License No.: 0240989

cc: High 5 Inc.; 957 Rice Street; Saint Paul, MN 55117  
Husam Elh Ali; 2516 Jackson Street NE Apt. 2; Minneapolis, MN 55418  
District 6 North End Neighborhood Organization; 171 Front Street; Saint Paul, MN 55117

Attachments: Inspectors Report and supporting documents



CITY OF SAINT PAUL

Business Licensing Telephone: 651-266-2989  
375 Jackson Street, Suite 206 Fax: 651-266-9124  
Saint Paul, Minnesota 55101-1005 Web: www.sipaul.gov/dsl

## Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date of Inspection: June 16, 2019

Date sent to the CAO: July 1, 2019

Business/Property Name: High 5 INC

Property Address: 847 Woodland Court Mahtomedi, MN 55115

License #: 20190001517

Reason for Visit: Tobacco Age compliance check

Observations: Tobacco Age violation and Flavor Violations: Black and Mild WINE, Zig-Zag GRAPE, Zig-Zag SLO BURN GRAPE, Zig-Zag Cigarillos WHITE GRAPE, and Double Platinum KUSH

Photos Taken:  Yes, Location of Photo(s):

No

Action Taken:  Citation

Warning

Other: Sent to the CAO for Adverse Licensing Action

Details of Conversations (Statements to and by Person Responsible for Property After failing a tobacco age compliance check. I went into 957 Rice St. Upon arrival for a tobacco age compliance violation follow up. I Akbar R. Muhammad, an inspector for the DSI, introduced myself as inspector from DSI to the clerk, Mr. Riydh. I asked if he sold the Marlboro 20 class A cigarettes to the under age decoy. I gave a physical description of the under age decoy and showed him the pack of Marlboro 20 class A cigarettes along with the change that he had given the under age decoy. At first, he denied seeing the decoy and also selling him the pack of cigarettes. After explaining to the clerk that he had indeed sold the decoy the cigarettes, he said he would call the owner. I spoke with the owner over the phone and described the situation. I also told him that the clerk was refusing to give me his photo I.D. I explained that I would need his photo ID to complete and document the violation. The owner talked with the clerk and he at that point handed over his ID. As I was behind the counter, I observed the following flavor violations: Black and Mild WINE, Zig-Zag GRAPE, Zig-Zag SLO BURN GRAPE, Zig-Zag Cigarillos WHITE GRAPE, and Double Platinum KUSH. I advised Mr. Riydh these were all violations and needed to be removed asap to be in compliance with ordinance 324.



CITY OF SAINT PAUL

*Business Licensing* Telephone: 651-266-8989  
333 Jackson Street, Suite 110 Fireballe: 651-266-9114  
Saint Paul, Minnesota 55101-1606 Web: [www.stpaul.gov/ci](http://www.stpaul.gov/ci)

April 4, 2019

Dear Cigarette/Tobacco License Holder,

The Saint Paul Legislative Code establishes minimum cigar prices, prohibits the sale of flavored tobacco products at most retail locations, limits the size of temporary window signs in stores, and regulates customer access to the tobacco and tobacco-related products on display. Compliance checks for these items are typically conducted a minimum of once per calendar year where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold. These checks consist of a DSI Licensing Inspector visiting the establishment unannounced then observing product placement and labeling, speaking with clerks, taking photos, etc. to monitor for compliance with retail tobacco requirements.

**Please consider this letter formal notice that the Department of Safety and Inspections (DSI) will begin to conduct the 2019 routine compliance checks for cigar pricing, flavored tobacco, temporary window sign, and tobacco display requirements the week of April 8th and expects to complete the initial checks of all vendors by late May. Of further note, compliance checks may be conducted at any time during the year in response to complaints or reported violations of these or other applicable requirements. Ordinance violations will be forwarded to the City Attorney's Office for adverse action against your license(s) that will result in fines and potential license suspension.**

A link to the Cigarette/Tobacco License webpage is further below for your reference and if you have any questions about license requirements or inspection procedures, contact me at 651-266-9014 or [joseph.voyda@ci.stpaul.mn.us](mailto:joseph.voyda@ci.stpaul.mn.us). Other DSI Licensing Inspectors are available during my absence at 651-266-8989 to answer questions as well.

Cigarette / Tobacco License | Saint Paul, Minnesota  
<https://www.stpaul.gov/departments/safety-inspections/licenses/business/cigarette-tobacco-license>

Sincerely,

Joseph Voyda,  
Inspector, DSI Licensing



CITY OF SAINT PAUL

Business Licensing Telephone: 651-266-8989  
375 Jackson Street, Suite 220 Facsimile: 651-266-9124  
Saint Paul, Minnesota 55101-1806 Web: www.spaul.gov/dm

Tobacco Youth Compliance Check Purchase Form

Business Type:  
20190001517  
SNAP MARKET  
957 RICE ST

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco Product Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club, bowling, etc.)

Inspector: Akbar R. Muhammad Date: 6 / 19 / 19 Time: 1 : 33 a.m. (p.m.)  
Name MM DD YY

- Was purchase attempted?  Yes  No
- If NO, check reason:
- Does not sell tobacco
  - Unsatisfactory/unsafe conditions
  - After business hours
  - Out of business
  - Not applicable
  - Other

Buyer: Ihou Name Age 15, 16, 17 Sex Female, Male Did adult or officer view transaction?  Yes  No

- Was sale made?  Yes  No
- Was age asked?  Yes  No
- Was ID requested?  Yes  No
- Was ID shown?  Yes  No

Type of purchase: Self Service, Clerk assisted, Vending machine - Unlocked, Vending machine - Locked

Type of product: Cigarettes, Smokeless, Cigars, Shisha, E-juice, Other (cigarette papers, lighter, etc.)

Amount spent: \$9.50

Clerk Information:  Female  Male Approximate Age:  18 or  Under 18 Actual age if known 35

Name of Clerk: Al Easar Khalid Riyadh Address: 5201 3rd St NE

City & State: Fridley, MN Zip Code: 55421-1589

Driver's license # or State I.D.#: 5579-158-781-021 Date of Birth: 2/29/84

Description / Notes:

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License Group Comments Text

07/01/2010

Licensee: HIGH 5 INC

DBA: SNAP MARKET

License #: 20190001517

8/16/19 Tobacco youth compliance check fail. During the tobacco age fall noticed flavors on the premise. ARM,  
5/28/2019 received all necessary documents issued license JNV



**Properties For License 957 RICE ST**

Licensee: HIGH 5 INC  
 DBA: SNAP MARKET

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: HIGH 5 INC   
 DBA: SNAP MARKET   
 Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 05/01/2020  
 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

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title
Other	05/23/2019	00/00/0000	ALI	HUSHAM ELHOWNER	
Other	05/23/2019	00/00/0000	AHMED	SULIMAN	MANAGER
Business/M	05/23/2019	00/00/0000			

License # 190001517 Save Changes to History

**Properties For License 957 RICE ST**

Licensee: HIGH 5 INC  
 DBA: SNAP MARKET

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: HIGH 5 INC   
 DBA: SNAP MARKET   
 Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 05/01/2020  
 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

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Bus. Phone	Home Phone	Contact Address	City	Zip
( ) -	(651) 208-6524	2516 JACKSON ST NE APT 2	MINNEAPOLIS	55418
( ) -	(651) 235-5441	847 WOODLAND COURT	MAHTOMEDI	55115
(651) 488-2693		957 RICE ST	ST PAUL	55117

License # 190001517 Save Changes to History



CITY OF SAINT PAUL

Business Licensing  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: www.stpaul.gov/dsl

Tobacco Youth Compliance Check Purchase Form

Business Type:  
20190001517  
SNAP MARKET  
957 RICE ST

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco Product Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club, bowling, etc.)

Inspector: Akbar R. Muhammad  
Name

Date: 6 / 19 / 19  
MM DD YY

Time: 1 : 33 a.m. (p.m.)

Was purchase attempted?

- Yes
- No

If NO, check reason:

- Does not sell tobacco
- After business hours
- Unsatisfactory/unsafe conditions
- Out of business
- Other \_\_\_\_\_



Age 15  
6  
7

Sex  
Female  
Male

Did adult or officer view transaction?

- Yes
- No

Was ID requested?

- Yes
- No

Was ID shown?

- Yes
- No

Type of product:

Amount spent: \$ \_\_\_\_\_

- Self Service
- Clerk assisted
- Vending machine - Unlocked
- Location of machine \_\_\_\_\_
- Vending machine - Locked
- Location of machine \_\_\_\_\_

- Cigarettes \_\_\_\_\_
- Smokeless \_\_\_\_\_
- Cigars \_\_\_\_\_
- Shisha \_\_\_\_\_
- E-juice \_\_\_\_\_
- Other (cigarette papers, lighter, etc.) \_\_\_\_\_

Clerk Information:  Female  Male Approximate Age:  18 or  Under 18 Actual age if known \_\_\_\_\_

Name of Clerk: Al Easar Khalid Riyadh Address: 5201 3rd St NE

City & State Fridley, MN Zip Code 55421-1589

Driver's license # or State I.D.# S579-158-781-021 Date of Birth: 2/29/84

Description / Notes: \_\_\_\_\_

AA-ADA-EEO Employer



CITY OF SAINT PAUL

Business Licensing  
175 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1206

Telephone: 651-466-8900  
Facsimile: 651-221-3114  
Web: www.saintpaul.gov

Tobacco Youth Compliance Check Purchase Form

Business Type:  
20190001517  
SNAP MARKET  
957 RICE ST

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco / Smoke Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (please specify location)

Inspector: Akbar H. Muhammad  
Name

Date: 6 / 19 / 19 Time: 3:30 am PM  
MM DD YY

Was purchase attempted?  
 Yes  No

- If NO, check reason:
- Does not sell tobacco
  - Unsatisfactory/unsafe conditions
  - After business hours
  - Out of business
  - Not applicable
  - Other

Buyer: Ihou  
Name

Age: 15, 16, 17  
Sex: Female, Male

Did adult or minor view transaction?  
 Yes  No

Was sale made?  
 Yes  No

Was age asked?  
 Yes  No

Was ID requested?  
 Yes  No

Was ID shown?  
 Yes  No

- Type of purchase:
- Self Service
  - Clerk assisted
  - Vending machine - Unlocked
  - Location of machine
  - Vending machine - Locked
  - Location of machine

- Type of product:
- Cigarettes
  - Smokeless
  - Cigars
  - Shisha
  - E-juice
  - Other (cigarette papers)

Clerk Information:  Female  Male Approximate Age:  18 or

Name of Clerk: Address:

City & State Zip Code

Driver's license # or State I.D.#

Description / Notes:

AA-ADA-EEO Employ







CITY OF SAINT PAUL

Business Licensing  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: www.stpaul.gov/da

Tobacco Youth Compliance Check Purchase Form

Business Type:  
20190001517  
SNAP MARKET  
957 RICE ST

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco Product Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club, bowling, etc.)

Inspector: Akbar R. Muhammad  
Name

Date: 6 / 19 / 19 Time: 1 : 33 a.m. / p.m.  
MM DD YY

Was purchase attempted?  
 Yes  No

If NO, check reason:

- Does not sell tobacco
- After business hours
- Not applicable
- Unsatisfactory/unsafe conditions
- Out of business



**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.





CITY OF SAINT PAUL

Business Licensing  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: www.sipaul.gov/dsl

### Tobacco Youth Compliance Check Purchase Form

Business Type:  
20190001517  
SNAP MARKET  
957 RICE ST

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Rest

Inspector: Akbar R. Muhammad  
Name

Date: 6 / 19 / 19  
MM DD Y

Was purchase attempted?  
 Yes  No

If NO, check reason:  
 Does not sell tobacco  
 After business hours  
 Not applicable

Unsatisfactory  
 Out of business  
 Other

Buyer: Ibou  
Name

Age

15  
16

Sex

Female  
Male

Was sale made?  
 Yes  No



Was age asked?  
 Yes  No



Was ID requested?  
 Yes  No



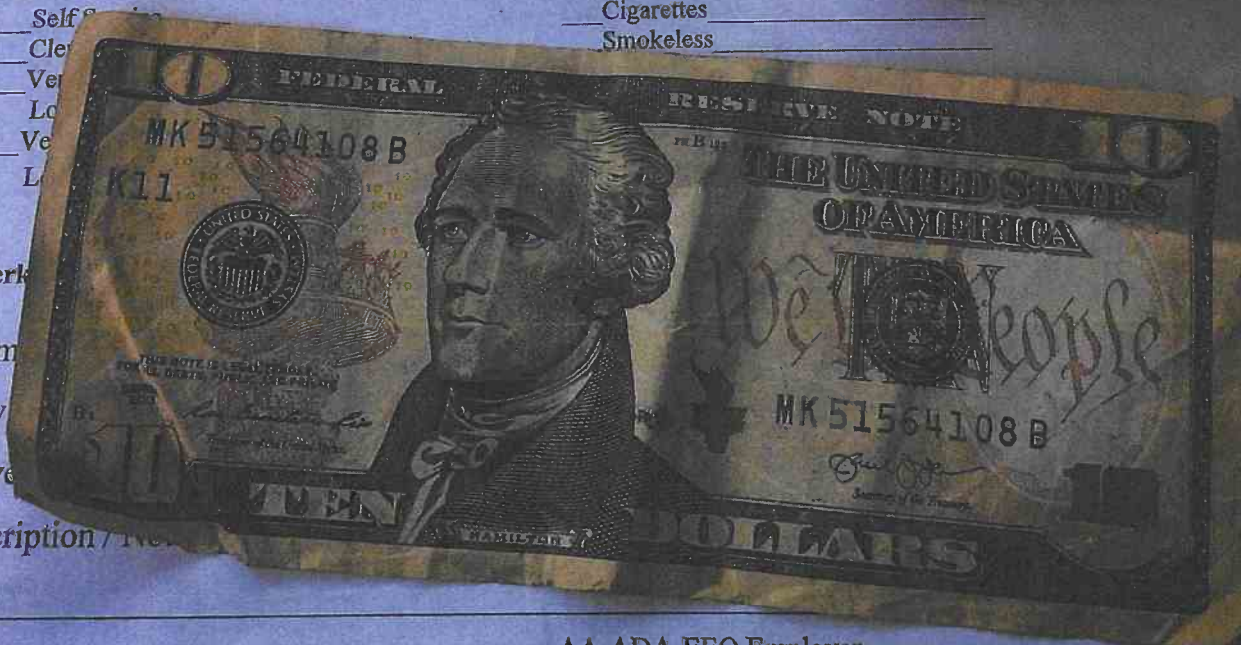
Type of purchase:

- Self
- Clerk
- Vendor
- Location
- Vendor
- Location

Type of product:

- Cigarettes
- Smokeless

Amount spent: \$



Clerk  
Name  
City  
Drive  
Description / Note