

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE CITY OF SAINT PAUL

In the Matter of All Licenses held by Zhariya  
Abukhudeer d/b/a The One Stop Market LLC  
for the premises located at 1541 Maryland  
Avenue in Saint Paul

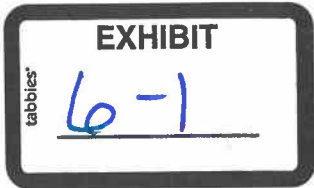
STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF RAMSEY     )

**AFFIDAVIT OF  
ERIC HUDAK**

Eric Hudak, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Licensing Manager 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 are described in include responsibility for management of the City’s Licensing division to include oversight of 7 direct reports who perform code compliance inspections, initiate enforcement actions, project facilitation, community education and outreach. Develop, plan and implement licensing compliance programs, projects, policies and procedures. Identify, develop and facilitate changes to the City’s codes and ordinances. Coordinate licensing actions with other agencies and serve as licensing division spokesperson. Investigate, review and make decisions regarding license applications and compliance. Initiate appropriate adverse legal action to include providing testimony at court hearings and penalty recommendations to City Council. Direct, review and monitor work of staff, provide development and evaluate work performance. Responding to queries, requests and complaints from the public, elected officials



and other City staff. Address complex, critical and sensitive licensing issues for City Council and Mayor's Office.

3. I have served as the Licensing Manager for the City of Saint Paul from October 2015.

4. My previous work experience includes:

Fourteen (14) years of management experience working for the Metropolitan Airports Commission at managing the regulation of all aspects of Minneapolis St. Paul International Airport's commercial vehicle ground transportation systems, ordinance and regulatory enforcement, contract administration and project facilitation. Monitored all MSP ground transportation systems, performed investigations, administered, and enforced Taxicab and Commercial Vehicle Ordinances. Arranged administrative hearings and provided testimony.

Former Board Member – Federal Bureau of Investigation, Citizens Academy Alumni Association (2016 to 2018)

Former Board Director – Airport Ground Transportation Association, (2010 to 2015)

5. My education and training include a Bachelor's Degree in Business Administration, Concordia University – St. Paul, Multiple certifications and ongoing trainings in emergency preparedness, multicultural and diversity programs and workplace safety

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. As a former smoker and in my experience administering cigarette regulation I'm am familiar with and can identify the packaging of many flavored and menthol products to include the Newport brand of menthol cigarettes.

10. 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.

11. 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").

12. Attached as Exhibit #1-18 is a true and correct copy of a document entitled STAMP – Ownership Zoning Information. This document tells me that Yahya Abukdhuder at 1541 Maryland is the responsible party for the certificate of occupancy of the Licensed Premises. It also tells me that the property is owned by Zamzam Inc. and gives me the address for that corporation. The NOV's in this case were mailed to the owner address provided on this document.



13. Attached as Exhibit #1-19 is a true and correct copy of a document pulled from AMANDA our case management system which provides the mailing address for the Licensee's contact.

14. Attached as Exhibit #1-20 is a true and correct copy of a document pulled from AMANDA our case management system which provides information on the Licensee and the Licensed Premises.

15. Attached as 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:

- a. "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."
- b. "2. The licensee shall take reasonable steps to discourage loitering in front of the or on the property of the licensed business."
- c. "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



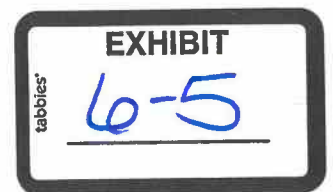
and Inspections (DSI) requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.”

- d. “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.”

16. On May 26, 2020, after review of all Documentation, I approved adverse action and upward departure to the third box on the penalty matrix (\$2,000 fine and 10 day suspension) against the Cigarette/Tobacco License held by Licensee.

17. I believe that adverse action and upward departure was appropriate based on the following SPLC code sections:

- a. SPLC § 310.05(m)(1) which supports adverse action and imposition of a matrix penalty when there is a violation of the conditions placed on the license.
- b. SPLC § 310.05(m)(2) which supports adverse action when there is a violation of the provisions of the legislative code relating to the licensed activity.
- c. SPLC § 310.06 (b) titled Basis for Action which supports adverse action in a number of situations including:
  - i. § 310.06(b)(5) “The licensee or applicant has failed to comply with any condition set forth in the license...”
  - ii. § 310.06 (b)(6)(a) “the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the



licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;”

iii. § 310.06 (b)(6)(c) “the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.”

iv. § 310.06 (b)(7) “the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.”

v. § 310.06(b)(8) “the licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.”

d. SPLC § 310.05 (m)(1) which lays out matrix penalties.

i. The recommended penalty for a first time violation is \$500.

ii. The recommended penalty for a second time violation is \$1,000.

iii. The recommended penalty for a third time violation is a 10 day suspension and a \$2,000 penalty.

iv. The recommended penalty for a fourth violation is revocation.

e. SPLC § 310.05 (m) titled Presumptive penalties for certain violations which allows for upward deviation and states that “These penalties are presumed to be



appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.”

- f. SPLC § 310.05 (m)(ii) which addresses multiple violations and states that “The occurrence of multiple violations shall be grounds for upward departure from such penalties in the council’s discretion.”
- g. SPLC § 310.17 - Licensee’s responsibility which states that “Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working on behalf of a licensee, whether compensated or not, which act or conduct takes place either on the licensed premises or in any parking lot or other area adjacent to (or under the lease or control of) the licensed premises, and which act or conduct violates any state or federal statutes or regulations, or any city ordinance, shall be considered to be and treated as the act or conduct of the licensee for the purpose of adverse action against all or any of the licenses held by such licensee.”

18. Consistent with the procedures outlined in SPLC, after I approved a recommendation for adverse action and made a recommendation, the matter was then forwarded to the Saint Paul City Attorney’s Office for review and creation of a Notice of Violation (“NOV”).

19. Based on SPLC and the Documentation I had reviewed, I recommended upward departure to the third box on the matrix penalty scale of \$2,000 and a 10-day suspension.





20. Attached as Exhibit #1-1 through 1-8 is a true and correct copy of the September 10, 2020 titled Notice of Violation and Request for Upward Departure to the Third Box on the Matrix Penalty Scale of \$2,000 and a 10-Day Suspension with attachments that was served on the Licensee on September 10, 2020.

21. Attached as Exhibit #2-1 through 2-12 is a true and correct copy of the March 2, 2021 Amended Notice of Violation and Request for Upward Departure to Revocation (“Amended NOV”).

22. I directed the Assistant City Attorney, Skarda to prepare the Amended NOV after I observed the still photos pulled from the June 1, 2020 video by Assistant City Attorney, Skarda.

23. When I observed those individual photos, I found the sheer volume of the times city ordinances were violated, the presence and casual handling of guns and a rifle, the behavior that endangered the general public inside and outside of the Licensed Premises and outright lawlessness shocking.

24. I then asked Assistant City Attorney Skarda to prepare an Amended Notice of Violation and notify Opposing Counsel of the amendment.

25. I reviewed the Amended NOV before it was sent to opposing counsel. I saw that the Amended NOV references the conversation that I requested that Assistant City Attorney Skarda have with opposing counsel on February 19, 2021. (Ex. 2-2).

26. Assistant City Attorney Skarda drafted the Amended NOV to addresses my rationale for my decision to amend and request revocation of the License held by Licensee: “Based on evidence of additional incidents of sales of single cigarettes and flavored products identified in the videos already provided to you and your client, the Department believes

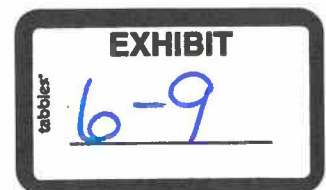




amending its original recommendation to Revocation of the license held by Licensee is the more appropriate penalty. I have added descriptions of the violations with their time stamps. I am also including the still photographs I pulled from the videos previously disclosed for your review.”

27. The Amended NOV outlines the Department’s rationale for upward departure to revocation and includes:

- a. The number of times that the conditions of the license were violated.
- b. The number of times that provisions of the code related to the licensed activity were violated.
- c. The blatant nature of the violations and the total disregard for ordinances and license requirements.
- d. The serious danger that failure to follow the conditions of the license caused.
- e. The frequency of the violations.
- f. The failure to maintain surveillance equipment in good working order.
- g. The failure to manage the Licensed Premises to ensure that fights and disputes do not escalate into situations that endanger the safety of the general public.
- h. The failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products.
- i. The additional serious violations of Saint Paul Legislative Code after June 18, 2020 meeting with the Department and representatives of the Saint Paul Police Department to discuss the problems at the Licensed Premises.
- j. The failure of the Licensee to acknowledge the June 18, 2020 and June 24, 2020 emails.



- i. Attached as Exhibit #1-10 – 1-12 is a true and correct copy of two emails that I sent to Licensee and his brother (who holds a wireless license at the Licensed Premises).
- ii. My first email is contained in Exhibit 1-11 – 1-12. I prepared this email after a meeting that DSI and Saint Paul Police Department (“SPPD”) had with the Licensee and his brother regarding complaints, loitering and criminal activity at the Licensed Premises. The meeting was held on June 17, 2020 at the Eastern District Saint Paul Police Department Offices. During the meeting we discussed and offered answers to questions regarding the Licensee’s responsibility to comply with the rules, regulations and license conditions pertaining to his Cigarette and Tobacco License. On June 18, 2020, I sent the Licensee a number of attachments containing the rules and regulations to the email address provided by the Licensee. I requested a confirmation of receipt. The Licensee did not reply to this email.
- iii. Exhibit #1-10 – 1-11 is a copy of a second email that I sent to the Licensee at the email address provided to the Department. This email was sent on June 24, 2020 and again requested confirmation of receipt of my June 18, 2020 email. The Licensee did not respond.

28. Each violation and its supporting evidence (with reference to exhibits) asserted in the Amended NOV is outlined below.



## **VIOLATION #1 AND SUPPORTING EVIDENCE**

29. Violation #1 is outlined in the Amended NOV is for the Licensee's failure to take reasonable steps on March 30, 2020 to discourage loitering in front of or on the property of the licensed business in violation of License Condition #2. The failure of the Licensee to comply with License Condition #2 which is a basis for adverse action under 310.06 (b)(6)(a) it also shows a lack of fitness to hold his license (310.06 (b)6(c)), created a serious danger to the public health, safety and welfare (310.06(b)(7) and maintained and permitted conditions that endangered the safety, health, comfort or repose of a considerable number of members of the public (310.06 (b)(8)).

30. Attached as Exhibit #1-12 is a true and correct copy of video from March 30, 2020 of the Licensed Premises from the cameras maintained by the Licensee.

31. This video was recovered by Sergeant Stanway by means of the Saint Paul Police Department after Licensee was unable to provide it to the Department as required by his license conditions (Ex. #1-22, 1-23).

32. In accordance with the Licensee's License conditions, on April 27, 2020, Inspector Kris Schweinler had requested that the Licensee produce this video after Saint Paul Police notified the Department that there was a large fight in the parking lot of the Licensed Premises that involved a large group of individuals where shots were fired. reported to Saint Paul Police (Ex. #1-15) but the Licensee was unable to produce it.

33. Attached as Exhibit #1-21 is a true and correct copy of the video obtained from SPPD.



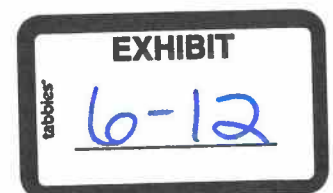
34. Attached as Exhibit #1-22 through 1-26 is a true and correct copy of Saint Paul Police Case Number 20062710 written by Sergeant Rob Stanway. His report details the violations he observed when he reviewed the video received

35. I watched the video (Ex. #1-21) and my personal impression matches Sargent Stanway's report.

36. Although Sargent Stanway refers to the Licensed Premises as Sam's Dairy in his report. I know this location to be The One Stop Market. I am aware that Sam's Dairy was a previous name for the Licensed Premises and that The One Stop Market is also referred to as Sam's Dairy by City staff, SPPD and community members.

37. I have reviewed the video (Ex. #1-21) and the narrative contained in Sergeant Stanway's report. Based on the video of Camera 12 from 1646 hours through 1704:39 hours I concluded that the Licensee's employees allowed individuals to loiter outside of the storefront in violation of License Condition #2. The Licensee also allowed individuals and vehicles to remain in the parking lot and failed to take appropriate action once an altercation broke out. I agree with Sergeant Stanway's report that the abnormal behavior observed on the tape should have been addressed by the store employees (Ex. #1-25). This failure was a violation of License Condition #2 – failure to take reasonable steps to discourage loitering. The Licensee's employees appear to be lacking interest or training in what their responsibility is under the license conditions and the SPLC.

38. I fully agree with Sergeant Stanway's conclusion that had the parking lot been properly monitored, the incident in the parking lot would not have escalated to the subsequent altercation and shots fired incident depicted on the video.



39. I was shocked to see that the Licensee's employees are seen passing a gun - this supports my belief that the Licensee and his employees fail to understand their role as it relates to License Condition #2, the SPLC and the general public.

40. In sum, based on my observations, the failure of the Licensee's employees to take appropriate action violated License Condition #2, created a serious danger to the public health, safety or welfare and on that date, maintained and permitted conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public which are grounds for adverse action under SPLC §310.06 (b)(6)(7) and (b)(6)(8).

#### **VIOLATION #2 AND SUPPORTING EVIDENCE**

41. Violation #2 is based on the inability of the Licensee to comply with License Condition #3 in that the Licensee's failed to provide video of the March 30, 3030 incident that was requested by Inspector Schweinler by letter on April 27, 2020 by the May 4, 2020 deadline and that the Licensee failed to maintain his video surveillance cameras.

42. Attached as Exhibit #1-15 is a true and correct copy of the April 27, 2020 letter that Department of Safety Inspector, Kristina Schweinler ("Inspector Schweinler") sent to the Licensee requesting that "In response to a complaint and in compliance with the conditions copy of all interior video cameras surveillance for the following date and times: March 30, 2020 from 1630 (4:30 PM) to 1730 (5:30 PM). Please deliver this copy in a readable format to the Department of Safety and Inspections at 375 Jackson St. Suite 200 no later than 4:30 PM on May 4, 2020."



43. Attached as Exhibit #1-16 is a true and correct copy of a May 4, 2020 email that the Licensee sent to Inspector Schweinler indicating that he was unable to comply with the April 27, 2020 request for video from March 30, 2020. The Licensee states that he does not have video prior to April 24, 2020. It appears that the Licensee is alleging that the failure to produce video was related to mistreatment of his surveillance system and implying that the mistreatment was related to SPPD's recovery of video on April 24, 2020.

44. Attached as Exhibit #1-17 is a true and correct copy of Saint Paul Police Case Report Number ("CN") 20076456. This report was written by James Leigerski and outlines his collection of video evidence from the Licensed Premises on April 24, 2020. The report indicated that James Leigerski the store manager took responsibility for placing the DVR up into its resting spot which was approximately 16 feet up in the ceiling.

45. I have reviewed Exhibits #1-15 – 1-17 as well as License Condition #3 which requires both the production of video and the maintenance of equipment. I believe that the report of James Legierski states that the equipment of the Licensee was left in the care of the store manager after James Legierski collected the March 30, 2020 video. The video collected by James Leigerski on behalf of SPPD was in a format that was viewable. It is my opinion that the excuse of the Licensee related to his failure to produce the March 20, 2020 video is not supported by the report of James Leigerski nor is his excuse supported by any evidence that would allow me to excuse the violation of License Condition #3.

### **VIOLATION #3 AND SUPPORTING EVIDENCE**

46. Violation #3 is based on violations of SPLC 324.07(a) and (f), 310.06 (b)(5), 310.06 (b)(6)(a) and 310.06(b)(6)(c)m 310.06(b)(7) and (8) as observed on video produced in



accordance with a June 5, 2020 request from the Department pertaining to June 1, 2020 video (Ex. #1-21) and the still photographs pulled from that video.

47. Attached as Exhibit #1-10 is a true and correct copy of a letter that I prepared and hand delivered on June 5, 2020 to the Licensed Premises requesting that the Licensee produce “a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for” the period of “Monday, June 1, 2020 from 8:30 p.m. until 10:00 p.m.”

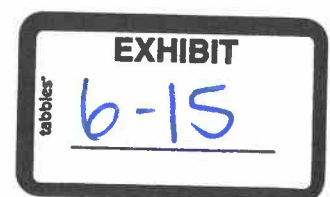
48. Attached as Exhibit #1-13 is a true and correct copy of the video produced in accordance with the request I made in Exhibit #1-10.

49. Attached as Exhibit # 1-9 is a true and correct copy of a report I prepared on June 5, 2021. I prepared this report after watching video footage produced by the Licensee in accordance with a written request (Ex. 1-10) made by the Department of Safety and Inspections.

- a. My report describes nine separate violations, but states that these were only a “portion of violations observed throughout the video”.
- b. After reviewing the still photographs that depicted many more violations, I asked Assistant City Attorney Skarda to draft the Amended NOV for the reasons described above.

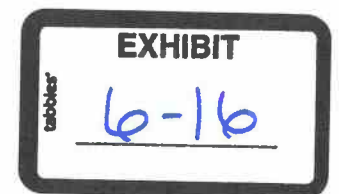
50. I believe the following stills pulled from the June 1, 2020 video provide undisputable evidence that the Licensee was in violation of the MN Clean Indoor Air Act, MN Statutes 144.414, 144.416 and Ramsey County Ordinance 82015.302 (Ex. #5) when both store employee and customers were observed smoking inside the Licensed Premises.

- a. Exhibit #2-13 – 2-15 Camera 1 21:02:27 and Camera 6 21:02:25 and 21:02:26 Employee lights a customer’s cigarette inside the Licensed Premises.

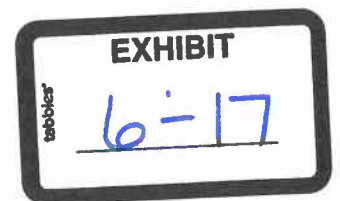




- b. Exhibit #2-16 Camera 6 20:40:32 Employee smoking a cigarette inside the Licensed Premises.
  - c. Exhibit #2-17 Camera 6 21:07:07 Store Employee smoking a cigarette inside the Licensed Premises.
  - d. Exhibit #2-18 Camera 6 21:28:21 Individual with red, white, and blue mask smoking in Licensed Premises.
51. I believe that the following stills pulled from the video contained in cameras 1, 3 and 6 provide undisputable evidence of the uncontrolled and dangerous environment (including fighting) permitted within the Licensed Premises on June 1, 2020:
- a. Exhibit 2-19 Camera 1 21:16:10 Uncontrolled and dangerous environment which includes fighting.
  - b. Exhibit 2-20 Camera 1 21:28:06 Uncontrolled and dangerous environment which includes fighting.
  - c. Exhibit 2-21 Camera 1 21:28:07 Uncontrolled and dangerous environment which includes fighting.
  - d. Exhibit 2-22 Camera 1 21:28:10 Uncontrolled and dangerous environment which includes fighting.
  - e. Exhibit 2-23,2-24 Camera 6 21:16:30 and 21:17:17 Man with baby trying to buy chips while fight is occurring.
  - f. Exhibit 2-18 Camera 6 21:28:21 Uncontrolled fighting.
  - g. Exhibit 2-25 – 2-27 Camera 6 21:28:31, 21:28:32 and 21:20:33 Man in red shirt stealing Employee's cell phone.



- h. Exhibit 2-28 Camera 6 21:33:20 Man with red pants putting hair lost by woman in fight back on counter.
- i. Exhibit 2-29 Camera 3 21:30:26 Individual behind counter with a Rifle.
- j. Exhibit 2-30 Camera 1 21:30:37 Individual with Rifle.
- k. Exhibit 2-31 Camera 1 21:30:40 Individual with Rifle.
- l. Exhibit 2-32 Camera 3 21:31:44 Mann Abukhudeer now wielding the Rifle.
- m. Exhibit 2-33 Camera 6 21:32:11 Unsecured Rifle is leaning against the counter by clerk during the uncontrolled fighting.
- n. Exhibit 2-34 Camera 1 20:33:06 Customer in store buying Menthol Cigarettes with handgun in waistband.
- o. Exhibit 2-35 Camera 1 20:33:10 Customer in story buying Menthol Cigarettes with handgun in waistband.
- p. Exhibit 2-36 Camera 6 21:08:00 Clerk retrieves unsecured handgun from behind the counter.
- q. Exhibit 2-37–38 Camera 6 21:30:45, 21:30:46 Individual retrieves unsecured handgun from behind the counter.
- r. Exhibit 2-39 Camera 6 21:31:11 Unknown male takes handgun from store clerk.
- s. Exhibit 2-40 Camera 6 21:31:24 Clerk puts handgun back in unsecured location under counter.
- t. Exhibit 2-41 Camera 6 21:33:20 Woman with white tank with unsecured handgun.
- u. Exhibit 2-42 Camera 6 21:33:45 Clerk puts handgun back in unsecure location.



52. I believe that the following stills pulled from the video contained in cameras 3 and 6 provide undisputable evidence Sales of Single Cigarettes and Sales of Menthol Flavored Products and Sales of flavored products in violation of SPLC §324.07(a) and (f).

a. Camera 3- Sale of Single Cigarette.

i. Exhibit 2-42 20:11:33 woman in black tank handing money to (Name) behind counter.

ii. Exhibit 2-43 20:11:44 money is picked up by Mann Abukhudeer and Mann Abukhudeer hands woman single cigarettes (bottom left corner of photo).

b. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.

i. Exhibit 2-44 20:15:26 Mann Abukhudeer taking money from man with yellow shirt.

ii. Exhibit 2-45 20:16:02 Mann Abukhudeer with menthol cigarettes in hand.

iii. Exhibit 2-46 20:16:36 menthol cigarettes being exchanged.

c. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.

i. Exhibit 2-47 20:18:03 Mann Abukhudeer taking money from man in white tank.

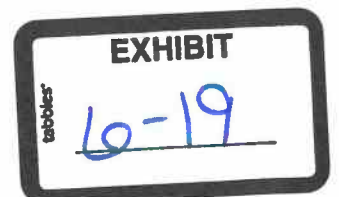
ii. Exhibit 2-48 20:18:14 Mann Abukhudeer handing pack of menthol cigarettes to man in white tank.

iii. Exhibit 2-49 20:18:16 same.

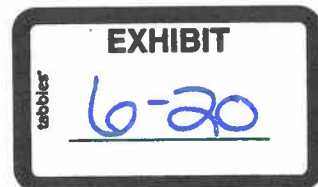
d. Camera 3-- Sale of Pack of Menthol Flavored Cigarettes.



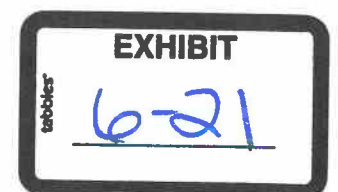
- i. Exhibit 2-50 20:29:40 Mann Abukhudeer taking money from woman in white shirt.
  - ii. Exhibit 2-51 20:29:47 Mann Abukhudeer handing flavored cigarettes to woman in white shirt.
- e. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
- i. Exhibit 2-52 20:32:45 Man in black shirt handing money across counter.
  - ii. Exhibit 2-53 20:32:54 Unidentified individual handing man in black shirt a pack of menthol flavored cigarettes.
- f. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
- i. Exhibit 2-54 20:33:00 Unidentified individual taking money from individual in white shirt.
  - ii. Exhibit 2-55 20:33:05 Unidentified individual handing individual in white shirt pack menthol flavored cigarettes.
  - iii. Exhibit 2-56 20:33:09 Completion of sale.
- g. Camera 3 - Sale of Single Cigarettes.
- i. Exhibit 2-57 20:35:47 Woman in white shirt handing money to unidentified individual.
  - ii. Exhibit 2-58 20:35:56 Unidentified individual handing single cigarettes to woman in white shirt.
  - iii. Exhibit 2-59 20:35:57 Completion of transaction.
- h. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.



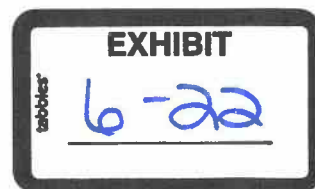
- i. Exhibit 2-60 20:41:05 Man with hat on backwards handing money to Mann Abukhudeer.
  - ii. Exhibit 2-61 20:41:10 Mann Abukhudeer handing pack of menthol flavored cigarettes to man with hat on backwards.
- i. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-62 20:43:00 Man with black t-shirt putting money on counter.
  - ii. Exhibit 2-63 20:43:13 Mann Abukhudeer taking money off of counter.
  - iii. Exhibit 2-64 20:43:18 Mann Abukhudeer giving pack of flavored cigarettes to man with black t-shirt.
- j. Camera 3- Sale of Single Cigarettes.
  - i. Exhibit 2-65 20:43:39 Mann Abukhudeer taking money from woman with red shirt.
  - ii. Exhibit 2-66 20:43:59 Women in red shirt taking single cigarettes from unknown clerk.
  - iii. Exhibit 2-67 20:44:01 Unknown clerk with pack of open cigarettes
- k. Camera 3- Sale of Single Cigarettes.
  - i. Exhibit 2-68 20:47:15 Mann Abukhudeer taking money from woman with gray tank top.
  - ii. Exhibit 2-69 20:47:22 Unknown clerk handing single cigarettes to woman with gray tank top.
- l. Camera 3 Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-70 20:50:06 Mann Abukhudeer taking money from woman in red shirt.



- ii. Exhibit 2-71 20:50:13 Mann Abukhudeer handing package of flavored cigarettes to woman in red shirt.
- m. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-72 20:52:03 Unknown clerk handing pack of flavored cigarettes to man.
- n. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-73 20:53:50 Unknown clerk taking money from man in grey hat.
  - ii. Exhibit 2-74 20:53:59 Unknown clerk handing pack of flavored cigarettes to man in grey hat.
  - iii. Exhibit 2-75 20:54:00 Same.
- o. Camera 3 Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-76 21:02:53 Woman with "Tiger's" sweatshirt giving money to Mann Abukhudeer.
  - ii. Exhibit 2-77 21:03:03 Mann Abukhudeer giving pack of flavored cigarettes to Woman with "Tiger's" sweatshirt.
- p. Camera 3-- Sale of Single Cigarettes.
  - i. Exhibit 2-78 21:05:36 Mann Abukhudeer taking money from man with black tank.
  - ii. Exhibit 2-79 21:05:51 Mann Abukhudeer giving single cigarettes to man with black tank.
  - iii. Exhibit 2-80 21:05:52 Same.
- q. Camera 3 Sale of Pack of Menthol Flavored Cigarettes.



- i. Exhibit 2-81 21:06:21 Mann Abukhudeer taking money from woman with white tank.
  - ii. Exhibit 2-82 21:06:27 Mann Abukhudeer handing pack of menthol flavored cigarettes to woman with white tank.
- r. Camera 3-- Sale of Single Cigarettes.
  - i. Exhibit 2-83 21:20:04 Mann Abukhudeer taking money from woman in yellow t-shirt.
  - ii. Exhibit 2-84 21:20:15 Mann Abukhudeer handing single cigarettes to woman in yellow t-shirt.
- s. Camera 3 Sale of Single Cigarettes.
  - i. Exhibit 2-85 21:25:17 Mann Abukhudeer taking money from man in blue shirt.
  - ii. Exhibit 2-86 21:25:39 Unknown individual handing single cigarette to man in blue shirt.
- t. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-87 21:27:10 Mann Abukhudeer taking money from man in white tank.
  - ii. Exhibit 2-88 21:27:18 Mann Abukhudeer handing pack of menthol flavored cigarettes to man in white tank.
- u. Camera 3- Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-89 21:59:28 Money on counter.
  - ii. Exhibit 2-90 21:59:30 Unknow individual handing pack of Menthol Flavored Cigarettes to man.





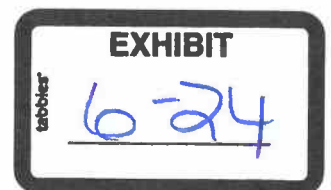
- v. Camera 6 – Empty Carton of Flavored Cigarettes in the trash.
  - i. Exhibit 2-91 20:37:22 Newport flavored cigarette carton in the trash.
- w. Camera 6- Sale of Pack of Flavored Cigarettes.
  - i. Exhibit 2-92 20:58:04 Clerk selling pack of Menthol Flavored Cigarettes.
- x. Camera 6- Sale of 2 Packs of Flavored Cigarettes.
  - i. Exhibit 2-93 21:10:54 Woman with 2 packs of Menthol Cigarettes.
- y. Camera 6- Sale of Single Cigarettes.
  - i. Exhibit 2-94 – 2-95 21:19:56 and 21:20:09 Sale of single cigarettes to man in red t-shirt.
- z. Camera 6 Sale of Pack of Menthol Flavored Cigarettes.
  - i. Exhibit 2-96 21:24:34 Clerk taking money for Pack of Menthol Flavored Cigarettes and man with ripped jeans and jacket handing pack of Menthol Flavored Cigarettes to woman in blue top.
  - ii. Exhibit 2-97 21:24:35 Another shot of man with ripped jeans and jacket handing pack of Menthol Flavored Cigarettes to woman in blue top.
- aa. Camara 6- Sale of Flavored Tobacco Products.
  - i. Exhibit 2-98 20:31: 17- 'Backwoods' Dark Stout Cigars.
- bb. Camara 6-- Sale of Flavored Tobacco Products.
  - i. Exhibit 2-99 20:36:10 - 'Swisher Sweet' Grape Cigars and a Carton of Newport 100's' Cigarettes in the trash can.
- cc. Camara 6-- Sale of Flavored Tobacco Products.
  - i. Exhibit 2-100 20:52:36 - 'Backwoods' Stout Cigars.
- dd. Camara 6-- Sale of Flavored Tobacco Products.



- i. Exhibit 2-101 21:04:53 - 'Backwoods' Stout Cigars.
- ee. Camara 6-- Sale of single cigarettes.
  - i. Exhibit 2-101 21:09:41 - Selling single cigarettes 'Loosies'.
- ff. Camara 6- Sale of Flavored Tobacco Products.
  - i. Exhibit 2-102 21:10:32 & 21:10:43-Backwoods' Stout Cigars.
- gg. Camara 6-- Sale of Flavored Tobacco Products.
  - i. Exhibit 2-103 21:38:38 -'Swisher Sweet' Grape Cigar.

**VIOLATION #4 AND SUPPORTING EVIDENCE**

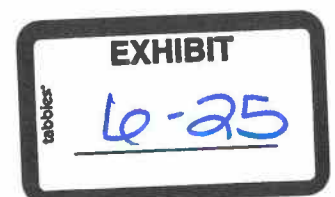
- 54. Violation #4 as outlined in the Amended NOV is for the Licensee’s failure to take reasonable steps on July 20, 2020 to discourage loitering in front of or on the property of the licensed business in violation of License Condition #2. SPLC § 310.05(m)(1) which supports adverse action and imposition of a matrix penalty when there is a violation of the conditions placed on the license.
- 55. Attached as Exhibit #2-104 – 2-108 is a true and correct copy of Saint Paul Police Case Number (“CN”) 20145047.
- 56. I reviewed this report prior to making my recommendation.
- 57. The report details that officers drove by the Licensed Premises at 1541 Maryland on July 20, 2020 while on route to another call and observed a large group of males loitering on the west side of the building. They further noted that the males were gambling and shooting dice with a large pile of currency in the middle of them on the ground as the apparent prize and that this was happening in broad daylight on the store property where the employees could view them by looking out the window with ease.



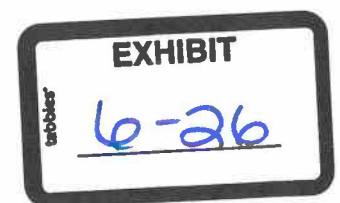
58. The officers refer to the Licensed Premises as “Sana’s Market”. I am aware that this is another name that the community and officers refer to the Licensed Premises because it was the name of a former business at that location.
59. Based on the officer’s report, I recommended that a separate violation of License Condition #2 be added to the NOV because the Licensee clearly was allowing both loitering and criminal behavior on the Licensed Premises on July 20, 2020.
60. I found this violation concerning because it occurred just about one month after the June 17, 2020 meeting I had with the with Licensee and SPPD and it became apparent to me that the Licensee still hadn’t taken steps to ensure compliance with the rules and regulations that relate to the License he holds for the Licensed Premises.

**VIOLATION #5 AND SUPPORTING EVIDENCE - Violation of 324.07 (a) and (f)**

61. Violation #5 as outlined in the Amended NOV is for the Licensee’s violations of SPLC sections 324.07(a) and (f) after SPPD used a CRI to successfully conduct an undercover purchase of single, menthol cigarettes.
62. SPLC § 310.05(m)(2) which supports adverse action when there is a violation of the provisions of the legislative code relating to the licensed activity.
63. Attached as Exhibit # 2-109 – 2-114 is a true and correct copy of Saint Paul Police Case Number (“CN”) 20144580.
64. I reviewed this report prior to making my recommendation for the imposition of the matrix penalty.



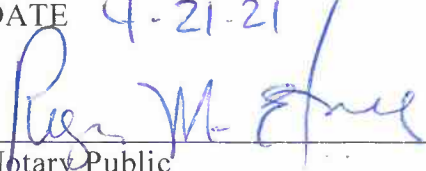
65. The officers refer to the Licensed Premises as “Sana’s Market”. I am aware that this is another name that the community and officers refer to the Licensed Premises because it was the name of a former business at that location.
66. This report details that on July 20, 2020 SPPD officers Baldwin and Anderson used a confidential reliable informant (“CRI”) to investigate an allegation that the employees of the Licensee were selling single cigarettes and menthol cigarettes.
67. The officers document that they “pat searched” the CRI to make sure he did not have anything on him including money or cigarettes. They then gave him an undisclosed amount of money and asked that he attempt to purchase single cigarettes from an employee behind the counter of the Licensed Premises (Ex. 2-10).
68. The officers reported that they observed the CRI until he entered the Licensed Premises (Ex. 2-11).
69. The CN details that when the CRI exited the Licensed Premises he reported that he was able to purchase two single cigarettes from an employee who was working behind the counter (Ex. 2-11).
70. The CRI further reported that the employee took the money from him, placed it in a box behind the counter, went into the back room and when he came back he handed the CRI two Newport Menthol cigarettes. The CRI also described the employee (Ex. 2-11).
71. I found this violation concerning because it occurred just about one month after the June 17, 2020 meeting I had with the with Licensee and SPPD and it became apparent to me that the Licensee still hadn’t taken steps to ensure compliance with the rules and regulations that relate to the License he holds for the Licensed Premises.



FURTHER YOUR AFFIANT SAYETH NOT.

Subscribed and sworn to before me

DATE 4-21-21

  
\_\_\_\_\_  
Notary Public

*Eric V Hudak*

\_\_\_\_\_  
ERIC HUDAK

