

STATE OF MINNESOTA)  
) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY)

Riddhi Mistry, being first duly sworn, deposes and says that on the ninth day of December she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF 10-DAY LICENSE SUSPENSION** and a correct copy thereof in an envelope addressed as follows:

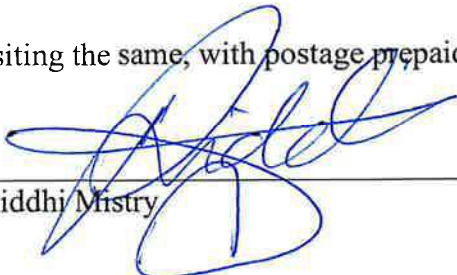
DDDSALYA LLC  
d/b/a East Market Grocery & Tobacco  
913 Payne Avenue  
St. Paul, MN 55130  
Attn: Dhurgham Al Hasimi

Dhurgham Al Hasimi  
11568 Arnold Palmer  
Blaine, MN 55449

Song Lee Vang  
3496 Commonwealth Ave.  
Woodbury, MN 55125-4315

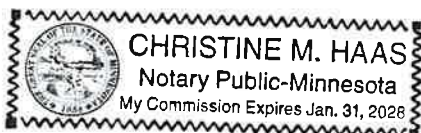
Payne-Phalen Community Council  
567 Payne Avenue  
Saint Paul, MN 55130  
Attn: Executive Director, Jack Byers

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

  
\_\_\_\_\_  
Riddhi Mistry

Subscribed and sworn to before me  
This 9<sup>th</sup> day of December 2025

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





December 9, 2025

**NOTICE OF VIOLATION AND  
REQUEST FOR IMPOSITION OF 10-DAY LICENSE SUSPENSION**

DDDSALYA LLC  
d/b/a East Market Grocery & Tobacco  
913 Payne Avenue  
St. Paul, MN 55130

**Attn: Dhurgham Al Hasimi**

RE: Tobacco Shop license held by DDDSYALYA LLC d/b/a East Market Grocery & Tobacco for the premises located at 931 Payne Avenue in Saint Paul.  
License ID #: 20220001990

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Tobacco Shop license held by DDDSYALYA LLC d/b/a East Market Grocery & Tobacco ("Licensee") located at 913 Payne Avenue (Licensed Premises").

**Legal Basis for Action:**

Saint Paul Legislative Code § 310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. Adverse action includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. Adverse action also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code § 310.03(m)(3)(2) states the tobacco presumptive penalty for selling flavored tobacco products:



Type of Violation	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
(2) Display, possession or multiple incidents of sales of: * single cigarettes, * menthol tobacco products, or * flavored tobacco products	10-day suspension	Revocation		

Saint Paul Legislative Code § 324.03(5) defines flavored product:

"Flavored product means any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer either prior to or during the consumption of the tobacco product, electronic delivery device, or nicotine or lobelia delivery product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product or device, that the product or device has or produces a taste or smell other than tobacco will constitute presumptive evidence that the product or device is a flavored product."

Saint Paul Legislative Code § 324.07(j) states, "no person may sell, offer for sale, or otherwise distribute any flavored products, unless expected under section 324.07(l) of this chapter."



### **Factual Basis for Imposition of 10-day license suspension penalty:**

On July 30, 2025, at 10:29 a.m., Department Inspectors Joseph Voyda and LaTiffany Porter conducted an inspection at the licensed in response to a complaint. Inspector Voyda spoke to a clerk, Nenneke, and introduced himself and Porter as licensing inspectors for the Department. Inspector Voyda asked Nenneke to contact you. Inspector Voyda spoke to you over the phone and explained that they were there for an inspection in response to a complaint alleging that there were flavored tobacco products in the store on the shelves behind the counter. You denied having flavored tobacco products in your store, but both Department Inspectors confirmed the violation. With your consent, the Inspectors removed and recorded all the flavored tobacco products behind the counter. Nenneke was advised by Inspector Voyda to put all the flavored tobacco products that the Inspectors collected in the back storage room of the licensed premises and to contact the distributor for a pickup. The tobacco products removed are as follows: 2 sealed double packs of Top Premium Mentol Cigarette Filer Tubes; 4 sealed quadruple packs of High Cards Menthol Cigarette Filer Tubes; 8 cartridges of Al Capone Sweets—Cognac Dipped; 18-20 Dutch Masters—Platinum Fusion; and 10-12 High Hemp Filter Tips Herbal Wraps.

Inspectors Voyda and Porter continued their inspection throughout the licensed premises. They observed Nenneke sell a five (5) pack of cigars and three (3) single packs of original Backwoods cigars for less than \$2.60 per cigar. Inspector Voyda collected evidence of these sales in the form of videos and photographs and educated Nenneke of the minimum sales requirements for cigar prices. Nenneke denied that he sold the items for less than \$2.60, but he was presented with video and photo evidence to support Inspector Voyda's observations. Nanneke sold a five (5) pack of cigars for \$10.00 and single packs of cigars for \$2.08 when they must be sold for \$2.60 per cigar. The transactions were observed by both Inspectors.

### **Adverse Action Recommendation:**

The Department will recommend a 10-day suspension of your tobacco shop license for the following violations of Saint Paul Legislative Code §§ 310.03(m)(3)(2), 324.03(5), 324.07(j).

You have three (3) options to proceed:

1. You can accept the penalty. If this is your choice, you should indicate it directly to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **December 19, 2025**. A self-addressed envelope is enclosed for your convenience. Acceptance of the penalty will be considered an admission to the violation and waiver of the hearing to which you are



entitled. This matter will then be placed on the City Council consent agenda for imposition of the recommended penalty of a 10-day suspension.

2. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter by **December 19, 2025**. The matter will then be scheduled before the City Council to determine whether to suspend your licenses for ten (10) days. You will have an opportunity to appear before the Council and make a statement on your own behalf.
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 **December 19, 2025**. At that hearing both you and the City will appear and present witnesses and evidence and will cross-examine each other's witnesses. After receipt of the ALJ's report and recommendation (usually within 90 days), a public hearing before the City Council 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 reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.03(k).

**If you have not contacted me by December 19, 2025, I will assume that you do not contest the imposition of the proposed adverse action of a ten (10) day suspension of your license. 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 my paralegal, Riddhi Mistry, at riddhi.mistry@ci.stpaul.mn.us or (651) 266-8835.

Sincerely,

Monica Shaffer  
Assistant City Attorney  
License No.: 0504708



**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: 651-266-8548 | Fax: 651-298-5619

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Cc: Dhurgham Al Hasimi, 11568 Arnold Palmer, Blaine, MN 55449  
Song Lee Vang, 3496 Commonwealth Ave., Woodbury, MN 55125-4315  
Executive Director, Jack Byers, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130.

Attachments: Inspector's Report – 7/30/2025  
Photo Evidence  
Saint Paul Legislative Code §310.01  
Saint Paul Legislative Code §310.03(m)(3)(2)  
Saint Paul Legislative Code §324.03(5)  
Saint Paul Legislative Code §324.07(j)

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: LaTiffany Porter

Date & Time: 7/30/2025 at 10:29am Staff Member's Name: Nakakee

Business/DBA Name: DDDSALYA LLC

Property Address: 913 Payne Ave

Reason for Visit: Anonymous Complaint

Observations: Displayed Flavor Tobacco Behind Counter

Photos Taken: ☒ Yes ☐ No – Area(s) of where the Photo(s) where taken: Behind Cash register Counter

Action Taken: ☒ Education ☐ warning

☒ Request for Adverse Action

Other: \_\_\_\_\_

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

Upon arrival Inspector Joseph Voyda and I entered the establishment, the cashier was busy attending a customer with a transaction. I observed multiple flavor tobacco products on the shelves behind the cash register counter which including the following; High Card Menthol cigarette filer tubes, Top Premium Menthol cigarette filer tubes, Dutch Masters Platinum Fusion, Al Capone Cognac Dipped Cigarillos, and High Hemp Filter Tips Herbal Wraps, see attached photos.

Once the clerk was available, Inspector Voyda introduced us as Licensing Inspectors for the Department of Safety and Inspections (DSI) with the City of Saint Paul. Inspector Voyda informed the cashier who identified himself as Nenneke that the reason for today's visit was for a complaint inspection regarding a complaint received by DSI for flavor tobacco products allegedly being offered for sale. Inspector Voyda requested that Nenneke call the owner since he was not present and make him aware that we were there. Once the owner answered on speaker, Inspector Voyda introduced himself, and informed the owner that DSI received a complaint for violation of the Code of Ordinances for chapter 324.07 for flavor tobacco products being present on the shelves behind the counter. The owner denied having flavored tobacco products in the store. Inspector Voyda confirmed that he was looking at the violations behind the counter and requested to preform an inspection behind the counter, the owner said yes of course. Inspector Voyda and I removed the violations (flavored tobacco products) from the shelves and place them in a chair that was behind the counter, after notating all flavor violations. Inspector Voyda advised Nanneke that all the products in the chair must be placed in the back storage room and to contact the distributor for a pickup.



**Page 2 of Inspection Report:**

Continuing the inspection, customers were entering the store, Inspector Voyda and I removed ourselves from behind the cash register. I proceeded to the aisles to inspect the food inventory to ensure that no imitation tobacco products were present, no violations were discovered. Inspector Voyda and I observed Nenneke sell a five (5) pack of cigars and three (3) single packs of original Backwoods cigars for less than \$2.60 per cigar. Inspector Voyda collected evidence in the form of videos and photographs. Inspector Voyda educated Nenneke on the minimum sales requirements for cigar prices. Nenneke denied that he sold for less than \$2.60, when Inspector Voyda presented him with the video's and photos, he stated, no no, the till numbers must be screwed up. Inspector Voyda replied, I just witnessed you ring up and take that dollar amount from those customers as did Inspector Porter witness the transactions as well, there is no denying the fact that you sold the five (5) pack of cigars for \$0.40 (40 Cents) off for \$10.00 and in addition you sold single cigars for \$2.08 with \$0.62 (62 cents) off, you must sell cigars at \$2.60 per cigar.

After the price of cigar education was given, Inspector Voyda once again advised the cashier to place the flavor violations in the back storage room.

Listed Tobacco Flavors Violations: 2 sealed double packs of Top Premium Menthol Cigarette Filer Tubes, 4 sealed quadruple packs of High Cards Menthol Cigarette Filer Tubes, 8 cartridges of Al Capone Sweets - Cognac Dipped, 18-20 Dutch Masters - Platinum Fusion, 10-12 High Hemp Filter Tips Herbal Wraps.



**HIGH CARD**

**MENTHOL**

**KING SIZE**

**250 CIGARETTE FILTER TUBES**

**50  
FREE  
TUBES**

**HIGH CARD**

**MENTHOL**

**KING SIZE**

**50 CIGARETTE FILTER TUBES**

**KING SIZE**

**MENTHOL**

**HIGH CARD**

**50  
FREE  
TUBES**

**FREE  
TUBES**





ONLY  
\$3.49

TOP  
PREMIUM



250 MENTHOL  
100MM  
CIGARETTE FILTER TUBES

250 MENTHOL  
100MM  
CIGARETTE FILTER TUBES



TOP  
PREMIUM

ONLY  
\$3.49

ONLY  
\$3.49

TOP  
PREMIUM



250 MENTHOL  
100MM  
CIGARETTE FILTER TUBES

250 MENTHOL  
100MM  
CIGARETTE FILTER TUBES



TOP  
PREMIUM

ONLY  
\$3.49

FREE  
TUBES  
\$.50

SW  
COGNAC  
10 PREMIUM CIGARETTES  
WARNING  
while pregnant  
you and your baby





2 FOR \$1.29

PLATINUM FUSION

**SURGEON GENERAL**  
**WARNING:** Cigar  
Smoking Can Cause Lung  
Cancer And Heart Disease.

2 FOR \$1.29

PLATINUM FUSION

**SURGEON GENERAL**  
**WARNING:** Cigars  
Are Not A Safe  
Alternative To Cigarettes.



50  
FREE  
TUBES

#HCKM2 4 PACK  
only allowed in the United States

**Al Capone**

... MY WAY.

225622X-04

**SWEETS**  
COGNAC DIPPED

10 PREMIUM CIGARILLOS - HAND ROLLED

**WARNING:** Cigar use  
while pregnant can harm  
you and your baby.



PLAT

**SURGEON  
WARNI**  
Smoking  
Cancer A





MR<sup>®</sup>

2 FILTER TIPS  
HERBAL WRAPS



HIGH  HEMP<sup>®</sup>  
ORGANIC WRAPS

100% ORGANIC HEMP  
**GMO FREE**  
100% TOBACCO FREE

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HIGH CARB

\$6.80 4 PACK



4 PACK \$6.80

2-5-129

*Al Capone*  
... MY WAY.

**SWEETS**  
COGNAC DIPPED

10 PREMIUM CIGARETTES - MILD ROLLED

WARNING: Cigar use  
while pregnant can harm  
you and your baby.





ONLY \$3.49 TOP 250 MENTHOL 100MM

ONLY \$3.49 TOP 250 MENTHOL 100MM

ONLY \$3.49 TOP 250 MENTHOL 100MM

2 FILTER TIPS HERBAL WRAPS

HH

HIGH-TEMP ORGANIC WRAPS

100% ORGANIC HEMP

GMO FREE

100% TOBACCO FREE

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HIGH CARD MENTHOL KING SIZE

2 IS ONLY 10 CIGARETTES

50% OFF

HIGH CARD MENTHOL KING SIZE

2 IS ONLY 10 CIGARETTES

50% OFF

HIGH CARD MENTHOL KING SIZE

2 IS ONLY 10 CIGARETTES

50% OFF

HIGH CARD MENTHOL KING SIZE

2 IS ONLY 10 CIGARETTES

50% OFF

Capone SWEETS

WARNING: Cigar use while pregnant can harm you and your baby.

2 \$1.29 PLATINUM FUSION

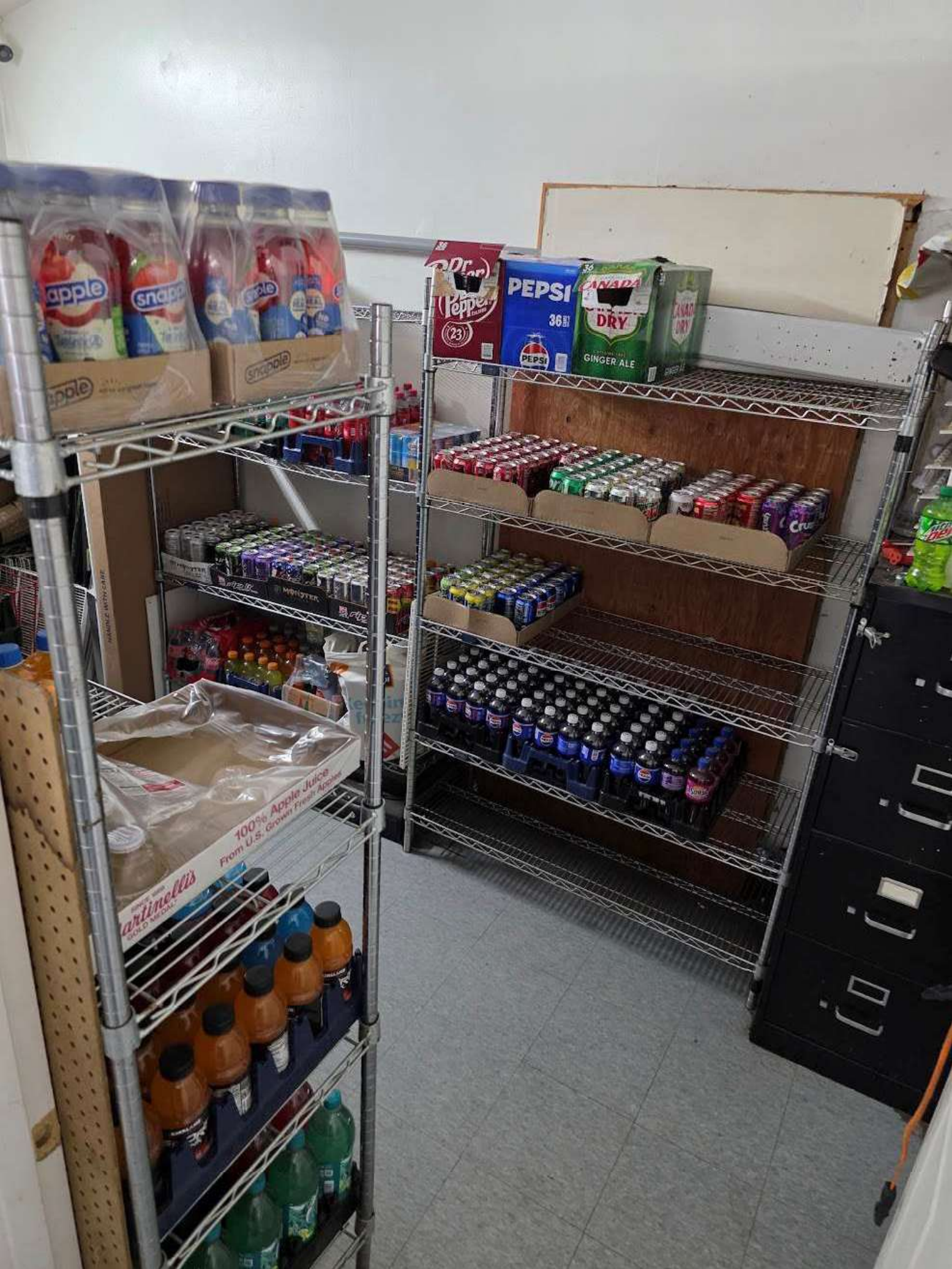
2 \$1.29 PLATINUM FUSION













## Ordinance Violations

### Chapter 324. Tobacco

#### Sec. 324.03. Definitions.

The following words and phrases, as used in this chapter, will, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those cases where the context clearly indicates a different meaning:

- (5) *Flavored product* means any tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product that contains a taste or smell, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer either prior to or during the consumption of the tobacco product, electronic delivery device, or nicotine or lobelia delivery product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit or any candy, dessert, alcoholic beverage, herb, or spice. A public statement or claim, whether express or implied, made or disseminated by the manufacturer of a tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product or device, that the product or device has or produces a taste or smell other than tobacco will constitute presumptive evidence that the product or device is a flavored product.

#### Sec. 324.07. Sales prohibited.

- (j) No person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter.
- (l) *Exceptions.*
- (3) Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products.

#### Sec. 310.03. Hearing procedures.

##### 3. Tobacco presumptive penalties matrix.

*Tobacco presumptive penalties.* Penalties for convictions or violations 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 must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(2) Display, possession or multiple incidents of sales of: <ul style="list-style-type: none"><li>• single cigarettes,</li><li>• menthol tobacco products, or</li><li>• flavored tobacco products.</li></ul>	10-day suspension	Revocation		

## **Minnesota Statutes**

### **297F.01 Definitions**

**Subd. 13. Place of business.** "Place of business" means a place where cigarettes or tobacco products are sold or where cigarettes or tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine.

**Subd. 18. Storage.** "Storage" means any keeping or retention of cigarettes or tobacco products for use or consumption in this state.

**Subd. 19. Tobacco products.** (a) "Tobacco products" means any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco; but does not include cigarettes as defined in this section. Tobacco products includes nicotine solution products. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

**Subd. 22. Use.** "Use" means the exercise of a right or power incidental to the ownership of cigarettes or tobacco products.