

STATE OF MINNESOTA)  
) ss.

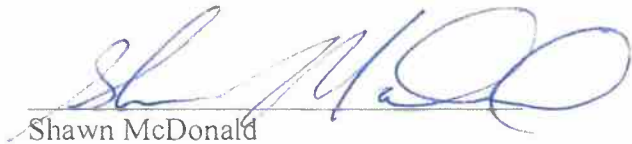
AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

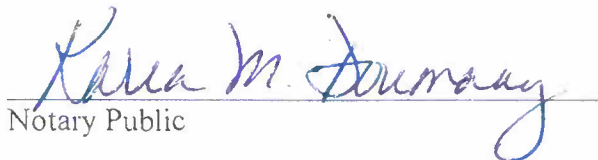
Shawn McDonald, being first duly sworn, deposes and says that on the 2<sup>nd</sup> day of March, he served the attached **AMENDED NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION** and a correct copy thereof in an envelope addressed as follows:

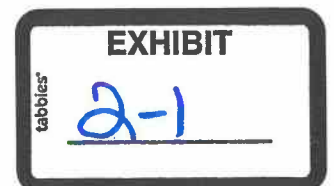
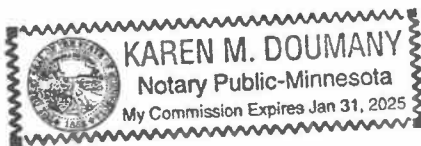
Mark K. Thompson  
Attorney at Law  
4927 34<sup>th</sup> Avenue South  
100 Nokomis Professional Building  
Minneapolis, MN 55417

(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 2<sup>nd</sup> day of March 2021

  
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

March 2, 2021

**AMENDED NOTICE OF VIOLATION AND  
REQUEST FOR UPWARD DEPARTURE TO  
REVOCATION**

The One Stop Market LLC  
1541 Maryland Avenue  
Saint Paul, MN 55106

Attn: Mark K. Thompson, MKT Law, PLC, 4927 34<sup>th</sup> Avenue South, 100 Nokomis Professional Building,  
Minneapolis, MN 55417 on behalf of Zhariya Abukhudeer,

RE: Cigarette/Tobacco license held by Zhariya Abukhudeer d/b/a The One Stop Market LLC for the  
premises located at 1541 Maryland Avenue in Saint Paul.  
License ID #: 20190001624

Dear Mr. Thompson:

Per our conversation on Friday, February 19, 2021, please find an Amended Notice of Violation and request for  
upward departure to Revocation.

This Notice of Violation amends my original September 10, 2020 Notice of Violation which was served upon  
your client. The Department of Safety and Inspections ("Department") had originally recommend adverse  
action against the Cigarette/Tobacco license held by Zhariya Abukhudeer ("Licensee") for the premises known  
as The One Stop Market LLC located at 1541 Maryland Avenue in Saint Paul. ("Licensed Premises") including  
an upward departure two boxes on the matrix penalty chart to \$2,000 and 10 day suspension.

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.

As the original Notice of Violation discussed, Saint Paul Legislative Code Section 310.06 sets forth a variety of  
reasons under which adverse actions can be based.

EXHIBIT

tabbles

2-2



- Section 310.06(b)(5) supports adverse action when there is a failure to comply with a condition set forth in the license.
- Section 310.06(b)(6)(a) supports adverse action when “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”
- Section 310.06(b)(6)(c) supports adverse action when “the licensee or applicant (or any person whose conduct may 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.”
- Section 310.06 (b)(7) supports adverse action when 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”.
- Section 310.06(b)(8) supports adverse action when “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.

Section 310.05(m)(2) supports adverse action when there is a violation of the provisions of the legislative code relating to the licensed activity.

Section 310.05(m)(1) supports adverse action when there is a violation of conditions placed on the license.

In this case, the Department bases its request for adverse action on violations of License Conditions #2 and #3, violations of Saint Paul Legislative Code Section 324.07 (a) and (f) which prohibit the sale of single cigarettes and the sale of flavored products, and the allegations that the way in which the Licensed Premises are run and managed violate Saint Paul Legislative Code Sections 310.06(b)(5), 310.06(b)(6)(a), Section 310.06(b)(6)(c), 310.06(b)(7) and (8). The Department believes that the facts outlined below, along with attachments and video prove the violations beyond a preponderance of the evidence.

The relevant License Conditions for the Licensed Premises are:

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

#3 The license holder shall maintain video surveillance cameras inside and outside the establishment in accordance with the Saint Paul Police Dept. (SPPD) recommendations. The video recording 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 technology available to make the copy at the time of the request and shall have it for the 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.



The relevant portions of the Saint Paul Legislative Code relating to the sale of single cigarettes and flavored products are:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.

- (a) No person shall sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes shall be sold in packages of fewer than twenty (20) cigarettes.
- (f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – Amended to Revocation:**

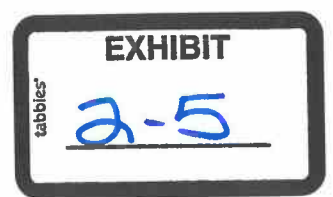
Saint Paul Legislative Code Section 310.05 (m)(1) prescribes a \$500 fine for a first violation within a 12-month period. The prescribed penalty for a second violation is a \$1,000 fine. The prescribed penalty for a third violation is a \$2,000 penalty and a 10-day suspension of all licenses. The prescribed penalty for a fourth violation is Revocation of all licenses.

Although matrix penalties are presumed to be appropriate, Saint Paul Legislative Code Section 310.05 allows council to upwardly depart where the council finds that there are substantial and compelling reasons to do so.

Saint Paul Legislative Code Section 310.05(m)(ii) states that the occurrence of multiple violations **shall** be grounds for departure from such penalties at the council's discretion (emphasis added).

The Department believes that substantial and compelling reasons to upwardly depart to revocation include:

- the number of times that the conditions of the license were violated,
- the number of times that the provisions of the code related to the licensed activity were violated,
- the blatant nature of the violations and the total disregard for ordinances and license requirements,
- the serious danger that failure to follow the conditions of the license caused,
- the frequency of the violations,
- the failure to maintain your surveillance equipment in good working order,
- 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,
- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,
- the additional serious violations of Saint Paul Legislative Code after the June 18, 2020 meeting with the Department and representatives of the Saint Paul Police Department to discuss the problems at the Licensed Premises, and
- the failure of the license to acknowledge the June 18, 2020 and June 24, 2020 emails from Licensing Manager, Eric Hudak.



The Department believes that the number of additional violations of Saint Paul Ordinances related to the sale of single cigarettes and flavored products observed on the video already disclosed to you support its decision to amend the original Notice of Violation and seek revocation of the license held by this Licensee. The Department would note that just one violation of an ordinance or statute is a basis for adverse action and the imposition of a matrix penalty.

Given the photographic evidence that supports the violations, the Department also believes that Saint Paul Legislative Code Section 310.05(k) will support a request to City Council for the imposition of costs for the hearing. During our call, you asked what that might include. The potential costs are listed under 310.05(k) and include, but are not limited to the cost of the administrative hearing, city attorney and staff time.

### **List of Violations in Chronological Order:**

#### **Violation #1**

**License Condition Violated:** Condition #2 The licensee shall take reasonable steps to discourage loitering in front of or on the property of the licensed business.

**Saint Paul Legislative Code Sections Violated:** Saint Paul Legislative Code Sections 310.06(b)(5), 310.06(b)(6)(a), Section 310.06(b)(6)(c), 310.06(b)(7) and (8).

**Synopsis of Alleged Facts:** On **March 30, 2020**, officers were sent to the Licensed Premises at 1541 E. Maryland on a report of an weapons discharge within the city limits. They reported the results of their investigation under Saint Paul Police Case Number 20062710. They also recovered video from the Licensed Premises.

On April 15, 2020, the SPPD officer assigned to the Department of Safety and Inspections, Sergeant Rob Stanway ("Stanway"), reviewed the video collected by officers for licensing violations. He noted the following behavior :

- 4:46 p.m. – an individual with a blue and white short-sleeve shirt, red pants and some kind of skull mask that covered his entire face is seen hanging out with two other individuals who are seated in front of the Licensed Premises.
- 4:47 p.m. two more males approach and the camera shows them smoking cigarettes and talking with the individuals sitting outside the front door to the Licensed Premises.
- 4:49 p.m. a male who is later identified as store manager, Abdulhafiz Abukhdeir Mohamad ("Mohamad") comes out of the store wearing a dark blue sleeveless shirt, black rubber gloves and starts to smoke a cigarette. He makes no effort to discourage the loitering happening in front of the Licensed Premises.
- 4:50 p.m. four males get out of a dark colored SUV that was parked in the lot when the video first started. These males walk into the store, but then immediately walk out and got back into the dark colored SUV.
- 4:51 p.m. Mohamad throws his cigarette into the parking lot and walks into the store. He does not address the dark colored SUV which is still in the parking lot with the males still sitting inside it.



He does not address the individuals hanging out in front of the Licensed Premises and there is still at least one individual outside of the Licensed Premises when he goes back in.

- 4:53 p.m. it appears that a dispute is taking place in the parking lot in front of the Licensed Premises. Two vehicles entered the parking lot and stopped driver's window to window. The passenger of one of the vehicles got out and walked toward the dark colored SUV and was seen talking to one of the back-seat passengers who also got out. The driver of one of the vehicles that was door to door then got out. The driver appeared to be a black female wearing a yellow sweatshirt.
- 4:55 p.m. 8 people come out of the store including Mohamad. All of these people are looking at the dispute including the male/employee. Mohamad does nothing to disperse the crowd that had formed.
- 4:56 p.m. The dark colored vehicle that the black female driver with the yellow sweatshirt, leaves the lot. The other dark colored SUV that was there when the video started was still there. Occupants of that vehicle are seen getting in and out of it. Mohamad is seen standing out in front of the store and talking to people. He again makes no effort to get the dark colored SUV involved in the dispute to leave and allows people continue loitering in front of the Licensed Premises.
- 4:56 p.m. the dark colored vehicle with the black female driver comes back and stops in the lot. She is seen getting out of the driver's seat and it appears that she yells at one of the black male occupants of the dark colored SUV. This male is wearing a red baseball hat and is seen getting out of the vehicle. He appears highly agitated. The black female driver followed this black male out of camera range. People in the lot start to run/follow these two and out of camera range. Mohamad stays at the front door and watches the crowd move. Additional people get out of vehicles that were also in the parking lot and head in that same direction. Some of the people that were still in camera range have their phones out and are recording what was going on. Mohamad is seen talking to the crowd and cars leave.
- 4:58 p.m. Mohamad reaches into his right waistband area and removes a dark colored handgun. He hands the gun to another male who comes out of the store. He then turns and walks toward the area off camera where the crowd had gone to.
- 4:59 p.m. the crowd comes back into camera range and the black female wearing the yellow sweatshirt is seen walking back to her dark colored vehicle and grabbing a crutch. She then holds the crutch over her head and approaches the dark colored SUV. She swings the crutch hitting the back-rear passenger side door of the dark colored SUV. The crutch gets stuck in the half-opened window and the black female with the yellow sweatshirt pulls it free. She is then approached by another occupant of the dark colored SUV and the black female with the yellow sweatshirt swings the crutch at her. The two women then struggle over the crutch and a fist fight starts. The video shows that a crowd had formed in the parking lot around them. One male is seen throwing a water bottle and then pulling out another crutch and swinging it at another black male. While this is occurring, Mohamed is present and eventually walks among the crowd. The video then shows that everyone in the lot ducks down and start to move away as a black male with no shirt runs into camera range with a dark colored handgun in his right hand. He is seen pointing it at the dark colored SUV and appears to have been shooting at the passenger side of the vehicle. The rear right passenger of the SUV then reaches out the half down window with a dark colored handgun in his hand and fires back a number of times at the black male with no shirt as he runs away.
- At 5:00 p.m. Mohamad comes back out of the store holding a handgun in his right hand. Both of the individuals in the dark colored vehicle get into the vehicles and drive off. Mohamed is then seen putting the gun back into his right waistband area. The dark colored SUV leaves the parking lot but gets stuck behind vehicles that appeared to of been waiting for a red light at Maryland.



- At 5:01p.m. the two passengers in the dark colored SUV are seen getting out and running back toward the Licensed Premises, Mohamed appears to waive these males inside. One of the males is then seen running back to the rear driver's side door as others followed. The occupants then got back in and the vehicle left turning right onto W/B Maryland. Mohamed is then seen going back into the store. He later comes back out and is seen talking/face timing on this phone.
- At 5:04 p.m. a male (who appears to be another employee) comes out of the store with a pit bull dog on a leash and walks to the west.

Abdulhafiz Abukhdeir Mohamad ("Mohamad"), was identified as the individual shown on camera wearing the black rubber gloves. He is the store manager at The One Stop Market and does possess a permit to carry license. When interviewed, Mohamad said he passed his gun to another employee, Abdul Hafiz Abukhdeir Zakaria to hold onto as he attempted to disrupt the brawl. Mohamad stated after the shooting had occurred he ran back into the store to hide. He then came back outside into the parking to make sure no one was struck by gun fire. Mohamad said he had his gun out, but it was pointed towards the ground and never pointed it in the direction of anyone. Mohamad said people from the Dodge Durango ran towards him and asked him to call the police for someone that was shot. Mohamad said he told another employee to call the police. A third employee, Faris Loay Abukhdair was also working at the Licensed Premises when the shooting occurred.

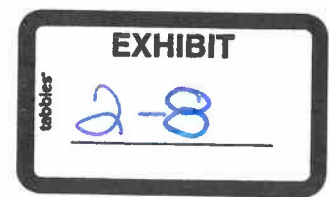
## Violation #2

**License Condition Violated:** Condition #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 recording 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 technology available to make the copy at the time of the request and shall have it for the 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.

**Synopsis of Alleged Facts:** On April 27, 2020, the Department sent a letter to the Licensee requesting copies of all surveillance video from the March 30, 2020 incident starting at 4:30 p.m. and ending at 5:30 p.m. The letter from the Department directed that the Licensee deliver this video to DSI no later than 4:30 PM on May 4, 2020.

On May 4, 2020, the Licensee notified the Department by email that the requested video was not available due to the "mistreatment of my surveillance equipment, my DVR system fell to the floor causing both of my hard drives to fail."

In response to the Licensee's allegation, the Department requested the Video Technician James Legierski ("Legierski") detail his efforts to collect video from the Licensed Premises on April 24, 2020. Legierski produced Saint Paul Police Report ("CN") 2007656 which noted that when he went to collect the video, he found that the DVR was stored approximately 16 feet up in the ceiling. Legierski indicated that he downloaded the video and then left the video equipment in the custody of the licensee. Legierski also noted that there were 12 separate cables attached to the recording system. Legierski detailed that he downloaded the video that he



needed and once he was done he tried to push the DVR back up onto the rafter that it was originally on. He couldn't reach high enough to get it back up to its resting spot, even while using the ladder provided. He told the manager about this issue and the manager replied, "I will take care of it, don't worry about it."

**Violation #3 –**

**License Condition and Sections of Saint Paul Legislative Code Violated:** Condition #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 recording 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 technology available to make the copy at the time of the request and shall have it for the 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.

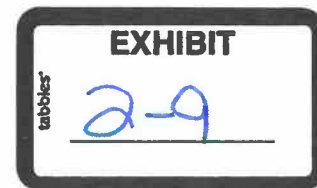
**Saint Paul Legislative Code Section Violated:** 324.07(a) and (f) and Saint Paul Legislative Code Sections 310.06(b)(5), 310.06(b)(6)(a), Section 310.06(b)(6)(c), 310.06(b)(7) and (8)

**\*Note** – this section has been updated with camera numbers, time stamps and the additional violations observed on the video previously disclosed which support the Department's determination to amend the original Notice of Violation and request revocation of the License held by Licensee.

**Synopsis of Alleged Facts:** On June 5, 2020, Licensing Manager Eric Hudak requested copies of video surveillance from the Licensed Premises. The request included a copy of continuous, uninterrupted video footage from all camera views from Monday June 1, 2020 from 8:30 until 10:00 p.m. A review of the June 1, 2020 video showed violations of License Conditions and Saint Paul Legislative Code. While the video itself provides real time review of the violations, still photos were also pulled to highlight the violations as follows:

- Photos Related to Smoking indoors – Violation of MN Clean Indoor Air Act, MN Statute 144.414 and 144.416 and Ramsey County Ordinance B2015-302.
  - Camera 1 - 21:02:27 and Camera 6 21:02:25 and 21:02:26 - Employee lights customers cigarette inside the Licensed Premises
  - Camera 6 - 20:40:32 Employee smoking a cigarette inside the Licensed Premises
  - Camera 6 - 21:07:07 Store Employee smoking a cigarette inside the Licensed Premises
  - Camera 6 - 21:28:21 Individual with red, white, and blue mask smoking in Licensed Premises
- Although the video shows uninterrupted footage of the uncontrolled and dangerous environment in the Licensed Premises, the following still photos depict the Uncontrolled and Dangerous Environment which includes fighting.
  - Camera 1 - 21:16:10 Uncontrolled and dangerous environment which includes fighting.
  - Camera 1 – 21:28:06 Uncontrolled and dangerous environment which includes fighting.
  - Camera 1 – 21:28:07 Uncontrolled and dangerous environment which includes fighting.
  - Camera 1 – 21:28:10 Uncontrolled and dangerous environment which includes fighting.
  - Camera 6 - 21:16:30 and 21:17:17 Man with baby trying to buy chips while fight is occurring

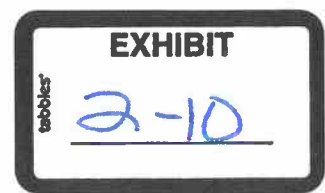




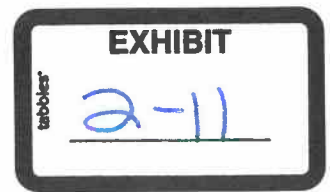
- Camera 6 - 21:28:21 Uncontrolled fighting
- Camera 6 - 21:28:31, 21:28:32 and 21:20:33 Man in red shirt stealing Employee's cell phone
- Camera 6 - 21:33:20 Man with red pants putting hair lost by woman in fight back on counter
- Photos Related to Rifle inside the Licensed Premises
  - Camera 3 - 21:30: 26 Individual behind counter with a Rifle
  - Camera 1 - 21:30:37 Individual with Rifle
  - Camera 1 - 21:30:40 Individual with Rifle
  - Camera 3 - 21:31:44 Mann Abukhudeer is now has the Rifle
  - Camera 6 - 21:32:11 Unsecured Rifle is leaning against the counter by clerk during the uncontrolled fighting.
- Photos Related to Customer with a visible handgun in pants waist
  - Camera 1 - 20:33:06 Customer in store buying Menthol Cigarettes with handgun in waistband.
  - Camera 1 - 20:33:10 Customer in store buying Menthol Cigarettes with handgun in waistband.
- Photos Related to unsecured handgun from behind the counter
  - Camera 6 - 21:08:00 Clerk retrieves unsecured handgun from behind the counter.
  - Camera 6 - 21:30:45, 21:30:46 Individual retrieves unsecured handgun from behind the counter.
  - Camera 6 - 21:31:11 Unknown male takes handgun from store clerk.
  - Camera 6 - 21:31:24 Clerk puts handgun back in unsecured location under counter
  - Camera 6 - 21:33:20 Woman with white tank with unsecured handgun
  - Camera 6 - 21:33:45 Clerk puts handgun back in unsecure location

### Photos Related to Sales of Single Cigarettes and Sales of Menthol Flavored Products

- Camera 3 - Sale of Single Cigarette -
  - 20:11:33 woman in black tank handing money to (Name) behind counter
  - 20:11:44 money is picked up by Mann Abukhudeer and Mann Abukhudeer hands woman single cigarettes (bottom left corner of photo)
- Camera 3 - Sale of Pack of Menthol Flavored Cigarettes
  - 20:15:26 Mann Abukhudeer taking money from man with yellow shirt
  - 20:16:02 Mann Abukhudeer with menthol cigarettes in hand
  - 20:16:36 menthol cigarettes being exchanged
- Camera 3 - Sale of Pack of Menthol Flavored Cigarettes
  - 20:18:03 Mann Abukhudeer taking money from man in white tank
  - 20:18:14 Mann Abukhudeer handing pack of menthol cigarettes to man in white tank
  - 20:18:16 same
- Camera 3 - Sale of Pack of Menthol Flavored Cigarettes
  - 20:29:40 Mann Abukhudeer taking money from woman in white shirt
  - 20:29:47 Mann Abukhudeer handing flavored cigarettes to woman in white shirt
- Camera 3 - Sale of Pack of Menthol Flavored Cigarettes
  - 20:32:45 Man in black shirt handing money across counter
  - 20:32:54 Unidentified individual handing man in black shirt a pack of menthol flavored cigarettes
- Camera 3 - Sale of Pack of Menthol Flavored Cigarettes



- 20:33:00 Unidentified individual taking money from individual in white shirt
- 20:33:05 Unidentified individual handing individual in white shirt pack menthol flavored cigarettes
- 20:33:09 Completion of sale
- Camera 3 - Sale of Single Cigarettes –
  - 20:35:47 Woman in white shirt handing money to unidentified individual
  - 20:35:56 Unidentified individual handing single cigarettes to woman in white shirt
  - 20:35:57 Completion of transaction
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 20:41:05 Man with hat on backwards handing money to Mann Abukhudeer
  - 20:41:10 Mann Abukhudeer handing pack of menthol flavored cigarettes to man with hat on backwards
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 20:43:00 Man with black t-shirt putting money on counter
  - 20:43:13 Mann Abukhudeer taking money off of counter
  - 20:43:18 Mann Abukhudeer giving pack of flavored cigarettes to man with black t-shirt
- Camera 3 – Sale of Single Cigarettes –
  - 20:43:39 Mann Abukhudeer taking money from woman with red shirt
  - 20:43:59 Women in red shirt taking single cigarettes from unknown clerk
  - 20:44:01 Unknown clerk with pack of open cigarettes
- Camera 3 – Sale of Single Cigarettes –
  - 20:47:15 Mann Abukhudeer taking money from woman with gray tank top
  - 20:47:22 Unknown clerk handing single cigarettes to woman with gray tank top
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 20:50:06 Mann Abukhudeer taking money from woman in red shirt
  - 20:50:13 Mann Abukhudeer handing package of flavored cigarettes to woman in red shirt
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 20:52:03 Unknown clerk handing pack of flavored cigarettes to man
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 20:53:50 Unknown clerk taking money from man in grey hat
  - 20:53:59 Unknown clerk handing pack of flavored cigarettes to man in grey hat
  - 20:54:00 Same
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 21:02:53 Woman with “Tiger’s” sweatshirt giving money to Mann Abukhudeer
  - 21:03:03 Mann Abukhudeer giving pack of flavored cigarettes to Woman with “Tiger’s” sweatshirt
- Camera 3 – Sale of Single Cigarettes –
  - 21:05:36 Mann Abukhudeer taking money from man with black tank
  - 21:05:51 Mann Abukhudeer giving single cigarettes to man with black tank
  - 21:05:52 Same
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 21:06:21 Mann Abukhudeer taking money from woman with white tank
  - 21:06:27 Mann Abukhudeer handing pack of menthol flavored cigarettes to woman with white tank
- Camera 3 – Sale of Single Cigarettes –
  - 21:20:04 Mann Abukhudeer taking money from woman in yellow t-shirt
  - 21:20:15 Mann Abukhudeer handing single cigarettes to woman in yellow t-shirt
- Camera 3 – Sale of Single Cigarettes –

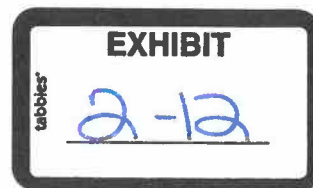


- 21:25:17 Mann Abukhudeer taking money from man in blue shirt
- 21:25:39 Unknown individual handing single cigarette to man in blue shirt
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 21:27:10 Mann Abukhudeer taking money from man in white tank
  - 21:27:18 Mann Abukhudeer handing pack of menthol flavored cigarettes to man in white tank
- Camera 3 – Sale of Pack of Menthol Flavored Cigarettes
  - 21:59:28 Money on counter
  - 21:59:30 Unknow individual handing pack of Menthol Flavored Cigarettes to man in
- Camera 6 – 20:37:22 Newport flavored cigarette carton in the trash
- Camera 6 – Sale of Pack of Flavored Cigarettes
  - 20:58:04 Clerk selling pack of Menthol Flavored Cigarettes
- Camera 6 – Sale of 2 Packs of Flavored Cigarettes
  - 21:10:54 Woman with 2 packs of Menthol Cigarettes
- Camera 6 – Sale of Single Cigarettes
  - 21:19:56 and 21:20:09 Sale of single cigarettes to man in red t-shirt
- Camera 6 Sale of Pack of Menthol Flavored Cigarettes
  - 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
  - 21:24:35 Another shot of man with ripped jeans and jacket handing pack of Menthol Flavored Cigarettes to woman in blue top
- Camara 6 – Sale of Flavored Tobacco Products
  - 20:31:17 - 'Backwoods' Dark Stout Cigars
- Camara 6 – Sale of Flavored Tobacco Products
  - 20:36:10 - 'Swisher Sweet' Grape Cigars and a Carton of 'Newport 100's' Cigarettes in the trash can.
- Camara 6 – Sale of Flavored Tobacco Products
  - 20:52:36 - 'Backwoods' Stout Cigars
- Camara 6 – Sale of Flavored Tobacco Products
  - 21:04:53 - 'Backwoods' Stout Cigars
- Camara 6 – Sale of single cigarettes
  - 21:09:41 - Selling single cigarettes 'Loosies'
- Camara 6 – Sale of Flavored Tobacco Products
  - 21:10:32 & 21:10:43 - 'Backwoods' Stout Cigars
- Camara 6 – Sale of Flavored Tobacco Products
  - 21:38:38 - 'Swisher Sweet' Grape Cigar

Saint Paul Legislative Code Section 310.05 (m)(1) lays out the penalty matrix for violations of a license condition placed on the license and 310.05(m)(2) lays out the penalty matrix for violations of a provision of the legislative code relating to the licensed activity.

#### Violation #4

**License Condition Violated:** Condition #2 The licensee shall take reasonable steps to discourage loitering in front of or on the property of the licensed business.



**Synopsis of Alleged Facts:** On June 17, 2020 you met with Licensing Manager Eric Hudak and representatives from the Saint Paul Police Department at the Eastern District Police Office. The purpose of the meeting was to discuss the violations described above and your responsibility as a Licensee to ensure compliance with the rules and regulations that relate to the Licenses you hold for the Licensed Premises. After that meeting, Licensing Manager Eric Hudak sent you an email summarizing the meeting and included links to rules and regulations related to cigarette/tobacco, imitation tobacco products, secondhand dealers, and uniform license procedures. Eric Hudak asked you to confirm receipt of this email. Licensing Manager Eric Hudak sent a second email on June 24, 2020 again asking you to confirm receipt. To date it has not been confirmed. On July 20, 2020 officers on in route to another call drove by the Licensed Premises and noted under CN 20145047 that they know this business to be a known gang member hangout and narcotics trafficking area. As they drove by, they observed a large group of black 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 us currency in the middle of them on the ground as the prize and that this was happening in broad daylight on the store property where the employees could view them by looking out a window with ease.

**Violation #5**

**Saint Paul Legislative Code Section Violated:** 324.07(a) and (f)

**Synopsis of Alleged Facts:** On July 20, 2020 Officer R. Anderson and Officer Peter Baldwin used a confidential reliable informant (“CRI”) to investigate an allegation that the employees of the Licensed Premises were selling single cigarettes and menthol cigarettes. Officer Baldwin details their investigation under CN 20144580. He documented that that they pat searched the CRI and made sure he did not have anything on him including money or cigarettes. They then have him an undisclosed amount of money to attempt to purchase single cigarettes from an employee behind the counter. The officers reported that the CRI was observed the entire time until he entered the store. The CRI exited the store and was again observed by officers until he was back with Officer Baldwin. The CRI reported that he was able to obtain two single cigarettes from an employee at the store who was working behind the counter. Officer Baldwin took custody of the cigarettes and placed them into property. The CRI stated that the employee took the money from the CRI and placed int into a box behind the counter. The employee then went into the back room and came back and handed the CRI two Newport menthol cigarettes. The CRI was able to describe the employee and this information was also documented in the report.

Sincerely,

A handwritten signature in blue ink that reads "Therese Skarda / s.m."

Therese Skarda  
Assistant City Attorney  
License No.: 0240989

cc: Zhariya Abukhudeer; 520 Lake Elmo Ave N; Lake Elmo, MN 55042  
Zamzam Inc.; 1149 97th LN NW; Coon Rapids, MN 55433

Attachments: Still photos pulled from June 1, 2020 video previously disclosed.