MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
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PH (651) 361-7900

June 12, 2024

**VIA EFILING ONLY**
City of St. Paul
City Hall Annex Ste 200
25 W Fourth St
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear City Clerk:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter. The official record, along with a copy of the recording of the hearing, is also enclosed. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator
Therese Skarda
Mark K. Thompson

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MN 55164-0620

**CERTIFICATE OF SERVICE**

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|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On June 12, 2024, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EFILING ONLY**
City of St. Paul
City Hall Annex Ste 200
25 W Fourth St
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OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** |

This matter came before Administrative Law Judge Suzanne Todnem for a hearing on March 8, 2024. The record closed on March 18, 2024, upon filing of Licensee's closing statements and proposed findings.[1]

Therese A. Skarda, Interim Deputy St. Paul Attorney, appeared on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law PLC, appeared on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Licensee).

## STATEMENT OF THE ISSUES

Is the City's request for an upward departure from the penalty matrix appropriate for Licensee's violation of St. Paul Legislative Code (SPLC) § 324.07(f) (2021) on February 8, 2021?

## SUMMARY OF RECOMMENDATION

The Administrative Law Judge respectfully recommends that the City impose a penalty of $1,000, the presumptive penalty under the penalty matrix.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

[1] Because Licensee's filing was made after 4:30 p.m. on March 15, 2024, the official filing date is the next business day, March 18, 2024. While the deadline to file closing statements and proposed findings was March 15, 2024, accepting Licensee's proposed findings filed at 4:37 p.m. on March 15, 2024, does not prejudice the City and the City did not object.

## FINDINGS OF FACT

### I. The Parties

1. The City's Department of Safety and Inspections (Department) approves and issues cigarette/tobacco licenses, which are Class R licenses.[2]

2. Licensee Zakariya Abukhudeer is the owner and operator of The One Stop Market, LLC, a convenience store located at 1541 Maryland Avenue East in Saint Paul (Licensed Premises).[3]

3. The City issued a tobacco shop license to Licensee at the Licensed Premises on or about September 23, 2019.[4] This is Licensee's second appearance.[5]

### II. First Appearance

3. On September 10, 2020, the City issued a Notice of Violation (First Notice of Violation) to Licensee alleging violations of license conditions and city ordinances related to the operation of Licensee's business.[6] The City cited Licensee for violating:

a. license condition #2 by failing to take reasonable steps to discourage loitering;[7]

b. license condition #3 by failing to provide a copy of surveillance footage as requested;[8]

c. various city ordinances by selling single cigarettes and flavored tobacco products; and by operating the business in a manner that creates a serious danger to public health or safety, or permits conditions that unreasonably annoy the comfort or repose of the public.[9]

4. The City initially requested an upward departure from the penalty matrix to a $2,000 fine and a 10-day suspension of all licenses with imposition of additional conditions[10] but later amended the request for upward departure to revocation.

5. On April 8, 2021, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (First Amended Notice).[11] The City stated that further review of surveillance footage resulted in the identification of additional incidents of sales

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[2] Exhibit (Ex.) 11-1 (SPLC § 310.01).
[3] Testimony (Test.) of Zakariya Abukhudeer; Test. of Eric Hudak.
[4] Test. of Z. Abukhudeer; Test. of E. Hudak.
[5] Test. of E. Hudak; *see* Ex. 12 (SPLC ch. 324).
[6] Ex. 8-4 (Recommendation and Order on Motion for Summary Disposition (Sept. 7, 2021)).
[7] *Id*.
[8] *Id*.
[9] *Id*.
[10] *Id*. *See* SPLC § 310.05(m) (penalty matrix).
[11] Ex. 8-5. The First Amended Notice was issued after the Notice of Violation at issue in this case.

of single cigarettes or flavored tobacco products, as well as incidents of patrons and employees smoking within the licensed premises.[12] Based on the newly identified licensing violations, the City revised its penalty recommendation to request revocation of Licensee's license.[13]

6. The City filed a Motion for Summary Disposition.[14] Licensee timely filed his Response, and oral argument was heard.

7. On September 7, 2021, Administrative Law Judge James LaFave recommended that the St. Paul City Council grant the City's motion for summary disposition with respect to Licensee's alleged violations of SPLC § 324.07(a) and (f) relating to Licensee's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020; and with respect to an alleged violation of SPLC § 310.06(b)(6)(a) relating to Licensee allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act.[15] The September Order denied the City's motion for summary disposition with respect to Licensee's alleged violation of licensing condition 3 and SPLC § 310.06(b)(5) relating to the failure to provide a copy of surveillance video as requested by the City; and with respect to the alleged violations of SPLC § 310.06(b)(5)-(8) and licensing condition 2 relating to Licensee's conduct on March 30, 2020, June 1, 2020, and July 20, 2020.[16]

8. Administrative Law Judge LaFave further recommended an upward departure to the second penalty box, a $1,000 fine, for the multiple violations involved with the first appearance.[17] Judge LaFave further opined that "the remaining allegations, while more troubling, even if established at hearing, would not support revocation. The violations here are not as persistent, pervasive, or dangerous as those in the Midway Amoco BP case."[18]

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[12] *Id*.
[13] *Id*.
[14] Ex. 8-2.
[15] Ex. 8 (*In re the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul*, No. 60-6020-37157, RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION (Minn. Office Admin. Hearings Sept. 7, 2021)).
[16] *Id.*
[17] *Id*.
[18] *Id*.; *see In re the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243*, FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION (Minn. Office of Admin. Hearings Mar. 9, 2020). In the Midway Amoco BP case, the City Counsel found that severe aggravating circumstances supported a greater-than-double upward departure from the penalty matrix because it involved gunfire shots fired from the gas station parking lot into neighboring buildings on multiple occasions, neighbors who feared for their safety, large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana, physical assaults, and a homicide.

9. Thereafter, the City requested that its Motion for Summary Disposition be certified, pursuant to Minn. R. 1400.7600 (2021), to the Saint Paul City Council (City Council), which was granted.[19]

10. On December 28, 2021, the City Council and Mayor Melvin Carter issued Resolution 21-1813, remanding the matter back to the Administrative Law Judge to hold an evidentiary hearing on the allegations on which summary disposition was denied.[20]

11. Administrative Law Judge LauraSue Schlatter held an evidentiary hearing on July 25, 26, and 27, 2022, and issued her Findings of Fact, Conclusions of Law, and Recommendation on December 6, 2022.[21] Judge Schlatter found the City failed to meet its burden to establish the remaining allegations and, like Judge LaFave, recommended an upward departure to the second penalty box, a $1,000 fine.[22]

## III. Second Appearance

12. While the First Notice of Violation matter was progressing through the administrative process, the City issued a second Notice of Violation and Request for Upward Departure to Revocation (Second Notice of Violation) on March 24, 2021.[23] The Second Notice of Violation alleged violations of SPLC and license conditions on January 18, 2021, and February 8, 2021.[24] Specifically, the City cited Licensee for violating license conditions numbers 2 (failure to take reasonable steps to discourage loitering) and 3 (failure to maintain video surveillance cameras), SPLC § 324.07(f) (sale of flavored tobacco products), and SPLC § 310.06 (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, etc.).[25]

13. After the first appearance became final, the City issued an Amended Notice of Violation and Request for Upward Departure to Revocation (Second Amended Notice) to Licensee to update the history between the Department and Licensee.[26]

14. The City filed a motion for summary disposition on July 14, 2023.[27] Respondent filed a response and a motion hearing was held on October 13, 2023.

15. The Administrative Law Judge granted summary disposition with respect to the alleged violations of SPLC § 324.07(f) relating to the violation of offering flavored

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[19] Ex. 113 (*In re the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul*, No. 80-6020-37157, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION (Minn. Office Admin. Hearings Dec. 6, 2022)).
[20] *Id*.
[21] *Id*.
[22] *Id*.
[23] Ex. 5 (Notice of Violation and Request for Upward Departure to Revocation, Mar. 24, 2021).
[24] *Id*.
[25] *Id*.
[26] Ex. 2-4 (Amended Notice of Violation and Request for Upward Departure to Revocation, Jan. 31, 2023).
[27] City's Notice of Mot. and Mot. for Summary Disposition (July 14, 2023).

tobacco products for sale on February 8, 2021.[28] In that same order, the City's Motion for Summary Disposition was denied with respect to the remaining alleged violations (licensing condition #3; SPLC § 324.07(f) on January 18, 2021; and SPLC §§ 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7), and 310.06(b)(8) (2021)).[29]

16. The City requested to certify the motion to the St. Paul City Council, which Licensee opposed.[30] The Administrative Law Judge denied the City's request to certify the motion on February 22, 2024.[31]

17. The City subsequently dismissed the remaining alleged violations in the Second Notice of Violation on or about February 26, 2024, and continued to seek license revocation based on the first appearance and the February 8, 2021, violation of offering prohibited flavored tobacco products for sale.

18. The parties agreed that the only remaining issue was the appropriate penalty. That is, whether the City has substantial and compelling reasons to depart from the presumptive penalty provided in the matrix and specifically deviation up to revocation.[32]

## IV. Penalty Factors

19. The presumptive penalty for a second appearance for violating the SPLC relating to the licensed activity, according to the penalty matrix box, is a $1,000 fine.[33]

20. Licensee's second appearance was initiated based on the following alleged violations:

a. Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021;

b. Licensee failed to maintain video in accordance with his license condition;

c. Multiple incidents of sales of flavored products on January 18, 2021;

d. A large volume of flavored products observed by a Department inspector during an inspection on February 8, 2021; and

[28] Recommendation and Order on Mot. for Summary Disposition (January 12, 2024). The correct citation is § 324.07(f) (2021); the January 12, 2024, order incorrectly cited the current code citation.
[29] *Id*.
[30] Correspondence from City (January 29, 2024) (on file with the Minn. Office Admin. Hearings); Correspondence from Licensee (February 8, 2024) (on file with the Minn. Office Admin. Hearings).
[31] Order Denying Motion to Certify (Feb. 22, 2024).
[32] Prehearing Conference Digital Recording (Mar. 1, 2024) (on file with the Minn. Office Admin. Hearings).
[33] Ex. 11-10 (SPLC § 310.05).

e. The Licensed Premises were being operated in a manner that violated several sections of SPLC sections 306 and 310 on January 18, 2021, and February 8, 2021.[34]

21. Licensee was cited and penalized $1,000 in the first appearance for:

a. Engaging in sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020, in violation of SPLC § 324.07(a) and (f); and

b. Allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act, in violation of SPLC § 310(b)(6)(a).[35]

22. The penalty in the first appearance was an upward departure from the presumptive penalty matrix based on multiple violations.[36]

23. Licensee's second appearance consists of a finding that Licensee offered an unspecified number of flavored tobacco products for sale on February 8, 2021.[37]

24. Any Conclusion of Law more properly considered a Finding of Fact is adopted herein.

25. Any portion of the Memorandum more properly considered as a Finding of Fact is incorporated herein.

## CONCLUSIONS OF LAW

1. The Administrative Law Judge and the St. Paul City Council have jurisdiction to consider this matter pursuant to Minn. Stat. § 14.55 (2022) and SPLC §§ 310.05, .06 (2021).

2. The hearing in this matter was conducted in accordance with the SPLC § 310.05 and the contested case procedures of Minn. Stat. §§ 14.57, .62 (2022).

3. The City provided proper notice of the hearing and complied with all relevant procedural requirements of ordinance, rule or law.

4. Because the City is proposing that disciplinary action be taken, it has the burden of proving by a preponderance of the evidence that adverse action is warranted against Licensee.[38]

[34] Notice of Prehearing Telephone Conference (Mar. 2, 2023); Ex. 5.
[35] Ex. 113.
[36] *Id*.; *see* SPLC § 310.05(m).
[37] Recommendation and Order on Motion for Summary Disposition (Jan. 12, 2024).
[38] Minn. R. 1400.7300, subp. 5 (2023).

5. Under the SPLC, the City Council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[39]

6. The penalty matrix of the SPLC includes presumptive penalties for particular code violations.[40]

7. SPLC § 310.05(m) provides a matrix of penalties for first, second, third, and fourth appearances before the city council.[41] For a first appearance, the matrix penalty is a $500 fine. For a second appearance, the penalty is a $1,000 fine. For a third appearance, the penalty is a $2,000 fine and a 10-day suspension. For a fourth appearance, the penalty is revocation of the license.[42]

8. SPLC § 310.05(m) provides that the matrix penalties are presumed to be appropriate for every case, but also notes that the city council may deviate in an individual case where the council finds and determines that substantial and compelling reasons exist to make it more appropriate to do so. The city council shall consider the presumptive penalty for each violation when a licensee's first appearance involves multiple violations and shall be grounds for departure from the presumptive penalties in the council's discretion.[43] If the city council deviates, it must provide written reasons why the penalty selected was more appropriate than the presumptive penalty.[44]

9. Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the first appearance. In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a second appearance before the council.[45]

10. The City did not exercise its option to add the newly alleged violations in the Second Notice of Violation to the first appearance.

11. Upon a second, third, or fourth appearance before the city council by a particular licensee, the city council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance.[46]

12. The City may take appropriate disciplinary licensing action against Licensee based on the violation established in the Administrative Law Judge's January 12, 2024,

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[39] SPLC §§ 310.05(m); 310.06(a), (b)(6)(a).
[40] SPLC § 310.05(m).
[41] The SPLC in effect at the time of the violation has since been amended, including the penalty matrix. The 2021 SPLC applies to this matter; all references to the SPLC are to the 2021 version unless otherwise stated.
[42] SPLC § 310.05(m).
[43] *Id.* at § 310.05(m)(ii).
[44] SPLC § 310.05(m).
[45] SPLC § 310.05(m)(iii).
[46] SPLC § 310.05(m)(iv).

Recommended Order on Summary Disposition, specifically, that Licensee violated § SPLC § 324.07(f) (offer flavored tobacco products for sale) on March 8, 2021.

13. The City has not shown substantial and compelling reasons to upwardly depart from the second appearance presumptive penalty. Further, the record fails to support the most onerous sanction of license revocation.

14. In a Motion in Limine filed on March 7, 2024, Licensee moved to prohibit the City, its counsel and witnesses "from referencing, testifying about, alluding to, and making arguments about any allegations about violations, and alleged facts related to any violations, in Respondent's first appearance, in Office of Administrative Hearings Docket No.: 60-6020-37157 . . . ; [p]recluding the City's witness from testifying on the matters he does not have personal knowledge of; and [i]mposing a spoliation sanction on the City for the loss of recorded video evidence."[47]

15. Licensee's Motion in Limine was denied in its entirety.[48]

16. The attached Memorandum explains the reasons for these conclusions and is incorporated by reference.

17. Any Finding of Fact more properly considered a Conclusion of Law is adopted herein.

18. Any portion of the Memorandum more properly considered as a Conclusion of Law is incorporated herein.

Based on the Conclusions of Law, and for the reasons explained in the attached Memorandum, the Administrative Law Judge makes the following:

## RECOMMENDATION

The St. Paul City Council should impose the presumptive penalty for a second appearance and impose a penalty of $1,000 on Licensee's license for the violation of law cited above.

Dated: June 12, 2024

SUZANNE TODNEM
Administrative Law Judge

Reported: Digitally recorded; no transcript prepared

[47] Licensee's Motion in Limine (March 7, 2024).
[48] Hearing Digital Recording (March 8, 2024) (on file with the Minn. Office Admin. Hearings).

## NOTICE

This report is a recommendation, not a final decision. The Saint Paul City Council will make the final decision after reviewing the record and may adopt, reject or modify the Findings of Fact, Conclusions of Law, and Recommendation issued by the Administrative Law Judge. Pursuant to Saint Paul Legislative Code § 310.05, the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. The parties should contact Shari Moore**,** City Clerk, City of Saint Paul, 290 City Hall, 15 West Kellogg Boulevard, St. Paul, MN 55102, to find out the procedure for filing exceptions and presenting argument.

## MEMORANDUM

### I. First Appearance

As described by Judge Schlatter in her December 6, 2022, Findings of Fact, Conclusions of Law, and Recommendation, less than a year after becoming owner of the Licensed Premises, Licensee was faced with unprecedented events brought on by the COVID-19 pandemic and civil unrest following the police killing of George Floyd in Minneapolis. The City issued the First Notice of Violation that resulted in Judge LaFave granting the City summary disposition as to the violations relating to Licensee's sale of single cigarettes and flavored tobacco and allowing patrons to smoke within the licensed premises.[49] The City failed to demonstrate by a preponderance of the evidence that the remaining alleged violations occurred.[50]

The end result was a finding that Licensee had two violations and pursuant to SPLC, the multiple violations resulted in a $1,000 penalty.

### II. Second Appearance

This is Licensee's second appearance, which was initiated during the pendency of the first appearance, and originated with five alleged violations described in the Second Notice of Violation.[51] Based on those five alleged violations, the City requested upward departure of the penalty matrix to revocation.[52]

Four of the five rescinded violations alleged in the Second Notice of Violation cited to events on January 18, 2021, as the factual basis.[53] On January 18, 2021, a patron of Licensee, while on the Licensed Premises, was shot by an individual on the public city street. The City requested an upward departure on the penalty matrix to revocation. The one violation found was not related to the January 18, 2021, incident.

[49] Ex. 8-4.
[50] Ex. 113.
[51] *See* Ex. 5.
[52] Ex. 5.
[53] *Id*.

## III. Penalty

### A. Presumptive Penalty

First, the City argues that since it was granted an upward departure to box two in the first appearance, the starting penalty for the second appearance is the third box. The City argues that ignoring the previous upward departure would render the consequences and severity of upwardly departing moot and would contravene its purposes. This argument is absurd and ignores the fact that the upward departure itself serves its purposes. Rather, the City is attempting to double-dip the upward departure and give it a reverberating effect not contemplated in the SPLC.

Nothing in the SPLC indicates that an upward departure granted in a preceding appearance continues to the next appearance and starts the subsequent appearance at the step after the point of the upward departure. In fact, the SPLC states the opposite. Multiple violations "shall" be grounds for a departure in the case of a licensee's first appearance. Second, third, or fourth appearances by a licensee are treated differently.[54] The SPLC states that for second appearances, "the council *shall* impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance."[55] Therefore, the presumptive penalty for a second appearance is a $1,000.00 fine.[56]

### B. Upward Departure Standard

The City may still deviate from the presumptive penalty "where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so."[57] That is, if substantial and compelling reasons exist, the council may deviate upward or downward from the presumptive penalty.

The City argues that substantial and compelling reasons exist. The City contends that multiple violations, even for this second appearance, shall be grounds for departure at the council's discretion. As explained above, this is a misreading of the SPLC § 310.05(m). The City asserts there were 20 different prohibited flavored tobacco products on February 8, 2021. The record does not support the City's assertion. Furthermore, it is unclear why the City believes each prohibited flavored tobacco product is a distinct, individual violation for determining that multiple violations occurred. The SPLC is clear that when there are multiple violations in a first appearance, the council "shall consider the presumptive penalty for each such violation type under the "1st Appearance" column."[58] That is, it looks at different types of violations to comprise multiple violations.

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[54] Ex. 11-12.
[55] *Id*.
[56] Ex. 11-10.
[57] *Id*.
[58] Ex. 11-12.

The requirement that the city council have "substantial and compelling reasons" to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires "substantial and compelling circumstances" to depart from the presumptive sentence for criminal convictions.[59]

The Minnesota Court of Appeals noted that the City's ordinances "provides a penalty matrix for licensing violations that is akin to the presumptive sentences provided in the Minnesota Sentencing Guidelines."[60] While the Administrative Law Judge recognizes the significant differences between imposing a criminal sentence and imposing an administrative penalty for a municipal code violation, the concepts underpinning the legal standard of review are analogous and, therefore, instructive.

Minnesota courts have held that the presumptive sentence should only be exceeded if the enhanced penalty is deemed to be "more appropriate, reasonable or equitable than the presumptive [penalty]."[61] The decision maker should impose the presumptive penalty unless "'substantial and compelling circumstances' based on aggravating factors warrant an upward departure."[62] To properly impose a penalty that is an upward departure from the presumptive penalty in the sentencing guidelines, then, the decision maker must have a specific factual basis.[63] "Substantial and compelling circumstances" are "factual circumstances that distinguish the case, making it atypical."[64] Similarly, the SPLC requires the council to provide written reasons that specify why the penalty selected was more appropriate.[65]

The Minnesota Supreme Court has also held that "generally in a case in which an upward departure in sentence length is justified, the upper limit will be double the presumptive sentence length."[66] The Court wrote: "Only in cases of 'severe aggravating circumstances' may the district court impose a greater-than-double departure from the presumptive sentence. Such cases, we have stated, are 'extremely rare'"[67]

Here, the City seeks, again, to revoke the Licensee's license. Revocation is a greater-than-double upward departure from the presumptive $1,000 fine for a second appearance provided in the penalty matrix. Therefore, following the guidance of Minnesota Supreme Court, the City must show that severe, aggravating, and factually atypical circumstances warrant such an upward departure from the presumptive penalty.

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[59] Minn. Sent. Guidelines II.D (2019).
[60] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at FN #1.
[61] *Dillion v. State,* 781 N.W.2d 588, 595 (Minn. Ct. App. 2010) (citing *State v. Bingham,* 406 N.W.2d 567, 570 (Minn. Ct. App. 1987).
[62] *Id*.
[63] SPLC § 310.05(m)(ii).
[64] *Dillion,* 781 N.W. 2d. at 595.
[65] Ex. 11-10.
[66] *State v. Evans,* 311 N.W.2d 481, 483 (Minn. 1981).
[67] *State. v. Shattuck,* 704 N.W.2d 131, 140 (Minn. 2005) (citing *State v. Spain,* 590 N.W.2d 85, 89 (Minn. 1999)).

This tribunal applied this legal analysis in a case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota.[68] The city council "unanimously adopted the findings of fact, conclusions of law and recommendation of the administrative law judge."[69] In that case, the city council found, based on the administrative law judge's report, "that 'severe aggravating circumstance support[ed] a greater-than-double upward departure from the presumptive penalty.'"[70] Those severe, aggravating circumstances included:

- gunfire,[71]
- shots fired from the gas station parking lot into neighboring buildings on multiple occasions,[72]
- neighbors who feared for their safety,[73]
- large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana,[74]
- drug deals in the parking lot,[75]
- physical assaults,[76]
- and ultimately a homicide.[77]

In that case, the "licensee fostered this criminal actively by selling single cigarettes and drug kits."[78] "Between late April 2019 and the end of June 2019, the SPPD received more than 100 calls for service to the gas station."[79]

The city council found these events amounted to one of those rare instances where the "severe, aggravating and **factually atypical** circumstances . . . supported a [greater-than-double upward] departure from the presumptive penalty."[80] The Minnesota Court of Appeals affirmed the city council's revocation of the cigarette/tobacco and gas station licenses.[81]

In this case, Licensee violated the SPLC by selling flavored tobacco products. This singular violation is a routine one, without atypical or especially egregious facts. It does not support an upward departure on the City's penalty matrix, much less a greater than

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[68] *See In re the Matter of the Cigarette/Tobacco and Gas Staqtion Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION (Minn. Office of Admin. Hearings Mar. 9, 2020).
[69] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *1.
[70] *Id.* at *4.
[71] *Id.*
[72] Findings of Fact, Conclusions of Law and Recommendation at p. 14.
[73] *Id.* at p. 13.
[74] *Id.* at p. 6.
[75] *Id.*
[76] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *4.
[77] *Id.*
[78] *Id.*
[79] *Id.* at FN #4.
[80] *Id.* at *4 (emphasis added).
[81] *Id.*

double penalty.[82] The City argues that the proximity in time of the second violation is grounds for revocation. It is true that the February 8, 2021, violation was only a few months after the First Notice of Violation. The City sees that as a basis to impose a harsher penalty, arguing that Licensee should have learned its lesson from the First Notice of Violation. However, Licensee correctly points out that at the time of the violation and the Second Notice of Violation, the first appearance was not resolved. In fact, it would be another six months before even an inkling of resolution and almost two years before final resolution of the first appearance.

The City has requested upward departure to revocation in the second appearance from the beginning. Despite rescinding four of the five alleged violations, it maintained its pursuit of revocation. Licensee has questioned if the City's motives are, at least in part, racially or religiously biased. While the record does not support such a finding, it is understandable why Licensee might feel that way.

The City argues that upward departure is appropriate based on the number of times the violations were committed, the number of times license conditions were violated, Licensee's prior knowledge, the seriousness of the violations that affect public health and safety, and the timing and frequency of the violations.[83] The second appearance contains only one violation and upward departure was already granted for the first appearance violations. The Administrative Law Judge is not persuaded by the City's argument.

The City further argued that upward departure is appropriate because of Licensee's alleged willful disregard for the SPLC and knowledge that flavored tobacco products were prohibited.[84] As Licensee pointed out, when the Department inspector inspected the Licensed Premises on February 8, 2021, there were no hidden flavored tobacco products, no repeat of the other violations found in the first appearance, and even Mr. Hudak stated that it is not easy to know if a particular product is prohibited or not.[85] The record does not support a claim that Licensee willfully disregarded the SPLC.

Here, the City seeks to revoke Licensee's license. Revocation is a more than one step up from the presumptive $1,000 fine for a second appearance in the penalty matrix. This case has one tobacco-related violation. There is no basis for an upward departure to the most severe of possible penalties. Therefore, the recommended penalty is the presumptive penalty of $1,000.

**S. T.**

[82] SPLC § 310.05(m).
[83] Test. of E. Hudak.
[84] *Id*.
[85] *Id*.

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MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

OAH Docket Number: 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

**NOTICE OF APPEARANCE CHANGE IN PARTY'S/AGENCY'S LEGAL ASSISTANT**

**PLEASE TAKE NOTICE that:**

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**[1]

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Party's/Agency's Name**: Department of Safety and Inspection
Email: eric.hudak@ci.stpaul.mn.us Telephone: 651-266-8989
Mailing Address: 375 Jackson Street Suite 220, Saint Paul, MN 55101

**Party's/Agency's Attorney:** Therese Skarda
Firm Name: City of Saint Paul – Office of City Attorney
Email: Therese.Skarda@ci.stpaul.mn.us Telephone: (651) 266-8755
Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

**Party's/Agency's Legal Assistant:** Riddhi Mistry (Paralegal)
Firm Name: City of Saint Paul – Office of City Attorney
Email: Riddhi.mistry@ci.stpaul.mn.us Telephone: (651) 266-8835
Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

**Respondent's/Opposing Party's Name**: Zhariya Abukhudeer d/b/a The One Stop Market, LLC

[1] In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2017).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

Email: mkt@mktlawoffice.com Telephone: 612-999-2404
Mailing Address: 4927 S. 34th Ave. Minneapolis, MN 55417

Dated: 4/10/2024

Theresa A. Brauda

**Signature of Party/Agency or Attorney**

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

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# STATE OF MINNESOTA

# OFFICE OF ADMINISTRATIVE HEARINGS

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

OAH Docket No.: 23-6020-39016

**RESPONDENT'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

License ID #: 20190001624

This matter came before Administrative Law Judge Suzanne Todnem for a contested evidentiary hearing on Match 8, 2024. Therese Skarda, Assistant City Attorney, appeared on behalf of the City of Saint Paul (City). Mark K. Thompson, MKT Law, PLC, appeared on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Respondent).

On January 12, 2024, this Court issued its RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION. In it, the Court recommended that the City's Motion for Summary Disposition be GRANTED with respect to the alleged violations of St. Paul Legislative Code (SPLC) § 324.07(j) (2021) relating to Respondent's offering for sale of flavored tobacco products on February 8, 2021. SD Order, p.1. The Court then stated that the City may take disciplinary action against Respondent's license for these violations. *Id.*

This Court then Ordered that the City's motion for a summary disposition on license conditions 2 and 3 be denied, denied the motion regarding an additional claim of offering for sale flavored tobacco products and denied the motion on the remaining four alleged violations of the City's legislative code. SD Order, pp. 1-2.

On January 29, 2024, the City filed a Motion to Certify the City's Motion for Summary Disposition to the Saint Paul City Council (City Council) under Minn. R. 1400.7600 (2023) and Respondent objected thereto.

This Court denied the City's request to certify on February 22, 2024. In its Order denying to certify this case, the Court stated:

> For a third time, the City is attempting to bypass due process and expedite revocation of Respondent's license through upward departures, including duplicative upward departure, from the City's penalty matrix.

Certify Order, p. 2. The case remained on the Court's schedule to be tried on the alleged four legislative code violations, the allegation regarding offering for sale flavored tobacco products and the two license conditions. On February 26, 2024, the City filed a notice of dismissal for all of the remaining issues to be decided at the contested evidentiary hearing.

After a preheating conference on March 1, 2024, the Court filed its Seventh Prehearing Order. In that Order, the Court defined the remaining issue to be decided at the contested evidentiary hearing as: Are there substantial and compelling reasons for an upward deviation from the presumptive penalty in the City's penalty matrix?

The Court heard testimony, took evidence and allowed arguments from counsel on March 8, 2024, at the contested evidentiary hearing and allowed the parties to submit a written summation and proposed findings of fact, and conclusions of law. The parties filed their respective written summations and proposed findings of fact, and conclusions of law on March 15, 2024, and the record closed.

The Court having duly considered the parties' briefing, affidavits, exhibits, evidence, arguments of counsel, the Court's file, proceedings and being duly apprised of the matter, makes the following findings of fact, conclusions of law, and recommendation:

1. Respondent is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul.

2. On March 24, 2021, the City served a Notice of Violation on Respondent alleging violations of license conditions and city ordinances related to operation of Respondent's business.

3. In it, the City stated its intention to request from the City Council an upward departure of the penalty matrix to revocation.

4. On January 31, 2023, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice) and served it on Respondent.

This Court found in its Order on the Summary Disposition that:

The City asserts that although this is Respondent's second violation of the SPLC, Respondent should be subject to an upward departure of the penalty matrix to revocation, which is the presumptive penalty for a fourth violation. However, there are material issues of fact still in dispute so the City's motion for upward departure of the penalty is premature.

SD Order, p. 8

5. Respondent had one prior appearance before the City Council and was fined $1,000.00 which is the same penalty for a second violation under the City's penalty matrix.

6. Nonetheless, this is still Respondent's second appearance before the City Council for a violation of his license.

7. During the hearing, the City called one witness, Eric Hudak, the City's Licensing Manager at the Saint Paul Department of Safety and Inspections.

8. Mr. Hudak lacked any personal knowledge of any of the violations but testified to his Department's findings in this case and the prior case against Respondent.

9. Most of his testimony revolved around the prior Adverse Action's allegations and violations.

10. Mr. Hudak admitted that Respondent had not hidden any flavored tobacco products when the inspection occurred on February 8, 2021, that Respondent was cooperative during the inspection, immediately removed all allegedly offending products from the store's premises, has had no flavored tobacco violations since that time.

11. Mr. Hudak further testified that there was no history of selling drug paraphernalia, drug dealing, physical assaults, or pending underage sale of tobacco product violations.

12. When asked what compelling and substantial evidence existed to support an upward deviation from the penalty matrix, Mr. Hudak's answer was based on the prior violation, and he insisted that two violations over a three year period showed a pattern.

13. Respondent and his brother, Maan Abukhudeer, who operates a wireless service store at a counter in Respondent's store and holds a secondhand dealers license, testified.

14. Maan Abukhudeer's testimony was offered to refute Mr. Hudak's testimony about a meeting that took place at the SPPD's eastside precinct in 2020 that Mr. Hudak and both of the Abukhudeer brothers attended.

15. Testimony from both Abukhudeer brothers also zeroed in on assistance they have provided to the SPPD in identifying and locating wanted criminals.

16. Respondent's testimony tracked Mr. Hudak's regarding the lack of a history of inappropriate and unlawful conditions occurring at the One Stop.

17. Respondent further testified that after he was found to have committed the first violations, he had taken actions to prevent any same or similar violations from

occurring and no evidence was presented that disputed Respondent's record of compliance.

18. Both Abukhudeer brothers testified that they believe the City is targeting them due to their perceived nationality and religion.

From the foregoing facts the Court concludes:

19. The City's request for revocation, which would be the ultimate sanction under the penalty matrix, is not supported by any evidence in the record.

20. At all times in this case, the St. Paul Code of Ordinances provided a penalty matrix for licensing violations that is akin to the presumptive sentences provided in the Minnesota Sentencing Guidelines. St. Paul, Minn., Legislative Code § 310.05(m)(1) (2018).

21. The City's Code § 310.05(m) provided (since amended) a matrix of penalties for violations based on the number of appearances the licensee has had before the city council.

22. Under the penalty matrix, the penalty for a first violation is a $500 fine. Id.

23. For a second violation, the penalty is a $1,000 fine. Id.

24. For a third violation, the penalty is a $2,000 fine and a 10-day suspension. Id.

25. And for a fourth violation, the penalty is a revocation of the license. Id.

26. The penalties stated in the matrices "are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where [it] finds and determines that there exist substantial and compelling reasons making it more appropriate to do so." St. Paul, Minn., Legislative Code §§ 310 .05(m).

27. Respondent has had two appearances in front of the City Council for adverse action related to his license.

28. "A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty." SPLC §310.05 (m)(v)(1)(1-29-2021); and see SPLC §310.05(m)(iii)("violations occurring after the date of the formal notice of hearing [on a 1st appearance] shall be the subject of a separate proceeding and dealt with as a '2nd Appearance' before the council.").

29. When a respondent makes a second appearance before the City Council in a adverse action alleging a license violation, "the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance." Id. at (m)(iv).

30. The Court has not given any regard to Respondent's particular violation or violations that were the subject of his first appearance when making this decision.

31. With this current case being Respondent's second appearance before the City Council, a second upward departure would grossly deviate from the purpose of the penalty matrix.

32. The City of St. Paul enacted the Penalty Matrix for the purpose of treating similarly situated establishments in the same manner, Code § 310.05(m), consistent with the requirements of Minnesota law. *See Tamarac Inn, Inc. v. City of Long Lake*, 310 N.W.2d 474, 478 (Minn. 1981); *E.T.O., Inc. v. Town of Marion,* 375 N.W.2d 815, 818-19 (Minn. 1985).

33. Prior cases supporting an upward departure from the penalty matrix have involved much more egregious conduct, including hiding flavored tobacco products when the inspection occurred, history of selling drug paraphernalia, drug dealing, physical assaults, and pending underage sale of tobacco product violations. *See In The Matter of the Cigarette/Tobacco and Gas Station Licenses Held By Midway University & Hamline, Llc D/B/A Midway Amoco Bp For The Premises Located At 1347 University Avenue West In St. Paul* License Id #: 20100000243, OAH File No.: 60-6020-36320; 2020 WL 1505862 (March 9, 2020); and see on appeal at See *Matter of Cigarette/Tobacco & Gas Station*

*licenses held by Midway Univ. & Hamline, LLC*, No. A20-0581, 2021 WL 562416, at *4 (Minn. Ct. App. Feb. 16, 2021); Ali ALFUREEDY, Maryland Supermarket Inc., and Maryland Tobacco, Inc., Plaintiffs, v. THE CITY OF SAINT PAUL, Defendant., 2021 WL 12142202 (Minn.Dist.Ct.); In the Matter of the Cigarette/Tobacco Shop License Held by BRIGHT STAR INC. d/b/a Tom and Joe's Market for the Premises located at 684 Western Avenue in St. Paul License No. 20190003653., 2023 WL 3606592;

34. The violations established together with the violations alleged, are not so severe, aggravating, atypical, and rare as to meet the high legal standard necessary for an upward departure in the City's penalty matrix.

35. For these reasons, the Court recommends that Respondent's penalty be a $1,0000.00 fine in accord with the penalty matrix for a second violation.

Respondent waives his right to submit a summation brief and relies on these proposed findings of fact and conclusions of law as his summation.

Dated:_____

_____

Judge Susan Todnem
Administrative Law Judge

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**OAH 23-6020-39016**

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul License ID #20190001624

**CITY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMENDATION**

## PROPOSED STATEMENT OF ISSUE

Has the Department shown that substantial and compelling reasons support its request for an upward departure to revocation?

## PROPOSED SUMMARY OF RECOMMENDATION

The Administrative Law Judge recommends upward departure to Revocation of the Licensee's tobacco shop license.

## PROPOSED FINDINGS OF FACT

1. Zakariya Abukhudeer ("Respondent") is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul ("Licensed Premises").[1]

2. Respondent holds the License to sell Tobacco for the Licensed Premises.[2]

3. Saint Paul Legislative Code Chapter 324 governs Tobacco Licenses issued in the City of Saint Paul and §324.07 (f) provides that "No person shall sell, offer for sale, or otherwise distribute any flavored products".[3]

4. The Licensed Premises is not a "Retail Store that derives at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under twenty-one (21) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products." and thus exempt from Saint Paul Legislative Code §324.07 (f).[4]

5. Saint Paul Legislative Code Chapter 310 titled Uniform License Procedures governs activities related to licenses issued for a variety of activities in the City of Saint Paul.[5]

[1] Testimony of Zachariya Abukhudeer, Testimony Eric Hudak, Exhibit 5-20.
[2] Exhibit 5-2, Notice of Violation and Request for Upward Departure.
[3] Exhibit 12-6.
[4] Exhibit 12-6.
[5] Exhibits 11-1 – 11-31.

6. Exhibits 11 and 12 are the versions of Saint Paul Legislative Code §§310 and 324 that were in existence at the time of this violation on February 8, 2021.[6]

7. Under these codes, presumptive penalties for violations progress from a $500 fine to a $1,000 fine to a 10-day suspension and a $2,000 fine to Revocation.[7]

8. On January 8, 2023, the Saint Paul City Council heard RES 23-10 and adopted the Findings of Fact, Conclusions of Law and Recommendations of Administrative Law Judges LaFave and Schlatter. RES 23-10 upwardly departed one box on the penalty matrix and imposed a $1,000 matrix penalty on the Tobacco Shop License held by Respondent.[8]

9. Legislative Code supports upward departure in these types of cases, Saint Paul Legislative Code § 310.05 provides that while matrix penalties are presumed to be appropriate, Council can depart upwardly where the council finds there are substantial and compelling reasons to do so. The only requirement for deviation is that council provide "written reasons that specify why the penalty selected was more appropriate".[9]

10. Upward departure is also allowed under the Saint Paul Legislative Code § 310.05 (m)(ii) which states that the occurrence of multiple violations shall be grounds for departure from such penalties at the council's discretion.[10]

11. The Saint Paul City Council has updated Saint Paul Legislative Code § 324 since this violation occurred and added a separate penalty matrix for violations related to the "Display, possession or multiple incidents of sales of, single cigarettes, menthol tobacco products; or flavored tobacco products.[11]

12. The penalty for a first violation under the new version of Saint Paul Legislative Code § 324 is a 10-day suspension and the presumptive penalty for the second violation is Revocation.[12]

13. In 2018, Respondent applied for a Tobacco Product Shop License to be exempted from §324.07 (f) but was denied because the Licensed Premises was located within one-half (1/2) mile (2,640 feet) of another tobacco products shop which is prohibited under Saint Paul Legislative Code §65.535 (a).[13]

14. The violations in RES PH 23-10 on January 18, 2023, included:

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[6] Testimony of Eric Hudak, Exhibits 11 and 12.
[7] Exhibit 11-10.
[8] Exhibit 6-4.
[9] Exhibit 11-10.
[10] Exhibit 11-12.
[11] Exhibit 13-7.
[12] Exhibit 13-7.
[13] Exhibit 16-1.

a. On June 1, 2020, 9 sales of single cigarettes.
b. On June 1, 2020, 23 sales of prohibited flavored tobacco products.
c. On June 1, 2020, allowing smoking indoors in violation of the MN Clean Indoor Air Act.
d. On July 20, 2020, the sale of 2 menthol cigarettes to a confidential reliable informant.[14]

15. The Licensee paid the $1,000 matrix penalty imposed by Saint Paul City Council under RES PH 23-10.[15]

16. On February 8, 2021, an inspector from the Department of Safety and Inspections ("Department") responded to a complaint at the Licensed Premised and observed and documented 20 different types of prohibited flavored tobacco products displayed and offered for sale at the Licensed Premises.[16]

17. On March 24, 2021, the Department sent a Notice of Violation and Request for Upward Departure to Revocation to the Licensee, his attorney, and to the Licensed Premises.

18. The NOV alleged 5 separate violations:

a. The Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 19, 2021.
b. On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.
c. On January 18, 2021, the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code §324.07(f).
d. The Licensee (or any person whose conduct may be imputed to the licensee) who managed the property engaged in or permitted a pattern or practice of conduct which failed 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; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare and 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 the members of the public.
e. On February 8, 2021, the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code §324.07(f).[17]

[14] Exhibit 6-1 – 6-5, Exhibit 8-1 -8-16.
[15] Testimony of Eric Hudak.
[16] Report of Inspector Voyda, Exhibit 5-18 – 5-26.
[17] Exhibits 5-1 – 5-8.

19. On July 14, 2023, the Department moved for Summary Disposition on the 5 violations contained in the NOV.

20. On January 12, 2024, Summary Disposition was granted as to violation #5 with a finding that the Department's recommendation for adverse action for violations of the provisions of the legislative code relating to the licensed activity was supported by the report and photographs compiled by Inspector Joseph Voyda during a complaint inspection on February 8, 2021.[18]

21. On February 26, 2024, the Department served an Agency Notice of Partial Dismissal which dismissed all the allegations in the NOV except for the February 8, 2024, violations.

22. A scheduling conference was held on March 1, 2024.

23. The remaining issue identified by this court was whether substantial and compelling reasons existed for an upward deviation from the presumptive penalty in the penalty matrix to revocation of the tobacco shop license held by Respondent.[19]

24. A penalty hearing on that issue was held on March 9, 2024.

25. At the penalty hearing the Department argued that the following substantial and compelling reasons for upward departure existed:

    a. The number of times that the provisions of the code related to the licensed activity had been violated.
    b. The blatant nature of the violations and the total disregard for ordinances and license requirements
    c. The lack of mistake.
    d. The fact that the February 8, 2021, violations occurred less than 9 months after the June 1, 2020, violations.
    e. The fact that the February 8, 2021, violations occurred after a meeting with Licensee to talk about his prior violations for selling prohibited flavored products.
    f. The fact that Licensee had received training along with the applicable ordinances related to his license regulations.
    g. The danger that the possession and sale of these prohibited flavored tobacco products caused the general public.[20]

## PROPOSED CONCLUSIONS OF LAW

[18] Exhibits 5-18 – 5-26.
[19] Seventh Prehearing Conference Order (March 1, 2024), p. 2, para. 1.
[20] Testimony of Eric Hudak.

1. The Administrative Law Judge and the St. Paul City Council have jurisdiction to consider this matter pursuant to Minn. Stat. § 14.55 (2022) and Saint Paul Legislative Code §§ 310.05, (2021).

2. The hearing in this matter was conducted in accordance with the Saint Paul Legislative Code § 310.05 and the contested case procedures of Minn. Stat. § 14.57 (2022).

3. The City provided proper notice of the hearing and complied with all relevant procedural requirements of ordinance, rule or law.

4. Because the City is proposing that disciplinary action be taken, it has the burden of proving by a preponderance of the evidence that adverse action is warranted against the licenses held by The One Stop Market.[21]

5. Under the Saint Paul Legislative Code, the City Council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[22]

6. The penalty matrix of the Saint Paul Legislative Code includes presumptive penalties for violations of the legislative code related to the licensing activity.

7. Saint Paul Legislative Code § 310.05(m) provides a matrix of penalties for first, second, third, and fourth appearances before the city council. For a first violation, the matrix penalty is a $500 fine. For a second violation, the penalty is a $1,000 fine. For a third violation, the penalty is a $2,000 fine and a 10-day suspension. For a fourth violation, the penalty is revocation of the license.

8. Saint Paul Legislative Code § 310.05 (m) provides that the matrix penalties are presumed to be appropriate for every case, but also notes that the City Council may deviate in an individual case where the council finds substantial and compelling reasons making it more appropriate to do so.

9. Saint Paul Legislative Code § 310.05 (m) also provides that multiple violations shall be grounds for departure from the presumptive penalties in the council's discretion.

10. If the City Council deviates, it must provide written reasons why the penalty selected was more appropriate than the presumptive penalty.

[21] Minn. R. 1400.7300, subp. 5 (2021).
[22] Exhibit 11-10 (SPLC 310.05(m)).

11. The City may take appropriate disciplinary licensing action against Respondent's license based on the following violations established by Administrative Law Judge Suzanne Todnem's Recommended Order on Summary Disposition.

12. By possessing and offering for sale Prohibited Flavored Products on February 18, 2021, Respondent violated St. Paul Legislative Code § 324.07(f).

13. The City has shown substantial and compelling reasons to upwardly depart from the presumptive penalty and revoke Licensee's cigarette/tobacco license. The reasons include:

    a. The number of times that the provisions of the code related to the licensed activity had been violated.
    b. The blatant nature of the violations and the total disregard for ordinances and license requirements
    c. The lack of mistake.
    d. The fact that the February 8, 2021, violations occurred less than 9 months after the June 1, 2020, violations.
    e. The fact that the February 8, 2021, violations occurred after a meeting with licensee to talk about his prior violations for selling prohibited flavored products.
    f. The fact that Licensee had received training along with the applicable ordinances related to his license regulations.
    g. The danger that the possession and sale of these prohibited flavored tobacco products caused the general public.[23]

14. The City has shown that the factual circumstances in this case make it atypical in nature when compared to other tobacco related adverse actions.

15. The City has shown that Saint Paul City Council places great weight on keeping flavored tobacco products out of the hands of minors as it understands that flavored products are a gateway to tobacco addiction which is a serious public health and safety concern.

[23] Testimony of Eric Hudak.

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In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul License ID #20190001624

**CITY'S CLOSING ARGUMENT**

**OAH 23-6020-39016**

## INTRODUCTION

Adverse action is defined 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." Saint Paul Legislative Code ("SPLC") §310.01.[1] Under its legislative code, the City of Saint Paul ("City") can take adverse action against a license for a variety of reasons.

On March 24, 2021, the City by and through its Department of Safety and Inspections ("Department") initiated adverse action through a Notice of Violation ("NOV")[2] that sought an upward departure to a Revocation of the cigarette/tobacco license ("License") held by Zakariya Abukhudeer ("Respondent") for The One Stop Market at 1541 Maryland Avenue ("Licensed Premises").

The NOV laid out 5 violations. On July 14, 2023, the Department moved for Summary Disposition on the 5 violations contained in the NOV. On January 12, 2024, Summary Disposition was granted as to violation #5 with a finding that the Department's recommendation for adverse action for violations of the provisions of the legislative code

[1] Exhibit 11-1.
[2] Exhibit 5-1 – 5-9.

relating to the licensed activity was supported by the report and photographs compiled by Inspector Joseph Voyda during a complaint inspection on February 8, 2021.[3]

The remaining issue identified by this court was whether substantial and compelling reasons existed for an upward deviation from the presumptive penalty in the penalty matrix to revocation of the tobacco shop license held by Respondent.[4] A penalty hearing on that issue was held on March 9, 2024.

**The City's Penalty Matrix is Progressive.**

SPLC Chapter 310 titled Uniform License Procedures governs activities related to licenses issued for a variety of activities in the City of Saint Paul.[5] SPLC Chapter 324 titled Tobacco lays out the requirements related to Tobacco Shop Licenses and related exceptions.[6] Exhibits 11 and 12 are the versions of SPLC that were in existence at the time of this violation on February 8, 2021. Under these codes, presumptive penalties for violations progress from a $500 fine to a $1,000 fine to a 10-day suspension and a $2,000 fine to Revocation.[7]

On January 8, 2023, the Saint Paul City Council heard the first adverse action against Respondent's License under RES 23-10 and adopted the Findings of Fact, Conclusions of Law and Recommendations of Administrative Law Judges LaFave and Schlatter. RES 23-10 upwardly departed one box on the penalty matrix and imposed a $1,000 matrix penalty on the Tobacco Shop License held by Respondent.[8]

[3] Exhibits 5-18 – 5-26.
[4] Seventh Prehearing Conference Order (March 1, 2024), p. 2, para. 1.
[5] Exhibits 11-1 – 11-31.
[6] Exhibit 12.
[7] Exhibit 11-10.
[8] Exhibit 6-4.

After this action, Respondent sits in the second box on the penalty matrix in the $1,000 box.[9] The presumptive penalty for the new violation which occurred on February 8, 2021, would be a 10-day suspension and $2,000 fine – but in this case, the Department has recommended an upward departure from the second box to the fourth and final box – which is revocation.[10] Respondent appears to be arguing that he somehow moved backwards on the penalty matrix. This argument is inconsistent with the purpose of the penalty matrix and such an interpretation would not only give respondent another $1,000 penalty but it would allow Respondent to repeatedly violate SPLC before he progressed up the code to revocation. Ignoring the previous upward departure would render the consequences and severity of upwardly departing moot which would contravene its purpose.

**Substantial and Compelling Reasons Exist for Upward Departure to Revocation.**

The SPLC authorizes upward departure in these types of cases, SPLC § 310.05 provides that while matrix penalties are presumed to be appropriate, Council can depart upwardly where the council finds there are substantial and compelling reasons to do so. The only requirement for deviation is that council provide "written reasons that specify why the penalty selected was more appropriate".[11]

Upward departure is also allowed under the SPLC § 310.05 (m)(ii) which states that the occurrence of multiple violations shall be grounds for departure from such

[9] Exhibit 6-1 – 6-5.
[10] Exhibit 5-2 – 5-4.
[11] Exhibit 11-10.

penalties at the council's discretion.[12] Offering for sale a single prohibited flavored tobacco product is a violation, and each separate incident of possession of prohibited flavored tobacco products counts as a separate violation. On February 8, 2021, Respondent had twenty different prohibited flavored tobacco products and Inspector Voyda's photos show that there were multiple packets of prohibited flavored products in each box.[13]

Judge LaFave's prior ruling and upward departure recommendation was based on very similar substantial and compelling reasons for upward departure. In fact, Judge LaFave's Recommendations were based on a fact pattern which closely mirrored the fact patten before your honor. In the prior One Stop case, Judge LaFave discussed the standards under which requests for upward departure might be considered. Judge LaFave noted that the MN Court of Appeals had discussed the City's penalty matrix in a prior case, that being, Midway Amoco BP and stated that the City's Ordinances provide a penalty matrix for licensing violations that is akin to the presumptive sentences provided in the Minnesota Sentencing Guidelines. Judge LaFave modeled his decision in the first One Stop case on the premise that to properly impose an upward departure from the presumptive penalty the decision maker must have a specific factual basis and factual circumstances must exist that distinguish the case or make it atypical. Judge LaFave found that multiple violations of the Respondent selling single cigarettes, selling flavored tobacco products and allowing patrons to smoke inside the Licensed Premises supported

[12] Exhibit 11-12.
[13] Exhibit 5-18 – 5-26.

an upward departure on the City's Penalty matrix and he recommended a departure to the second box on the penalty matrix of a $1,000 fine.

City Council has provided guidance on how seriously flavored tobacco violations should be viewed and the weight that these types of violations should be given. Comparison between the two versions of Saint Paul Legislative Code §324 show that the number of available licenses has been reduced and, in the updated penalty matrix, a second violation of this type leads to revocation of the license.[14] While this penalty matrix was not in place at the time of the violation it provides insight and guidance on the severity of the violation type and the importance City Council places on protecting the health and safety of its citizens. This Court should view the prohibited tobacco flavor violations and weigh them considering the guidance that the Saint Paul City Council has provided.

No matter where the Respondent sits on the penalty matrix, the administrative record supports a finding that substantial and compelling reasons exist to upwardly depart to Revocation. The prior history in this matter supports a finding that this is an atypical fact pattern in which substantial and compelling reasons exist for upward departure. The record proves that Respondent knowingly, blatantly, and repeatedly engaged in activities that were not permitted under his Tobacco Shop license and SPLC. The offering and sale of prohibited tobacco products was not a mistake and the volume and frequency of sale of prohibited products in both the June 1, 2020, and February 8, 2021, cases is staggering. The February 8, 2021, violations happened over 9 months after the June 1, 2020, violations, and 8 months after the July 20, 2020, violation. The only logical

[14] Exhibits 12-4, 13-4,13-7.

conclusion is that Respondent continued to stock and sell prohibited products in violation of the Tobacco Shop License he held.

Respondent now has multiple violations that span two adverse actions and multiple violation dates including:

- June 1, 2020, 9 transactions involving the sale of single cigarettes.[15]
- June 1, 2020, 23 transactions involving the sale of flavored tobacco products.[16]
- July 20, 2020, the sale of two Newport menthol-flavored cigarettes to a confidential reliable informant.[17]
- Allowing smoking in the Licensed Premises in violation of the MN Clean Indoor Air Act.[18]
- February 8, 2021, possessing and offering for sale 20 different varieties of prohibited flavored tobacco products.[19]

These repeated violations are not mistakes or misunderstandings. This case is atypical because, when compared to other licensees, Respondent stands out as a habitual violator. He has multiple adverse actions with blatant and egregious violations. Typical adverse actions, involving typical licensees, do not have such an obvious disregard for the law.

These violations were also a danger to the health and safety of the public and in direct conflict with the intent of the Saint Paul City Council. Licensing Manager Eric Hudak explained that Respondent could not sell flavored tobacco products at the Licensed Premises because at the time of this adverse action, the only exception to the flavored tobacco product prohibition was for stores that did not allow individuals who were under 21 into the Licensed Premises.[20] As Licensing Manager Hudak explained, these

[15] Exhibit 8-7.
[16] Exhibit 8-7.
[17] Exhibit 8-7.
[18] Exhibit 8-9.
[19] Exhibit 5-18 – 5-26.
[20] Testimony of Eric Hudak, Exhibit 12-4, 12-5.

regulations were in place because the Saint Paul City Council understood that flavored tobacco products were a gateway to harmful and addictive smoking behavior. Respondent confirmed that he understood the difference in these regulations when he testified that he had applied for a Cigarette/Tobacco Product Shop License in 2019.[21] He was denied this license because of the proximity of his store to another Cigarette/Tobacco Product Shop. One really does have to wonder why, given Respondent and his brother's purported contributions to reducing crime in the neighborhood, he continued to stock prohibited tobacco products which cause harm to those he purported to help.

Finally, the lack of any explanation or remorse by the Respondent also is a factor for consideration when determining whether an upward departure to Revocation is warranted. Instead of taking responsibility, Respondent alleged that he was being targeted. As Licensing Manager Hudak testified, the Department is complaint or incident based. The Department does not go looking for violations. The Department did not target Respondent. The basis for the Department's interactions with the Respondent included reviewing video collected after a large fight inside the Licensed premises occurred on June 1, 2020, and complaint responses that included a confidential reliable informant on July 20, 2020, and a complaint inspection on February 8, 2021.

The allegations and Respondent's willful and blatant disregard for the regulations under which he holds his Tobacco License is atypical. Respondent's License belongs to the city. The City has a duty to ensure that individuals licensed to sell cigarettes and tobacco products comply with their license conditions and the laws related to the licensed activity. These laws exist to protect the health, safety, and welfare of our public. Under

[21] Exhibit 16-1, 16-2.

these circumstances, allowing Respondent to retain his Tobacco Shop license would be a gross dereliction of the Department's public protection function and a betrayal of the trust placed in the City by its citizens.

**Accordingly,** the City respectfully requests a recommendation that upward departure from to Revocation of Respondent's license is warranted.

/s/
Therese Skarda (#0240989)
Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(612) 266-8710

Cc. Mr. Mark K. Thompson,
Counsel for the Licensee
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# State of Minnesota

## Office of Administrative Hearings

| | |
|---|---|
| In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul. | OAH Docket No.: 23-6020-39016<br><br>**Respondent's Notice of Motion and Motion in Limine** |

License ID #: 20190001624

**To: The Office of Administrative Hearings, The Honorable Suzanna Todnem; City of Saint Paul, through its City attorney, Lyndsey M. Olson and Assistant City Attorney, Therese Skarda, Office of the Saint Paul City Attorney, 400 City Hall, 15 West Kellogg Blvd., Saint Paul, Minnesota 55102:**

## Notice of Motion

**Please Take Notice** that the above-named respondent will bring the following motion under Minn. Rule pt. 1400.6600 on for hearing on the first day of trial, March 8, 2024 at 9:30 a.m. or as soon as counsel may be heard in the courtroom assigned at the Office of Administrative Hearings at 600 N. Robert Street, St. Paul, Minnesota 55101.

## Motion

**Respondent moves** the Court for an Order:

1. Precluding the City, its counsel and witnesses from referencing, testifying about, alluding to, and making arguments about any allegations about violations, and alleged facts related to any violations, in Respondent's first appearance, in Office of Administrative Hearings Docket No.: 60-6020-37157 entitled, *In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises*

*located at 1541 Maryland Avenue in Saint Paul, License ID #: 20190001624* ("First Appearance");

2. Precluding the City's witness from testifying on any matters he does not have personal knowledge of; and
3. Imposing a spoliation sanction on the City for the loss of recorded video evidence.

## Introduction

This is an adverse action by the City of Saint Paul ("City") against the Cigarette/Tobacco License Number 20190001624 ("License") held by Zakariya Abukhudeer d/b/a The One Stop Market LLC ("Respondent") for the premises at 1541 Maryland Avenue in Saint Paul.

## Facts/Procedural Posture

On March 24, 2021, the City served a Notice of Violation on Respondent alleging violations of license conditions and city ordinances related to the operation of Respondent's business. The City seeks an upward departure of the presumptive penalty for a second appearance before the City Council. The City wants to revoke Respondent's license and strip him of his ability to earn a living.

Revocation in this second appearance is a greater-than-double upward departure from the presumptive penalty of a $1,000.00 fine contained in a penalty matrix in effect at the time in the City of Saint Paul's Legislative Code. *See* SPLC §310.05 m (1-29-2021). On January 31, 2023, an *Amended Notice of Violation and Request for Upward Departure to Revocation* was served on Respondent. The City alleged these violations by Respondent:

(1) License condition #2 requiring Respondent to take reasonable steps to discourage loitering in front of or on the property of the licensed business;

(2) License condition #3 requiring Respondent to maintain video surveillance cameras inside and outside the establishment because it alleged a video turned over had a six-minute delay on one camera;

(3) SPLC § 324.07(j) prohibiting the sale, offering for sale or distribution of any flavored tobacco products on January 18, 2021, and February 8, 2021;

(4) SPLC § 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7) and 310.06(b)(8) support adverse action when:

a. a licensee 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;

b. a licensee has engaged in or permitted a pattern or practice of conduct or 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;

c. the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare; and

d. the way in which a licensed 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.

The City moved for a summary disposition on all issues and asserted it was entitled to judgment as a matter of law on all claims. As revealed during briefing, the City lost critical recorded video evidence of the main shooting incident it alleged as the primary basis for this adverse action. After briefing by the parties, hearing oral arguments, and reviewing the available video, the Court found that the, "…violations on which the City relies for this violation are largely not found …." SD Order, § III-D, p.7. Because the City is relying on inadmissible

secondhand knowledge and hearsay, the Court, "will give the evidence submitted appropriate weight in light of the concerns raised by Respondent." *Id.*, §3-E, pp. 7-8. Based on objections raised about the City's spoliation of evidence, the Court has stated that it, "cannot assess evidence not in the record…." *Id.*, §3-E, p. 8.

The Court denied the City's motion on all but one claim. The Court noted that, "The City incorrectly cited SPLC § 324.07(f); however, the correct citation [SPLC § 324.07(j)] that prohibits the sale, offering for sale or otherwise distributing flavored products is correctly cited in this Order. As applied to this case, the City's Motion is vague when it alleges Respondent "sold and displayed prohibited flavored tobacco products." SD Order, p. 1, FN 2. The only claim the City prevailed on was on the vague allegations under SPLC § 324.07(j).

In finding for the City on only one claim, the Court held:

> On February 8, 2021, a licensing inspector went to One Stop and observed prohibited flavored tobacco products. While some of the products referenced in the inspector's report may or may not have been prohibited flavored tobacco products, at least some were prohibited tobacco products.

SD Order, §III-C (ii), p. 7. The Court stated the City was allowed to take action on the violation, but denied the City's motion for an upward departure stating facts were disputed and it was premature. *Id.* §IV, p. 8. The Court then ordered that all remaining claims be tried at an evidentiary hearing.

The City moved for certification of the Court's Order so that this matter could be sent back to the City Council. Once the Order was certified and this case returned to the City

Council, the City Council intended to impose the greater-than-double upward departure and strip Respondent of his business by revoking his license. The City's goal since day one has been to impose the ultimate penalty and revoke Respondent's license. Now, the City wants to do so despite this being only Respondent's second appearance before the City Council and based on this single violation. Respondent served and filed objections and arguments against the City's motion for certification. The Court denied the motion.

As a result, the City then filed a document it called an *Agency Notice of Partial Dismissal*. The Agency Notice of Partial Dismissal cites no rule, regulation, statute, caselaw or any law at all that authorizes it to unilaterally dismiss all substantive claims after a summary disposition has been issued with it losing most claims on the motion.

The contested evidentiary hearing is scheduled for March 8, 2024. In its 7th Prehearing Order, the Court framed the issue to be decided at the hearing as:

*Are there substantial and compelling reasons for an upward deviation from the presumptive penalty in the City's penalty matrix?*

7th PH Order, ⁋1, p. 1.

## Arguments

### I. Respondent's First Appearance is not Relevant and it is Precluded by City Ordinance.

The City, its counsel, and witnesses should be precluded from referencing, testifying about, alluding to, and making arguments about any prior violations and alleged facts related to any

violations in Respondent's First Appearance. This is Respondent's second appearance before the City Council.

A motion in limine is made to exclude the introduction of objectionable evidence from trial. *Hebrink v. Farm Bureau Life Ins.,* 664 N.W.2d 414,418 (Minn. Ct. App. 2003). ("The purpose of a Motion in Limine is to avoid injection into trial of matters which are irrelevant, inadmissible and prejudicial."). A motion in limine may also preclude a particular argument. *See State v. Benniefield*, 678 N.W.2d 42, 45 (Minn. 2004) (court granted motion in limine to prevent defendant from arguing that particular intent or knowledge was element of crime).

The Minnesota Rules of Evidence govern what is irrelevant, inadmissible, and prejudicial and provide guidance for determining whether, on a motion in limine, an advance ruling is warranted to prevent inadmissible evidence from the trial and may streamline the presentation of the case.

Minn. R. Evid. 402 states that "[a]ll relevant evidence is admissible, except as otherwise provided by the United States Constitution, the State Constitution, statute, by these rules, or by other rules applicable in the courts of this state. Evidence which is not relevant is not admissible." Relevant evidence is defined by Minn. R. Evid. 401 as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." *See State v. Quick*, 659 N.W.2d 701,713 (Minn. 2003).

Evidence may be properly excluded where not relevant to matters at issue. *See In re Metro Siding, Inc.*, 624 N.W.2d 303. 308 (Minn. Ct. App. 2001) ("Where the parties have limited

themselves to a specific cause of action, they cannot then admit evidence that addresses another cause of action."); *see also Hagel v. Schoenbauer*, 532 N.W.2d 255,258 (Minn. Ct. App. 1995) (trial court properly excluded evidence of lack of Class B driver's license because lack of license irrelevant to negligence claim; lack of Class B license not negligence per se); *see also State v. Widell*, 530 N.W.2d 566, 570 (Minn. Ct. App. 1995) (defendant does not have unfettered right to offer irrelevant and inadmissible evidence).

This is Respondent's second appearance before the City Council in an adverse action alleging a license violation. "A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty." SPLC §310.05 (m)(v)(1)(1-29-2021); *and see* SPLC §310.05(m)(iii)("violations occurring after the date of the formal notice of hearing [on a 1st appearance] shall be the subject of a separate proceeding and dealt with as a '2nd Appearance' before the council.").

When a respondent makes a second appearance before the City Council in an adverse action alleging a license violation, "the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance." *Id. at* (m)(iv).

Because the City's Code precludes considering the violations in Respondent 's first appearance, any reference, testimony, or argument based on the allegations or violations in Respondent's first appearance are not relevant. Accordingly, any reference, testimony, or

argument based on any of the allegations, admissions, or findings made in Respondent's first appearance should be barred.

## II. Testimony from Mr. Hudak about Exhibit 4 should be excluded.

The City has listed a report at Exhibit 4, Report of Joseph Voyda, it intends to offer as evidence at the hearing. The City, however, lists only one witness to introduce this report through. Minn. R. Evid. 602 states:

> A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. …

*See also Holweger v. Great N. Ry. Co.,* 269 Minn. 83, 95, 130 N.W.2d 354 (1964) (co-worker could not render opinion as lay witness as to condition of coupler without personal knowledge); *Elsberry v. Great N. Ry. Co.*, 265 Minn. 352, 357, 121 N.W.2d 716 (1963) (improper foundation for lay witness testimony where not based on personal knowledge).

Erik Hudak, the City's only listed witness, does not have personal knowledge of Ex . No. 4--Report of Joseph Voyda with photos from February 8, 2021, complaint Inspection in which prohibited flavored tobacco products were found. Mr. Hudak was not present during this compliance inspection, and he did not draft this report. Mr. Hudak did not take the photos or screenshots listed either. As a result, Mr. Hudak should be precluded from giving testimony on the Voyda Report under Minn. R. Evid. 602.

## III. The City Should be Sanctioned for Spoliation of Evidence.

The City has admitted it *lost* critical video recorded evidence that Respondent could have used in his defense and to show mitigating factors for any penalty imposed by the City. The term "spoliation" generally refers to the destruction of relevant evidence by a party. *Foust v. McFarland*, 698 N.W.2d 24 (Minn. Ct. App. 2005).

The Minnesota Supreme Court has determined that the negligent or inadvertent destruction of property also subjects a party to serious sanctions. In *Patton v. Newmar Corp.*, 538 N.W.2d 116 (Minn. 1995), the Supreme Court on a matter of first impression addressed the scope of the trial court's authority to impose a sanction for spoliation of evidence. The Court concluded that courts have inherit judicial authority to resolve spoliation of evidence issues.

Trial judges have inherent power to impose sanctions for the loss, destruction or spoliation of evidence even in the absence of a violation of a court order or a finding of bad faith or willful destruction; the appropriateness and extent of the sanctions is determined by "the prejudice to the opposing party." *Patton, 538* N.W.2d at 117-118 (whether the spoliation is deliberate or negligent or unintentional is also relevant).

In this case, Respondent is seriously and unduly prejudiced by the City's failure to secure the video recording. This precludes Respondent from using the video recording to clear his name after the City has drug it through the mud in two cases spanning over three years. Respondent could have used that video recording to show mitigating factors to support a $500.00 fine being imposed or less via a downward departure from the penalty matrix.

The City's loss of the evidence has prejudiced Respondent's ability to defend itself and put forth the defense it finds suitable. An appropriate remedy would be to restrict the City, its counsel and its witnesses from referring to, testifying about, alluding to, or mentioning anything about the events allegedly captured on the video evidence. The City should further be restricted from making any arguments at the hearing based on anything alleged to be shown in the destroyed video and from using any of the dismissed allegations to support an upward departure from the presumptive penalty of a $1,000.00 fine.

## Conclusion

For all these reasons, the Court should sanction the City appropriately for its loss of evidence, and Mr. Hudak should be precluded from testifying about matters he does not have personal knowledge of, including Exhibit 4. Further, the City, its counsel and its witnesses should be precluded from any reference, testimony, or argument based on the allegations or violations in Respondent's first appearance. Any reference, testimony, or argument based on any of the allegations, admissions, or findings made in Respondent's first appearance proceeding are not relevant and will be unduly prejudicial to Respondent so they should be barred.

Respectfully submitted,

Dated: March 6, 2024

**MKT Law PLC**

By:

Mark K. Thompson #297343
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mkt@mktlawoffice.com

***Attorney for Respondent***

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# STATE OF MINNESOTA

# OFFICE OF ADMINISTRATIVE HEARINGS

OAH Docket No.: 23-6020-39016

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

License ID #: 20190001624

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## AMENDED WITNESS LIST

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**TO: CITY OF SAINT PAUL, THROUGH ITS CITY ATTORNEY, LYNDSEY M. OLSON AND ASSISTANT CITY ATTORNEY, THERESE SKARDA, OFFICE OF THE SAINT PAUL CITY ATTORNEY, 400 CITY HALL, 15 WEST KELLOGG BLVD., SAINT PAUL, MINNESOTA 55102:**

Licensee, above-named, may call the following witnesses to testify at the evidentiary hearing scheduled to begin on March 6, 2024:

1. Zakariya Abukhudeer;
2. Maan Abukhudeer;
3. DSI Licensing Manager Eric Hudak;

This list may be amended at any time before the hearing. Licensee reserves the right to call any witness listed by the City and any unnamed witnesses for impeachment purposes.

Respectfully submitted,

Dated: March 5, 2024

MKT LAW PLC

By: _____
Mark K. Thompson #297343

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Minneapolis, Minnesota 55417
(612) 999-2404
mkt@mktlawoffice.com

*ATTORNEY FOR LICENSEE*

# STATE OF MINNESOTA

# OFFICE OF ADMINISTRATIVE HEARINGS

OAH Docket No.: 23-6020-39016

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

License ID #: 20190001624

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## AMENDED EXHIBIT LIST

**TO: CITY OF SAINT PAUL, THROUGH ITS CITY ATTORNEY, LYNDSEY M. OLSON AND ASSISTANT CITY ATTORNEY, THERESE SKARDA, OFFICE OF THE SAINT PAUL CITY ATTORNEY, 400 CITY HALL, 15 WEST KELLOGG BLVD., SAINT PAUL, MINNESOTA 55102:**

Licensee, above-named, may offer the following exhibits at the evidentiary hearing scheduled for March 8, 2024:

| EXHIBIT NO. | DESCRIPTION |
|---|---|
| Exhibit 100 | March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation with attachments |
| Exhibit 101 | January 30, 2023, Amended Notice of Violation and Request for Upward Departure to Revocation with attachments |
| Exhibit 102 | CN #21-026681 Amended Report of Sergeant Charles Graupman dated 6/14/2023 |
| Exhibit 103 | The One Stop Market January 2021 videos |
| Exhibit 104 | Affidavit of Joseph Voyda |
| Exhibit 105 | Affidavit of Charles Graupman |
| Exhibit 106 | Affidavit of Dan Niziolek |

| | |
|---|---|
| Exhibit 107 | Affidavit of Eric Hudak |
| Exhibit 108 | Supplemental Affidavit of Joseph Voyda |
| Exhibit 109 | City of St. Paul: RES PH 23-10 (1/18/2023) |
| Exhibit 110 | City of St. Paul: Notice of Council Hearing (11/10/2021) and enc. RES PH 21-300 (11/17/2021) |
| Exhibit 111 | Text messages: SPPD and The One Stop (6/22/2020 – 10/12/2020) |
| Exhibit 112 | The One Stop Market, LLC's Employee Loiter Control Rules |
| Exhibit 113 | OAH 80-6020-37157: FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION (12/22/2022) |
| Exhibit 114 | OAH 60-6020-37157: RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION (9/7/2021) |
| Exhibit 115 | Cigarette Policy for Store Employees |

This list may be amended at any time before the hearing. Licensee reserves the right to offer any exhibit listed by the City and any unlisted exhibits for impeachment purposes.

Respectfully submitted,

Dated: March 5, 2024

MKT LAW PLC

By: _____
Mark K. Thompson #297343

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*ATTORNEY FOR LICENSEE*

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: 651-266-8710 | Fax: 651-298-5619

March 4, 2023

Mr. Mark K. Thompson
MKT Law, PLC
4927 - 34th Avenue South
100 Nokomis Professional Building
Minneapolis, MN 55417

RE: Cigarette/Tobacco license held by Zhariya Abukhudeer d/a/b The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul
License ID: 20190001624
OAH Docket 23-6020-39016

Mr. Thompson:

Please find attached and served upon you the following **Amended Witness List**.

1. Eric Hudak, DSI Licensing Manager, 375 Jackson Street, Ste. 220, St. Paul, MN 55101. (651) 266-9132

Sincerely,

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(612) 266-8710

Cc: Suzanne Todnem Administrative Law Judge, Office of Administrative Hearings
PO Box 64620, St. Paul, MN 55164-0620



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SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

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Tel: 651-266-8710 | Fax: 651-298-5619

March 4, 2023

Mr. Mark K. Thompson
MKT Law, PLC
4927 - 34th Avenue South
100 Nokomis Professional Building
Minneapolis, MN 55417

RE: Cigarette/Tobacco license held by Zhariya Abukhudeer d/a/b The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul
License ID: 20190001624
OAH Docket 23-6020-39016

Mr. Thompson:

Please find attached and served upon you the following **Second Amended Exhibit List** for the administrative hearing scheduled on March 8, 2024.

| **Exhibit No.** | **Description** |
|---|---|
| Ex. No. 5-1 – 5-9 | Amended Notice of Violation with argument for upward departure. |
| Ex. No. 5-17 – 5-26 | Report of Joseph Voyda with photos from February 8, 2021, complaint Inspection in which prohibited flavored tobacco products were found. |
| Ex. No. 5-27 – 5-56 | Educational material sent to licensees by DSI. |
| Ex. No. 6 | Saint Paul City Council RES PH 23-10 Adopting Recommendation of ALJ's and upwardly departing one box on the penalty matrix to $1,000. |
| Ex. No. 8 | Recommendation and Order on Motion for Summary Disposition of Judge LaFave. |
| Ex. No. 11 | Saint Paul Legislative Code 310 (version that was in existence at the time of this violation). |
| Ex. No. 12 | Saint Paul Legislative Code 324 (version that was in existence at the time of this violation). |
| Ex. No. 13 | Saint Paul Legislative Code 324 (current version). |
| Ex. No. 15 | June 18, 2020, Email from Eric Hudak to Licensee that included relevant section of Saint Paul Legislative Code and statement regarding Licensee's responsibility. |

Sincerely,



*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.*

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PO Box 64620, St. Paul, MN 55164-0620



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*in the delivery of services or employment practices.*

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

Shawn McDonald, being first duly sworn, deposes and says that on the 24th day of March, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 24th day of March 2021

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

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**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 24, 2021

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**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 34th 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 the Notice of Violation and request for upward departure to Revocation related to license violations which occurred after the first Notice of Violation that was sent to your client.

In relation to these violations, the Department of Safety and Inspections ("Department") is recommending 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 to Revocation based on:

- Evidence that the Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021,
- Evidence of failure to maintain video in accordance with his license condition,
- Evidence of multiple additional incidents of sales of flavored products on January 18, 2021 documented on video provided by licensee,
- Evidence of a large volume of flavored products observed by Inspector Voyda during his inspection on February 8, 2021 and documented report and through photos,
- Evidence that the licensed premises were being operated in a manner that violated several sections of Saint Paul Legislative Code Section 306 on January 18, 2021 and February 8, 2021.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

*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.*

- 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 (f) which prohibits the sale 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

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

The relevant portion of the Saint Paul Legislative Code relating to the sale of flavored products is:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.
(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – 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 when the council finds that there are substantial and compelling reasons to do so.

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

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 surveillance equipment in good working order,
- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products, and
- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises.

The Department believes that the report of Inspector Voyda, video and photographic evidence support the violations and the Department plans on asking the City Council to impose the costs as allowed under 310.05 (k). 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 – Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021.**

**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 January 18, 2021 Saint Paul Police responded to a call at the Licensed Premises on a report of a person who had been shot in the parking lot and taken to Regions hospital with non-life threatening injuries. Saint Paul Police documented the incident under Saint Paul Police Case Number ("CN") 21011884. Responding officers recovered six (6) 9mm casings near the scene. Officers also spoke with employees who advised that a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer.

On January 19, 2021, Sgt. Graupman, the Sgt. currently assigned to DSI learned of this incident.

On January 21, 2021, Sgt. Graupman drafted and delivered a formal letter requesting surveillance video from Monday, January 18, 2021 from 12:30 p.m. to 2:30 p.m. on Monday, January 18, 2021.

On January 25, 2021 the requested video was turned in at DSI. Sgt. Graupman viewed the video and made the following observations which DSI alleges support adverse action on the basis that the Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021:

- 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
- 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
- Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.

- Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

**Violation #2 - On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.**

**License Condition Violated:** License Condition #3 which states: "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:** Sgt. Graupman noted in CN 2106681 that when he viewed the video turned in to DSI by the Licensee he noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This information was also documented in a separate supplemental report by Video Management Technician Ricard Bertholf.

**Violation #3 – On January 18, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:** DSI Inspector Joseph Voyda viewed the January 18, 2021 video and pulled still photographs of 6 separate sales of flavored products, specifically:

- Camera 6 – 1/18/2021 at 12:18:14 – Backwoods Russian Crème Cigars
- Camera 6 – 1/18/2021 at 12:19:18 – Dutch Honey Fusion and Blue Dream Fusion Cigars
- Camera 6 – 1/18/2021 at 12:44:04 – Dutch Honey Fusion Cigars
- Camera 6 – 1/18/2021 at 12:46:01 – Backwoods Honey Burbon Cigars

**Violation #4 - The Licensee (or any person whose conduct may be imputed to the licensee) managed the property engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare and 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 the members of the public.**

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

**Synopsis of Alleged Facts:**

- Video recovered of January 18, 2021 shooting shows a failure to monitor Licensed Premises.
  - 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
  - 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lot near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
  - Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
  - Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.
- Sergeant Graupman documented in his CN 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents.
- Inspector Voyda noted that his observations of the video from January 18, 2021 showed that no customers were carded by the clerk for tobacco purchases.
- Repeated sales of prohibited flavored tobacco products on January 18, 2021 and the presence of a large amount of prohibited flavored tobacco products on February 8, 2021.

**Violation #5 – On February 8, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:**

On February 8, 2021 Sgt. Graupman and DSI Inspector Voyda went to the Licensed Premises to follow up on a licensing complaint. They made contact with 2 employees working behind the front counter. They verbally identified one of the employees as the Licensee, Zakariya Abukhudeer. Inspector Voyda informed them that the purpose of this inspection was to ensure that the Licensed Premises was compliant with Saint Paul Legislative Code 324.07(f). During the Inspection, Inspector Voyda located and photographed multiple boxes containing prohibited flavored products behind the sales area. Inspector Voyda advised the Licensee to remove the prohibited products from the premises.

The Licensee has three (3) options:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **April 7, 2021,** I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for revocation of the licenses.

2. If you wish to admit the facts but you contest the upward departure to revocation, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **April 7, 2021.** The matter will then be scheduled before the City Council to determine whether to revoke the license. You and your client will have an opportunity to appear before the Council and make a statement.

3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 7, 2021.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation. Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

**If you have not contacted me by April 7, 2021, I will assume that you do not contest the Revocation of your licenses. In that case, the matter will be placed on a City Council Consent Agenda for approval of the recommended penalty.**

Sincerely,

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: January 18, 2021 Surveillance video observations from Inspector Joseph Voyda
A copy of January 21, 2021 letter from the Department of Safety and Inspections requesting January 18, 2021 video.
A copy of February 8, 2021 Inspector's report from Inspector Joseph Voyda
License Group Comments Text
Adverse Action Comments Text
STAMP – Ownership/Zoning Information
Photos
Vendor tobacco education packet
Saint Paul Police Department address/Intersection Report from 2/10/2020 to 2/10/2021
Saint Paul Police Report Case Number: 21026555
Saint Paul Police Report Case Number: 21026681
Saint Paul Police Report Case Number: 21011884

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

# 1541 Maryland Avenue East – DBA: The One Stop Market

# license # 20190001624

# Complaint Inspection for Flavored Tobacco Products

# February 8, 2021

**Evidence of violations to be added to current Adverse Action**

**Violations Found:**

City of Saint Paul's Legislative Code -Licenses 324.07(f) & Zoning Code 65.535 (a) (b) – Flavor violations, distance requirement, and not zoned for a product shop to sell flavored tobacco.

**NOTE:** Education to the licensee on the flavor violations found and education given that 1541 Maryland Avenue East – DBA: The One Stop Market, was not a Tobacco Product Shop.

See attached documents for pictures of violations and the 'Inspectors Report' dated February 8, 2021

Joseph Voyda
Licensing inspector III

February 8, 2021



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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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*Saint Paul, Minnesota 55101-1806*

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# Inspector's Report

Inspectors Name: Joseph Voyda

Date: 2/8/2021

Business/Property Name: The One Stop Market

Property Address: 1541 Maryland Avenue East

Reason for Visit: Complaint for flavored product being sold

Observations: Multiple flavor violations found behind counter

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

Behind the counter/register

Action Taken: ☐ Education / warning

☐ Request for Adverse Action

Other: Additional violations found from a complaint received to DSI to be added to the current Adverse Action

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

Upon arrival on February 8, 2021. I spoke with the licensee Zakariya Abukhudeer. I introduced myself as an Inspector for the City of Saint Paul with DSI I introduced the Saint Paul Police officer that works with DSI. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco product being sold.

In plain sight located behind the counter/cash register were multiple flavor tobacco product violations (See Attached Photos – 20 Total). I asked Zakariya if there were any other flavor products that were present or hidden, his response was "no we don't sell menthol and no other flavor products". Continuing the inspection, I advised Zakariya to move all products off the premises. I educated Zakariya on the flavor violations that were discovered, he agreed and said, "it wouldn't happen again".

Types of flavored tobacco products found: 'Dutch' - Irish Fusion, Java Fusion, Berry Fusion, Honey Fusion, Blue Dream Fusion and Rum Fusion, 'Zig Zag' – Purple, Blue and Pink. 'Backwoods' – Black Russian, Honey Berry, Russian Cream, Dark Stout, Honey Bourbon, and Honey. 'Black & Mild' – Wine.



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License Group Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

2/8/2021 Complaint inspection - Multiple flavor violations found JNV
5/26/2020 To CAO for adverse action. Violation of condition # 2 & #3
5/4/2020 recieved an email from licensee that he was not able to provide a copy of requested video.KS
4/27/2020 Letter sent requestiing inside video for 3/3020 due by 5/4/20.KS
4/6/2020 ALJ dismissed KS
02/04/2020 Spoke with licensee to question his confusing written request for a PH. He changed his mind and advised he'd send another letter to request an ALJ.
01/09/2020 Sent to the CAO for adverse action - MN Dept. of Revenue seizure for invoice - tobacco JNV

License Group Conditions Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

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.
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 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 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.
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 place in front of the window.

Adverse Action Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

10/21/2020 Notice of Prehearing Conference sent. SM
09/10/2020- Sent Notice of Violation with an 09/25/2020 deadline to respond. SM
1/15/20- NOV sent with a 1/29/20 deadline to respond. SM
3/9/20- Sent Notice of Prehearing Telephone Conference. SM

# STAMP - Ownership / Zoning Information

New Search Help using this report

**Run Date:** 02/08/21 03:35 PM

**House#:**

**Street Name:**

**Last updated from Ramsey County data on:**

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

1541 Maryland Ave E - Sam'S Dairy / 1543 Maryland Ave E - Ultimate Wash / 1545 Maryland Ave E - 55106-2931 - Other Applications

| | | | | |
|---|---|---|---|---|
| **PIN:** 222922430040 | **Census Track:** 30704 | **Census Block:** 3004 | **Council Ward:** 6 | **District Council:** 2 |
| **Year Built:** | **Foundation Sq Feet:** | **Loan Company:** | **Land Value:** 209000 | **Building Value:** 251000 |

**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:**

**Zoning:** B1 / B2

**Legal Desc:** SECTION 22 TOWN 29 RANGE 22 W 180 FT OF S 173 FT OF (SUBJ TO ST AVE & ESMTS) OF SE 1/4 OF SEC 22 TN 29 RN 22

**Owner:**
Zamzam Inc
1149 97th Ln Nw
Coon Rapids MN 55433-4585
612-986-7315

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EXHIBIT
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EXHIBIT

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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

*Telephone: 651-266-8989*
*Facsimile: 651-266-9124*
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March 01, 2018

Dear Cigarette/Tobacco License Holder,

Thanks to your hard work and cooperation, the results of 2017 compliance checks for the sale of tobacco to juveniles were very promising with 92% of Saint Paul's licensed vendors passing their initial inspection. The Department of Safety and Inspections (DSI) is required to conduct inspections at all cigarette/tobacco retail locations in the city to monitor for compliance with State Statute prohibiting tobacco sales to minors. Compliance checks consist of a person under the age of 18 entering your establishment and attempting to purchase cigarettes or other tobacco products. There may be multiple compliance inspections conducted throughout the year at any given location. The continued efforts of Saint Paul's licensed vendors to prevent juvenile access to tobacco are appreciated by many.

Effective November 1, 2018, NEW flavored tobacco regulations take effect that prohibit the sale of menthol, mint and wintergreen tobacco products including cigarettes at a vast majority of licensed cigarette/tobacco retail establishments in Saint Paul. Only liquor stores that hold a Cigarette/Tobacco license and tobacco product shops will be allowed to continue selling menthol, mint and wintergreen flavored tobacco products. Tobacco product shops continue to be the only establishments permitted to sell any other flavored tobacco products. It is strongly encouraged that you work with your supplier to verify that products are compliant with the City's flavored tobacco restrictions prior to placing on display or offering for sale.

Please be reminded that single cigars and/or cigars in original packages of three or less must sell at a retail price of not less than $2.60 per cigar before sales tax and cigars in original packages of four or more must sell at a retail price of $10.40 or greater before sales tax.

The City of Saint Paul appreciates your continued cooperation in complying with these and all other federal, state and local laws regulating tobacco and tobacco-related products. Failure to comply with all applicable requirements will result in adverse licensing action. If you have questions regarding cigarette/tobacco retailer requirements, you may contact a DSI Licensing Inspector at 651-266-8989 and/or email DSI-InformationAndComplaints@ci.stpaul.mn.us.

Respectfully,

Barry Brown
DSI Licensing Inspector



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CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

March 2018

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## Cigarettes

### NOT ALLOWED ✗

**Examples of menthol cigarettes: Newport, Marlboro menthol, Kool true menthol, and Camel Crush**

*Menthol cigarettes can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops.*

### ALLOWED ✓

**Examples of non-menthol cigarettes: Marlboro, American Spirit, Pall Mall, and Camel unflavored**

*Cigarettes that are not flavored are allowed to be sold in all licensed tobacco vendors.*

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tabbies
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## Cigars and Cigarillos

### NOT ALLOWED

**Examples of flavored cigars and cigarillos: Strawberry, Raspberry Cream, Mango, White Grape, Wintergreen, Arctic Ice, and Grape**

*Menthol, Mint, and Wintergreen flavored cigars and cigarillos can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored cigars and cigarillos can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored cigars and cigarillos: Garcia Vega, Swisher Diamonds, White Owl Silver, and unflavored Black & Mild**

*Cigarillos and cigars that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Smokeless Tobacco and Pouches

### NOT ALLOWED

**Examples of flavored smokeless tobacco: Wintergreen Grizzly, Cherry Skoal, Wintergreen Camel, Camel Snus Winterchill, General Swedish Snus Mint and Camel Snus Mint**

*Menthol, Mint, and Wintergreen flavored smokeless tobacco can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored smokeless tobacco can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored smokeless tobacco: Copenhagen Snuff, Grizzly Premium Straight, Skoal Classic Straight, and Camel Snus Robust**

*Smokeless Tobacco that is not flavored is allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
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## E-cigarettes and E-juice

### NOT ALLOWED

**Examples of flavored e-cigarettes and e-juice: Peach, Menthol, and Fruit Stripe e-juice; Cherry Crush blu, Cool Menthol NJOY, Menthol Vuse Vibe, Chai Vuse, and Sex on the Beach Starbuzz**

*Menthol, Mint, and Wintergreen flavored e-cigarettes and e-juice can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored e-cigarettes and e-juice can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored e-cigarettes and e-juice: FIN Rich Tobacco, Rich Tobacco NJOY, Original Vuse VIBE, and Classic Tobacco blu**

*E-cigarettes and e-juice that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Tobacco and Hemp Cigar and Blunt Wraps

### NOT ALLOWED

**Examples of flavored wraps: Strawberry, Grape Ape, Blueberry Bomb and Mango/Pineapple hemp wraps, Watermelon, Chicken & Waffles, and Menthol wraps**

*Menthol, Mint, and Wintergreen flavored wraps can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored wraps can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Example of non-flavored wraps: Natural hemp wraps and Double Platinum Zer0 blunt wraps**

*Tobacco and hemp cigar and blunt wraps that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies'
5-30

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

Limit the sale of tobacco products flavored with menthol, mint or wintergreen to adult-only tobacco product shops and liquor stores that are licensed to sell tobacco.

**These changes take effect on November 1, 2018.**

*For more information, please contact DSI Licensing:*
*651-266-8989 or DSIComplaints@ci.stpaul.mn.us*

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

## Frequently Asked Questions

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: cigarettes, e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt and hemp wraps, shisha, and smokeless tobacco.

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco is restricted under the ordinance. Menthol, mint, and wintergreen flavored tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Other flavored tobacco products can only be sold in adult-only tobacco product shops.

**How does the ordinance define a 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 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 shall constitute presumptive evidence that the product or device is a flavored product.

Continued...

## Frequently Asked Questions (continued)

**What if I'm not sure if the product is flavored?**

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.

**What are the penalties?**

The penalties for selling tobacco to people under the age of 18 years are:

*First violation*—$200.00 fine
*Second violation*—$400.00 fine
*Third violation*—$800.00 fine and a 7-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

All other license violations incur the following penalties:

*First violation*—$500.00 fine
*Second violation*—$1,000.00 fine
*Third violation*—$2,000.00 fine and a 10-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

**What are other tobacco ordinance provisions I should remember?**

1. Non-premium cigars, such as little cigars and cigarillos, must be priced at $2.60 each plus sales tax, after coupons and discounts have been applied. A pack of four or more cigars must be sold for at least $10.40 plus sales tax. The minimum price of cigars is as follows:
   - 1 single cigar = $2.60 + sales tax
   - 2-pack = $5.20 + sales tax
   - 3-pack = $7.80 + sales tax
   - 4-pack or larger = $10.40 + sales tax
2. Tobacco product shops are required to prohibit entry to people under 18 years of age.
3. Cigarettes should not be sold in packages fewer than 20.
4. No tobacco or tobacco-related devices should be sold from a vehicle or other movable place of business.
5. Tobacco should not be sold from a vending machine unless the facility does not permit those under 18 to enter at any time.

**Who can I contact for more information?**

For more information, please contact:

Inspector Barry Brown
Barry.Brown@ci.stpaul.mn.us
651-266-9143

License Manager Eric Hudak
Eric.Hudak@ci.stpaul.mn.us
651-266-9132

# St. Paul's New Menthol Sales Requirement

As of November 1, 2018, menthol, mint and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco.

tabbies
EXHIBIT
5-33

## General reminders about the sale of tobacco:

- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco product shops (a store where at least 90 percent of revenue comes from tobacco sales). Menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.

- Cigars must be sold for a minimum price of $2.60 each plus sales tax. The minimum price of cigars is as follows:

    - Single cigar = $2.60 + sales tax
    - 2 Pack = $5.20 + sales tax
    - 3 Pack = $7.80 + sales tax
    - 4 Pack or larger = $10.40 + sales tax

- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless minors under the age of 18 years are prohibited from entering at all times.

- Penalties and adverse actions will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As of November 1, 2018, menthol, mint and wintergreen tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. This restriction includes all tobacco products such as cigarettes, cigars, blunt wraps, e-cigarettes and e-juice, smokeless tobacco products, and shisha. If a tobacco product has a taste or smell of menthol, mint, or wintergreen, these restrictions apply.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department:

651-266-8989 or DSIComplaints@ci.stpaul.mn.us

**Association for Nonsmokers-Minnesota**
**2395 University Avenue West, Suite 310**
**Saint Paul, MN 55114**

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PAID
Twin Cities, M
Permit No. 298

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It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT
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Stop Sales to Minors
stopsalestominors.org

Training for retailers to prevent tobacco sales to minors.

# MINNESOTA TOBACCO RETAILER TRAINING

The Minnesota tobacco retailer training is designed to help tobacco retailers comply with Minnesota and federal laws that regulate the sale of tobacco, electronic delivery devices, or e-cigarettes, and tobacco-related devices.

## FORMAT

The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.

| Section 1: Tobacco and Health & State and Federal Laws | Section 2: Compliance Checks and Penalties | Section 3: Avoiding Illegal Sales |
|---|---|---|
| 10 minute video | 5 minute video | 15 minute video |
| 10 question quiz | 5 question quiz | 10 question quiz |

Access this ***free*** training at www.stopsalestominors.org

Also available in Somali and Spanish

EXHIBIT
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This training was created in 2016 by the Association for Nonsmokers-Minnesota, with assistance from the Public Health Law Center, and made possible with support from the Minnesota Department of Health.

ANSR

MDH Minnesota Department *of* Health

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

2395 University Ave W, Ste 310, St. Paul, MN 55114 | 651-646-3005 | www.ansrmn.org

DEPARTMENT OF PLANNING &
ECONOMIC DEVELOPMENT
*Dr. Bruce Corrie, Director*

CITY OF SAINT PAUL
*Melvin Carter, Mayor*

*25 West Fourth Street, Ste. 1300*
*Saint Paul, MN 55102*

*Telephone: 651-266-6565*

Dear Business Owner,

On November 1, 2017, the Saint Paul City Council adopted ordinance 17-28, limiting the sales of menthol, mint, wintergreen and fruit-flavored tobacco products to adults-only tobacco shops and liquor stores. The ordinance takes effect on November 1, 2018.

We understand this may have a significant impact on your business, and that you may be considering changes to deal with that impact. To assist with this transition, the City of Saint Paul's Business Resource Center has multiple resources available to help. The Business Resource Center can assist with:

- **General Consultation:** Our staff can make personalized recommendations that fit the unique needs of your business plan;
- **Financial Assistance:** The City and State offer multiple low-interest loans and grants for businesses located in Saint Paul interested in expanding or making capital improvements;
- **Connecting with City departments or other agencies:** Our partner agencies can assist with business planning, technical services, skills training, marketing and more.

The Business Resource Center is available Monday through Friday from 8:30 a.m. to 4 p.m. at **651-266-6600**, or online at **stpaul.gov/BusinessResources**. You may also reach out through email at **BusinessResources@ci.stpaul.mn.us**.

City staff from the Department of Safety and Inspection (DSI) and/or from Planning and Economic Development (PED) will be visiting your store in the coming weeks to personally answer questions or address concerns. We look forward to meeting you.

Thank you for doing business in Saint Paul. We are appreciative of your contributions to your community. Please do not hesitate to reach out for assistance.

Thank you,

Martin Schieckel
Director of Economic Development, Department of Planning and Economic Development



EXHIBIT
tabbies
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# CITY OF SAINT PAUL - BUSINESS RESOURCE CENTER

## 651-266-6600

## BusinessResources@ci.stpaul.mn.us

When you contact the business resource center, Economic Development staff can assist you with:

- GENERAL CONSULTATION
- FINANCIAL ASSISTANCE
- CONNECTING WITH CITY DEPTS. OR OTHER AGENCIES

## TECHNICAL SERVICE PROVIDERS

The City of Saint Paul's Department of Planning and Economic Development (PED) staff can help connect you to partner organizations that offer expertise in numerous areas. The following organizations can provide you with resources and information on loans and financial counseling, business planning, general technical information and/or services, skills training and/or workforce development, facade improvements, marketing and/or tax preperation and/or information.

If you have questions, please contact the Business Resource Center at **651-266-6600** or **BusinessResources@ci.stpaul.mn.us.**

| Organization | Contact | Description | Services | Languages |
|---|---|---|---|---|
| African Economic Development Solutions (AEDS) | 651-646-9411 info@aeds-mn.org | Builds wealth within communities of Black heritage through economic development activities | $ | English, Somali, Swahili |
| Asian Economic Development Association | 651-222-7798 info@aeda-mn.org | Expands opportunities for economic success for low-income Asian Americans | $ | English, Hmong, Thai, Vietnamese, Lao, Spanish |
| East Side Neighborhood Development Corporation, Inc. | 651-288-8744 adejoy@esndc.org | Engages with the community to create affordable housing and support affordable housing | $ | English, Somali, Swahili |
| Latino Economic Development Center | 651-724-5332 | Transforms community by creating economic opportunity for Latinos | $ ! | English, Spanish |
| Metropolitan Economic Development Association (MEDA) | 612-332-6332 info@meda.net | Business services for minority entrepreneurs | $ ✓ | English |
| North East Neighborhoods Development Corporation | 612-771-6955 info@nendc.net | Improves economic conditions for area residents and businesses | $ ! | English, Hmong |
| WomenVenture | 612-224-9540 info@womenventure.org | Provides women with tools to achieve economic success through small business ownership | $ ! | English |

$ Loans & financial counseling

Business planning

General technical information/services

Skills training/ workforce development

Facade imiprovements

! Marketing

✓ Tax preperation/ information

stpaul.gov/BusinessResources | @cityofsaintpaul | City of Saint Paul

EXHIBIT tabbies 5-38

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales tax

EXHIBIT
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tabbies

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

STANDARD
MAIL PRSRT
US POSTAGE PAID
MAILED FROM
ZIP CODE 55121
PERMIT #30325

EXHIBIT
94-5
tabbies

THIS IS A TOBACCO PRODUCTS SHOP.
YOU MUST BE AT LEAST 18
AGE OF AGE TO ENTER.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

# Tobacco Compliance Education Form

**Case #**_____

Affix Label Here

For Office Use Only
Compliance Check I.D.#_____
Business I.D. #_____
Pre Ordinance_____
Post Ordinance_____

**Business Type:**

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

**Date:** ☐☐ / ☐☐ / ☐☐ **Time:** ☐☐ : ☐☐ a.m. / p.m
MM DD YY

**Was purchase attempted?** ☐Yes ☐No

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

**Inspector** ☐☐☐

**Cigar prices:** **Single** $_____ **Double** $_____ **Triple** $_____ **Quadruple** $_____

**Was educational packet left at location?** Yes or No

**Picture of window signs taken?** Yes or No

**Instructions posted to read read I.D.?** Yes or No

**E-cig packaging report present?** Yes or No

**Clerk Information:** ☐Female ☐Male **Driver's License #** _____

Name of Clerk: _____

Notes / Issues: _____

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**CITY OF SAINT PAUL**
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, flavored tobacco products and cigar pricing requirements*

As of April 13, 2016, Saint Paul prohibits the sale of flavored tobacco products, except for menthol, mint or wintergreen products, in stores with a tobacco license where minors can enter such as gas stations, corner stores, and grocery stores. Tobacco products shops (shops which make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18) are exempted from the flavor restriction. Below are examples of flavored products that can only be sold in tobacco products shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors. Saint Paul also requires a minimum price for cigar products, which is described below.

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Cigars

**Examples: "Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape", "White Grape" and "Wine" cigars and cigarillos**

*Explanation: ""Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape" and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor. These products are NOT allowed by ordinance.*

**Examples: Dutch Masters Palma, Swisher "Diamonds", White Owl "Black", and Black & Mild cigars and cigarillos**

*Explanation: tobacco products that are not flavored are allowed by ordinance.*

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# NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

# ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

## E-cigarettes and E-juice

**Examples: EZ Cig "Licorice", blu "Cherry Crush" and Shisha Time "Blueberry" e-cigarettes; Haus by Mystic "Berry" e-liquid**

*Explanation: "Licorice" is a candy flavor and "Cherry Crush", "Blueberry" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Vuse "Menthol", NJOY and blu e-cigarettes; Hells Vapors "Menthol" e-liquid**

*Explanation: "Menthol" is a flavor allowed by ordinance; tobacco products that are not flavored are allowed by ordinance.*

## Smokeless Tobacco and Pouches

**Examples: Skoal Pouches "Berry Blend" and Skoal "Berry"**

*Explanation: "Berry Blend" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Copenhagen "Wintergreen" and Camel Snus "Mint"**

*Explanation: "Wintergreen" and "Mint" are flavors allowed by ordinance.*

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## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Shisha

**Examples: Al Fakher "Pineapple", Starbuzz "Apple Martini" or Fantasia "Bubble Gum" shisha**

*Explanation: "Pineapple" is a fruit flavor, "Apple Martini" is an alcoholic beverage flavor and or "Bubble Gum" is a candy flavor. These products are NOT allowed by ordinance.*

**Example: Al Fakher "Mint" shisha**

*Explanation: "Mint" is a flavor allowed by ordinance.*

### Cigar wraps/blunt wraps

**Example: Hood Wraps "Da Bomb Blueberry" cigar wraps**

*Explanation: "Da Bomb Blueberry" is a fruit flavor. This product is NOT allowed by ordinance.*

**Example: Zig Zag "Straight Up" cigar wraps**

*Explanation: "Straight Up" is not a flavor. Products that are not flavored are allowed by ordinance.*

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tabbies
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**CITY OF SAINT PAUL**
**DEPARTMENT OF SAFETY AND INSPECTIONS**

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

1. Set a minimum price of $2.60 per unit up to 4 units for cigar products after coupons and discounts have been applied. This means that all cigar products must be priced as follows:
   - 1 single cigar = at least $2.60 + sales tax
   - 2-pack or "double" pack = at least $5.20 + sales tax
   - 3-pack of cigars = at least $7.80 + sales tax
   - 4 pack of cigars = at least $10.40 + sales tax
   - Pack of 5 or more cigars = at least $10.40 + sales tax
2. Limit the sale of flavored tobacco products (except for menthol, mint or wintergreen ) to adult-only tobacco-only stores.
3. Require tobacco-only stores to prohibit entry to people under 18 years of age.

**These changes take effect on April 13, 2016.**

*For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143.*

## Frequently Asked Questions

**Which cigars must follow this pricing structure?**

All cigar products such as little cigars and cigarillos must be priced at $2.60 each plus sales tax. A pack of four or more cigars must be sold for at least $10.40 plus sales tax.

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt wraps, shisha, and smokeless tobacco. The following is the ordinance language defining each of these products:

> *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.
>
> *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.
>
> *Tobacco or tobacco product* 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 cigarettes, cigars, little 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.. 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.
>
> *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

## Frequently Asked Questions (continued)

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco, menthol, mint or wintergreen is restricted under the ordinance and can only be sold in tobacco-only shops.

**How does the ordinance define a 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, menthol, mint, or wintergreen, 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 chocolate, cocoa, vanilla, honey, 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, menthol, mint, or wintergreen, shall constitute presumptive evidence that the product or device is a flavored product.

**What if I'm not sure if the product is flavored?**

Tobacco products labeled with a flavor other than plain tobacco, menthol, mint, or wintergreen are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored- the City recommends not selling the item. The City will also compile a list of example products; however, with new flavors and products continually entering the market, the list cannot be considered exhaustive. The burden is on the retailer to prove a product is not flavored- therefore we recommend not selling any products you are unsure about.

**What if the product contains mint and another flavor, for example, *Mint Chocolate Chip*?**

If the product contains multiple characterizing flavors, one being mint and another being a restricted flavor, then it is considered a flavored product that cannot be sold by regular tobacco vendors and can only be sold in tobacco-only shops.

**When does this go into effect?**

These changes go into effect April 13, 2016. Inspectors will begin checking and enforcing the ordinance after this date.

**What are the penalties?**

Violation of this ordinance will be treated the same as other tobacco license violations.

> *First violation*—Two hundred dollar ($200.00) fine.
> *Second violation*—Four hundred dollar ($400.00) fine.
> *Third violation*—Eight hundred dollar ($800.00) fine and a 7 day suspension of the license.
> *Fourth violation*—Revocation of the tobacco license.

**Who can I contact for more information?**

For more information, please contact Inspector Barry Brown at *barry.brown@ci.stpaul.mn.us* or 651-266-9143 *Inspector Tom Ferrara at Tom.*Ferrara@ci.stpaul.mn.us or 651-266-9087, or License Manager Eric Hudak at Eric.Hudak@ci.stpaul.mn.us or 651-266-9132.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

February 01, 2016

Dear Licensed Tobacco Vendor,

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014). Child-resistant packaging is required whether or not the e-juice contains nicotine. You should be prepared to provide documentation of child-resistant packaging when requested by the DSI Licensing Inspector. This documentation, called a full protocol testing laboratory report, summarizes the testing that has been conducted to prove a package is child resistant and should be provided by your manufacture or supplier.

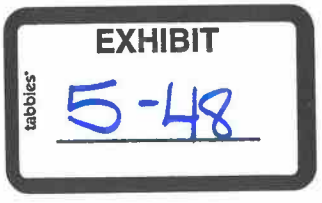
The United States Consumer Products Safety Commission provides a Guide to Child-resistant Packages, including the different types that are available, and a list of companies that manufacture and test child-resistant packaging. You may find it at http://www.cpsc.gov. This is just one resource for your use.

If you fail to comply with this requirement, you may be subject to the administrative penalties found in the St. Paul Licensing Code.

Thank you for complying with this State law. If you have questions, please contact Barry Brown DSI Licensing at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Sincerely,

Barry Brown
Licensing Inspector,
Department of Safety and Inspections
barry.brown@ci.stpaul.mn.us
651-266-9143



# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales to

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## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

STANDARD
MAIL PRSRT
US POSTAGE PAID
MAILED FROM
ZIP CODE 55121
PERMIT #30325

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It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

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Association for Nonsmokers- Minnesota
North Suburban Tobacco Compliance Project
2395 University Ave. W., Suite 310
Saint Paul, MN 55114

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in-house training today!
Call 651-646-3005

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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

October 15, 2018

Cigarette/Tobacco License Holder,

**Effective November 1, 2018 your place of business may no longer sell, offer for sale or otherwise distribute *any* favored tobacco product to include menthol, mint and/or wintergreen** in accordance with Chapter 324 of the Saint Paul Legislative Code, attached.

Unannounced inspections of your place of business may be conducted at any time to assess compliance with applicable tobacco regulations and may include the use of a minor (person 17 years of age or younger) to attempt the purchase of tobacco products. Violations discovered and/or failure to comply with state and/or city regulations will result in adverse action taken against your license up to and including license revocation.

License Holders who have questions regarding this notice, flavored tobacco or any of the rules governing the sale and distribution of tobacco within the City of Saint Paul are strongly encouraged to contact Joseph Voyda at (651) 266-9014 or Thomas Ferrara at (651) 266-9087.

The City of Saint Paul appreciates your cooperation.

Respectfully,

Eric Hudak,
Licensing Manager, Department of Safety and Inspections

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tabbies
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Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

**THE COUNCIL OF THE Saint Paul Legislative Code is hereby amended to read as follows:**

*************

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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~~, menthol, mint or wintergreen,~~ 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 ~~menthol, mint or wintergreen~~, shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.



(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.



EXHIBIT
tabbies
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(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

**********

SECTION 2

Section 324.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products. ~~This restriction shall not apply to retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time.~~

(g) Sale to minors prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of eighteen (18) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an Off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 of the Saint Paul Legislative Code.

# ADDITIONAL INFORMATION

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## WHAT IF I'M NOT SURE IF THE PRODUCT IS FLAVORED?

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.



EXHIBIT
tabbies
5-56

# City of Saint Paul

## Signature Copy

### Resolution-Public Hearing: RES PH 23-10

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

**File Number: RES PH 23-10**

Considering and adopting the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge concerning the cigarette/tobacco license held by Zakariya Abukhudeer, d/b/a The One Stop Market, LLC at 1541 Maryland Avenue East.

WHEREAS, Zakariya Abukhudeer, d/b/a The One Stop Market, LLC ("Licensee"), holds a cigarette/tobacco license under License ID #20190001624 ("License") for the premises located at 1541 Maryland Avenue East in Saint Paul ("Licensed Premises"); and

WHEREAS, on September 10, 2020, the City, by and through its Department of Safety and Inspections, sent a Notice of Violation ("Notice") to the Licensee; and

WHEREAS, the Notice alleged that the Licensee sold single cigarettes and flavored tobacco products in violation of sections 324.07(a) and (f) of the Saint Paul Legislative Code; and

WHEREAS, the Notice further alleged that the Licensee allowed patrons to smoke cigarettes inside of the Licensed Premises in violation of the Minnesota Clean Indoor Air Act and section 310.06(b)(6)(a) of the Saint Paul Legislative Code; and

WHEREAS, the Notice further alleged that the Licensee violated License condition #3 and section 310.06(b)(6) of the Saint Paul Legislative Code by failing to properly maintain his surveillance equipment and by failing to provide a copy of surveillance video footage as requested by the City; and

WHEREAS, the Notice further alleged that the Licensee violated License condition #2 and sections 310.06(b)(5)-(8) of the Saint Paul Legislative Code based on the following incidents which occurred on and near the Licensed Premises:

| | |
|---|---|
| March 30, 2020 | Assault and shots fired in parking lot |
| June 1, 2020 | Crowd of individuals fighting in store |
| July 20, 2020 | Large group of males gambling outside store; and |

WHEREAS, the Notice stated that the City was taking adverse action against the License based on the aforementioned allegations and indicated that it would seek a double upward departure from the presumptive penalty to a $2,000.00 fine and a 10-day suspension of the License; and

WHEREAS, on March 2, 2021, an amended Notice was sent to the Licensee stating that the City intended to seek a greater-than-double upward departure from the presumptive penalty to revocation



EXHIBIT tabbies 6-1

of the License based on evidence of additional incidents of sales of single cigarettes and flavored tobacco products identified in the videos already provided to the Licensee; and

WHEREAS, the Licensee responded to the amended Notice with a request for a hearing before an Administrative Law Judge; and

WHEREAS, the matter was assigned to Administrative Law Judge James E. LaFave ("Judge LaFave"); and

WHEREAS, on April 26, 2021, the City filed a Motion for Summary Disposition ("Motion"), seeking summary disposition on all the violations alleged in the amended Notice; and

WHEREAS, a hearing was held on the Motion before Judge LaFave on May 28, 2021; and

WHEREAS, on September 7, 2021, Judge LaFave issued a Recommendation and Order on Motion for Summary Disposition ("Recommendation"); and

WHEREAS, within his Recommendation and Order on Motion for Summary Disposition, Judge LaFave found that there was sufficient proof that the Licensee had violated sections 310.06(b)(6)(a), 324.07(a), and 324.07(f) of the Saint Paul Legislative Code and the Minnesota Clean Indoor Air Act, but denied summary disposition on the remaining allegations and recommended that violations of Saint Paul Legislative Code sections 310.06(b)(5)-(8) and licensing condition #2 relating to the Licensee's conduct on March 30, 2020, June 1, 2020, and July 20, 2020 be continued to an evidentiary hearing; and

WHEREAS, Judge LaFave found that these violations were the Licensee's first violations of the Saint Paul Legislative Code; and

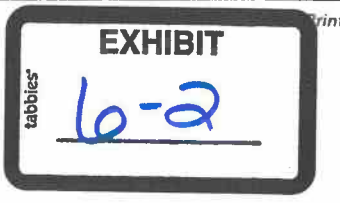
WHEREAS, the relevant sections of Saint Paul Legislative Code that were in effect at the time of the September 10, 2020 Notice are included as attachments to this resolution; and

WHEREAS, under the penalty matrix contained in section 310.05(m) of the Saint Paul Legislative Code, the presumptive penalty for a first violation of the Legislative Code is a fine of $500.00; and

WHEREAS, section 310.05(m) of the Saint Paul Legislative Code provides that the City Council "may deviate [from a presumptive penalty] in an individual case where [it] finds and determines that there exist substantial and compelling reasons making it more appropriate to do so"; and

WHEREAS, within his Recommendation, Judge LaFave observed that "[t]he requirement that the City Council have 'substantial and compelling reasons' to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires 'substantial and compelling circumstances' to depart from the presumptive sentence for criminal convictions"; and





WHEREAS, Judge LaFave further observed that the Minnesota Supreme Court has required "severe, aggravating, and factually atypical circumstances" to warrant a greater-than-double upward departure from the presumptive sentence contained in the Minnesota Sentencing Guidelines; and

WHEREAS, based on the foregoing analysis and the record before him, Judge LaFave recommended that "an upward departure to the second penalty box, a $1,000.00 fine, be imposed"; and

WHEREAS, Judge LaFave explained his recommendation for an upward departure, concluding that the Licensee's "multiple sales of single cigarettes and flavored tobacco products" and "allowing patrons to smoke cigarettes while inside the store" provided the "substantial and compelling reasons" for an upward departure beyond the presumptive penalty of $500.00; and

WHEREAS, Judge LaFave further explained that a greater-than-double upward departure to a penalty of revocation was inappropriate based on these violations because they did not constitute the "severe, aggravating, and atypical circumstances" that were required to support revocation; and

WHEREAS, Judge LaFave also indicated that the remaining allegations, even if proven at an evidentiary hearing, would not support revocation of the License; and

WHEREAS, at a public hearing to consider the Recommendation and Order on Motion for Summary Disposition, on November 17, 2021, the City Council, under RES PH 21-300, considered all the evidence contained in the record, including Judge LaFave's Recommendation and Order on Motion for Summary Disposition, and the oral arguments presented before the City Council; and

WHEREAS, at the same hearing, after considering all the evidence contained in the record and the oral arguments presented before it, the City Council rejected the Department's recommendation and requested that the Department try the remaining allegations at an evidentiary hearing to be scheduled before Judge LaFave; and

WHEREAS, a prehearing conference was held by telephone on December 7, 2021 to review the status of the case and Judge LaFave requested that the City Council issue a formal order remanding the case back to him; and

WHEREAS, under RES 21-1813, the City Council formally requested that Judge LaFave schedule an evidentiary hearing on the allegations on which he denied summary disposition and give the parties adequate opportunity to develop the record with respect to those allegations; and

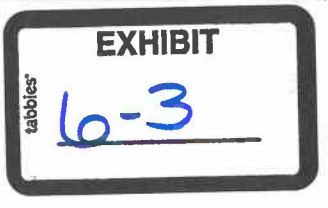
WHEREAS, a copy of RES 21-1813 was sent by first class mail to Judge LaFave and the Licensee; and

WHEREAS, the matter was reassigned to Judge LauraSue Schlatter ("Judge Schlatter") and on July 25, 26 and 27, 2022 an administrative hearing was held on the remaining questions:

- Whether One Stop Market violated licensing condition 3 and Saint Paul Legislative Code §310.06(b)(5) relating to the alleged failure to maintain video surveillance equipment and to provide a copy of surveillance as requested by the City; and

- Whether One Stop Market violated licensing condition 2 and Saint Paul Legislative Code §310.06(b)(5)- (8) relating to One Stop Market's conduct on March 30, 2020, June 1, 2020





and July 20, 2020 in allegedly permitting dangerous behavior and loitering on or near the licensed premises; and

WHEREAS, on December 6, 2022, Judge Schlatter issued her Findings of Fact, Conclusions of Law and Recommendation, finding that the City failed to demonstrate by a preponderance of the evidence that Licensee:

- Failed to properly maintain his surveillance equipment;
- Failed to provide a copy of his surveillance footage;
- Permitted dangerous behavior and loitering on or near its licensed premises; and

WHEREAS, Judge Schlatter's Findings of Fact, Conclusions of Law and Recommendation support the original recommendations of Judge LaFave for an upward departure and imposition of a $1,000 matrix penalty; and

WHEREAS, the City Council agrees that the Licensee's repeated sales of single cigarettes and flavored tobacco products, as well as his allowance of patrons to smoke cigarettes while inside the Licensed Premises, are substantial and compelling reasons to depart upward from the presumptive penalty of a $500.00 fine and to impose a $1,000.00 fine; now, therefore, be it

RESOLVED, that the City Council issues this decision based upon consideration of the record of the entire proceedings herein, including the oral argument from the Licensee and his attorney from the November 17, 2021 public hearing and the January 18, 2023 public hearing; and be it

FURTHER RESOLVED, that the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021 under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022 under OAH 80-6020-37157 in the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul, are hereby adopted as the Findings of the City Council in this matter; and be it

FURTHER RESOLVED, that a fine of $1,000.00 is hereby imposed against the cigarette/tobacco license held by the Licensee for the premises located at 1541 Maryland Avenue East in Saint Paul.

A copy of this resolution, as adopted, shall be sent by first class mail to Judge LaFave and the Licensee.

At a meeting of the City Council on 1/18/2023, this Resolution-Public Hearing was Passed.

**Yea:** 7 Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang, and Councilmember Balenger

**Nay:** 0

**Vote Attested by Council Secretary** Shari Moore

**Date** 1/18/2023



EXHIBIT tabbies 6-4

**Approved by the Mayor** Melvin Carter III **Date** 1/19/2023

**Clerk** Shari Moore **Date**

Shari Moore

**Test Signature** Shari Moore **Date**

Shari Moore



EXHIBIT tabbies 6-5

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
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September 7, 2021

**VIA EMAIL ONLY**
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**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul***
***License ID # 20190001624***
**OAH 60-6020-37157**

Dear Counsel:

Enclosed and served upon you please find the **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

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OAH 60-6020-37157

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul

**RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION**

License ID # 20190001624

This matter is pending before Administrative Law Judge James E. LaFave on the City of St. Paul's Motion for Summary Disposition (Motion).[1]

Therese Skarda, Assistant St. Paul Attorney, represents the City of St. Paul (City). Mark K. Thompson, MKT Law PLC, represents Zakariya Abukhudeer d/b/a The One Stop Market, LLC (Respondent).

The City filed its Motion on April 26, 2021. Respondent requested and was granted until May 26, 2021, to respond. Oral argument on the Motion was heard on May 28, 2021. Thereafter, the Administrative Law Judge granted Respondent until June 7, 2021, to supplement his response in opposition to the Motion to address the City's requested deviation from the presumptive penalty. Respondent filed a supplemental memorandum addressing the issue of penalty on June 7, 2021, and the Motion record closed on that date.

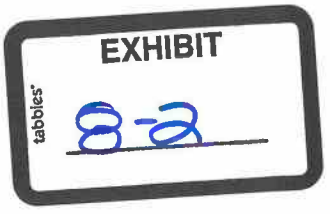
Based upon the parties' arguments and the record, and for the reasons explained in the accompanying Memorandum,

**IT IS HEREBY RECOMMENDED THAT:**

1. The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violations of St. Paul Legislative Code § 324.07(a) and (f) relating to Respondent's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020. The City may take disciplinary action against Respondent's license for these violations.

2. The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to

[1] This adverse licensing action was initiated by and through the City's Department of Safety and Inspections (DSI).



Respondent allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act. The City may take disciplinary action against Respondent's license for this violation.

**IT IS HEREBY ORDERED THAT:**

1. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #3 and Saint Paul Legislative Code § 310.06(b)(5) relating to the failure to provide a copy of surveillance video as requested by the City.

2. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violations of Saint Paul Legislative Code § 310.06(b)(5)-(8) and licensing condition #2 relating to Respondent's conduct on March 30, 2020, June 1, 2020, and July 20, 2020. These claims will proceed to an evidentiary hearing if necessary.

3. A prehearing conference will be held by telephone on **September 27, 2021**, at **11:00 a.m.**, to review the status of the case and to discuss whether the Respondent will seek to have the Administrative Law Judge certify the Motion to the St. Paul City Council pursuant to Minn. R. 1400.7600 (2021). At that time, please call **1-888-742-5095** and, when prompted, enter conference code **454 161 2416#**.

Dated: September 7, 2021

JAMES E. LAFAVE
Administrative Law Judge

## MEMORANDUM

### I. Background and Procedural History

Respondent is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul. One Stop is located next to and in the same building as a laundromat. One Stop and the laundromat share the building's parking lot.

The City granted Respondent a Cigarette/Tobacco license subject to the following conditions:

(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.



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(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 Saint Paul Police Department (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 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.

(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 place in the area between four (4) and seven (7) feet above the adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[2]

On September 10, 2020, the City issued a Notice of Violation to Respondent alleging violations of license conditions and city ordinances related to the operation of Respondent's business.[3] The City cited Respondent with violating license conditions #2 and #3 by failing to take reasonable steps to discourage loitering and by failing to provide a copy of surveillance footage as requested.[4] The City also cited Respondent with violating city ordinances by selling single cigarettes and flavored tobacco products, and by operating the business in a manner that creates a serious danger to public health or safety, or permits conditions that unreasonably annoy the comfort or repose of the public.[5] The City requested an upward departure from the penalty matrix to a $2,000 fine and a 10-day suspension of all licenses with imposition of additional conditions.[6]

On October 21, 2020, the City issued a Notice of Prehearing Telephone Conference to consider whether adverse action should be taken against Respondent's license for the alleged violations.[7] The prehearing conference was held on December 9, 2020, and an order setting a schedule for discovery and the filing of dispositive motions issued on December 22, 2020.[8]

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[2] Exhibit (Ex.) 1-14.
[3] Ex. 1-1.
[4] *Id.*
[5] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[6] *Id. See* St. Paul Legis. Code § 310.05(m) (penalty matrix).
[7] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[8] *Id.*

On April 8, 2021, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice).[9] The City stated that further review of surveillance footage resulted in the identification of additional incidents of sales of single or flavored cigarettes, as well as incidents of patrons and employees smoking within the licensed premises.[10] Based on the newly identified licensing violations, the City revised its penalty recommendation to request revocation of Respondent's license.[11]

## II. Summary Disposition Standard

Summary disposition is the administrative equivalent of summary judgment.[12] The Office of Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition.[13] A motion for summary disposition may be granted when no genuine issue of material fact exists.[14] A genuine issue is one that is not a sham or frivolous, and a fact is material if resolving it will affect the result or outcome of the case.[15]

The moving party must initially show the absence of a genuine issue of material fact.[16] To successfully resist a motion for summary disposition, the responding party must show that there are specific facts in dispute which have a bearing on the outcome of the case.[17] Facts at issue must be established by substantial evidence, and the parties may not rest upon general averments or denials.[18] Evidence offered to support or defeat summary judgment must be such evidence as would be admissible at trial,[19] though the evidence presented need not be in a form that would be admissible.[20] "Speculation, general assertions, and promises to produce evidence at trial are not sufficient to create a genuine issue of material fact for trial."[21]

When considering a motion for summary disposition, the evidence must be viewed in the light most favorable to the nonmoving party, and doubts and factual inferences must be resolved against the moving party.[22] The trial court's function is not to decide the facts at issue, but to determine whether a genuine dispute of fact exists.[23]

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[9] Amended Notice (Apr. 8, 2021). The Amended Notice was filed with the Office of Administrative Hearings on April 8, 2021, but is dated March 2, 2021.
[10] *Id.*
[11] *Id.*
[12] *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); *see also* Minn. R. 1400.5500(K) (2021).
[13] *See* Minn. R. 1400.6600 (2021); Minn. R. Civ. P. 56.
[14] *In re Gillette Children's Specialty Healthcare*, 883 N.W.2d 778, 785 (Minn. 2016).
[15] *Highland Chateau, Inc. v. Minn. Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984), *review denied* (Minn. Feb. 6, 1985).
[16] Minn. R. Civ. P. 56.01; *Anderson v. Dep't of Natural Res.*, 693 N.W.2d 181, 191 (Minn. 2005).
[17] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69 (Minn. 1997).
[18] *Id.* at 70-71.
[19] *Hopkins v. Empire Fire & Marine Ins., Co.*, 474 N.W.2d 209, 212 (Minn. Ct. App. 1991).
[20] *Carlisle v. City of Minneapolis*, 437 N.W.2d 712, 715 (Minn. Ct. App. 1989).
[21] *Nicollet Restoration, Inc. v. City of St. Paul*, 533 N.W.2d 845, 848 (Minn. 1995).
[22] *Rochester City Lines, Co. v. City of Rochester*, 868 N.W.2d 655, 661 (Minn. 2015).
[23] *See id.* at 664 (citing *DLH*, 566 N.W.2d at 70).



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## III. Alleged Violations and Argument

Under the Saint Paul Legislative Code, the city council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[24] The City alleges Respondent violated the following ordinances governing its license:

(1) Saint Paul Legislative Code § 324.07(a) prohibits the sale of a cigarette outside of its original packaging containing health warnings satisfying the requirements of federal law. No cigarette shall be sold in packages of fewer than 20 cigarettes.

(2) Saint Paul Legislative Code § 324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored tobacco products.

(3) Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee fails to comply with any condition of the license.

(4) Saint Paul Legislative Code 310.06(b)(6)(a) supports adverse action where a licensee, or any person whose conduct may by law be imputed to the licensee, has violated . . . any statute, ordinance, or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection with such activity.

(5) Saint Paul Legislative Code § 310.06(b)(6)(c) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or 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.

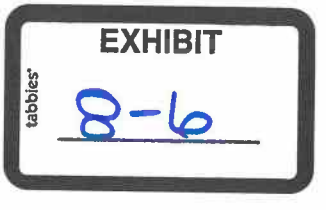
(6) Saint Paul Legislative Code § 310.06(b)(7) supports adverse action when the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare.

(7) Saint Paul Legislative Code § 310.06(b)(8) supports adverse action when the way in which a licensed 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.

The City maintains that it is entitled to judgment as a matter of law on the license violations it cited. The City asserts that undisputed facts in the record support finding Respondent: (1) repeatedly sold single cigarettes and flavored tobacco products; (2) allowed patrons and employees to smoke cigarettes within the licensed premises; (3) permitted uncontrolled and dangerous behavior both inside and outside of the licensed premises; (4) failed to take reasonable steps to discourage loitering in front of the licensed premises; and (5) failed to maintain video surveillance cameras and failed to comply with

[24] St. Paul Legis. Code §§ 310.05(m), 310.06(a), (b)(6)(a).





the DSI's request for copies of surveillance footage. Each alleged violation will be discussed below.

### A. Sale of Single Cigarettes and Flavored Tobacco

The City contends Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products. The City maintains that surveillance video footage from June 1, 2020, demonstrates that between approximately 8:10 p.m. and 10:00 p.m. One Stop employees repeatedly sold single cigarettes and flavored tobacco products to patrons.[25] According to the City, DSI Licensing Manager Eric Hudak's review of the June 1, 2020, footage revealed approximately nine transactions involving the sale of single cigarettes and approximately 23 transactions involving the sale of flavored tobacco products.[26] In addition, during that same period of time, the City states there were four separate instances where either a One Stop employee or a customer was smoking a cigarette within the licensed premises.[27]

On June 17, 2020, DSI Licensing Manager Hudak and representatives from SPPD met with Respondent to discuss the sales of single cigarette and flavored tobacco products shown on the June 1, 2020, video footage.[28] The City states that it arranged the meeting with Respondent to provide Respondent a chance to comply with licensing regulations.[29]

The City asserts that approximately one month after the meeting, on July 20, 2020, officers from SPPD used a confidential reliable informant (CRI) to successfully purchase two Newport menthol-flavored cigarettes from a One Stop employee.[30] The City maintains that the officers pat-searched the CRI before he entered the One Stop to make sure he did not have any cigarettes or money on his person.[31] According to the police report, the officers then gave the CRI an undisclosed amount of money and observed him from the time he left their custody until the time he returned from the One Stop with two single cigarettes.[32] The police report indicates that the CRI told the officers he was able to purchase two Newport menthol cigarettes from Respondent's employee.[33]

The City argues it is entitled to summary disposition on Respondent's alleged sales of single cigarettes and flavored tobacco products that occurred on June 1 and July 20, 2020. The City contends that the video evidence of the sales on June 1, 2020, and the SPPD report regarding the alleged July 20, 2020, sale, render the material facts undisputed and establish the violations. Moreover, the City asserts that it is Respondent's responsibility to know which tobacco products may be sold and which are prohibited.

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[25] Exs. 1-13; 2-42 – 2-43.
[26] Exs. 6-18 – 6-24; 2-42 – 2-43.
[27] Exs. 6-15 – 6-16; 2-13 – 2-18.
[28] Amended Notice at 3; Ex. 1-11.
[29] City's Motion at 12; Ex. 1-11.
[30] Exs. 2-110 – 2-111.
[31] Exs. 2-110 – 2-111.
[32] Exs. 2-110 – 2-111.
[33] Exs. 2-110 – 2-111.

Respondent asserts that it was under the understanding that the sales of single cigarettes and flavored tobacco products observed on the June 1, 2020, video footage were discussed and fully addressed during the June 17, 2020, meeting with DSI staff. Respondent also argues that the ordinance prohibiting the sale of flavored tobacco products is unconstitutionally vague because the similar packaging of allowable and prohibited products makes it difficult for the average person to discern what is unlawful conduct.[34] Respondent further maintains that the blurry nature of the video footage and screen shots submitted by the City do not adequately demonstrate the alleged violations.

Respondent also disputes the alleged sale of flavored tobacco to the CRI on July 20, 2020. Respondent argues that the only evidence submitted in support of this claim is a police report that misidentifies the name of the store and fails to identify the amount of money allegedly paid for the cigarettes. Respondent argues that this evidence is insufficient to support the allegation that single or flavored cigarettes were sold by a One Stop employee on July 20, 2020.

The City has sufficiently demonstrated that it is entitled to summary disposition with respect to Respondent's sale of single cigarettes and flavored tobacco products on June 1 and July 20, 2020. The City has established through the video footage that Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products on June 1, 2020.[35] The video footage and screen shots clearly demonstrate that Respondent's employees engaged in numerous sales of single cigarettes and flavored tobacco products between a two-hour period on June 1, 2020.[36] The Administrative Law Judge also finds that the police report and supporting affidavit are sufficient to establish that Respondent sold single cigarettes to a CRI on July 20, 2020. The fact that the police report incorrectly refers to the One Stop as the "Sana's Market," which was the former name of the business, is not enough to raise a genuine issue of material fact requiring an evidentiary hearing on this claim.[37]

Therefore, as further discussed in the Penalty section below, the City may take disciplinary action against Respondent's license for the violations of Saint Paul Legislative Code § 324.07(a) and (f) that took place on June 1 and July 20, 2020. Respondent's argument that the ordinance banning flavored tobacco products is unconstitutionally vague is noted and preserved. Administrative law judges, however, are without authority to declare a law or ordinance unconstitutional on its face. Such a power is within the exclusive province of the judicial branch.[38]

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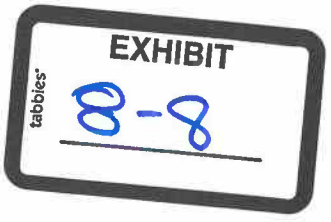
[34] *See* Amended Declaration (Decl.) of Zakariya Abukhudeer at ¶ 5.
[35] Exs. 1-13; 2-45 – 2-97.
[36] *Id.*; Exs. 2-45 – 2-97.
[37] *See* Ex. 6-26 (Affidavit of Eric Hudak).
[38] *See, e.g., In the Matter of Rochester Ambulance Service*, 500 N.W.2d 495, 499-500 (Minn. Ct. App. 1993) ("In this case, however, neither the ALJ nor the Commissioner had the power to declare Minn. Stat. § 144.802 unconstitutional. Thus, the issue could not have been addressed in the proceedings below.").





### B. Allowing Employees and Patrons to Smoke Cigarettes Within Licensed Premises in Violation of the Clean Indoor Air Act

The City asserts that DSI Licensing Inspector Eric Hudak's review of the surveillance footage from June 1, 2020, shows four separate instances where One Stop employees either smoked cigarettes inside the licensed premises themselves or permitted patrons to smoke cigarettes inside the licensed premises.[39] St. Paul Legislative Code § 310.06(b)(6)(a) supports adverse action where a licensee has violated "any statute reasonably related to the licensed activity." The Clean Indoor Air Act prohibits smoking in public places or places of employment.[40] The City argues that, by allowing employees and patrons to smoke within the licensed premises, Respondent violated the Clean Indoor Air Act and, therefore, violated section 310.06(b)(6)(a).

Respondent maintains that the surveillance footage and screen shots are too blurry to establish that patrons or employees were smoking within the One Stop on June 1, 2020, as alleged. Respondent contends that the images at best show something white in individuals' hands and at worse show nothing.

The Administrative Law Judge agrees with Respondent that two images relied on by the City to support its allegation are not sufficiently definitive to support finding a violation. The surveillance video footage and screen shots of the video from June 1, 2020, however, clearly demonstrate two instances of patrons smoking cigarettes within the store.[41] On one occasion Respondent's employee lights a patron's cigarette and allows the patron to remain in the store smoking.[42] Therefore, the City has demonstrated it is entitled to summary disposition on the allegation that Respondent allowed patrons to smoke cigarettes within the One Stop premises and thereby violated section 310.06(b)(6)(a) and the Clean Indoor Air Act.[43] The City may take disciplinary action against Respondent's license for this violation.

### C. Permitting Dangerous Behavior and Loitering

The City asserts that on March 30, June 1, and July 20, 2020, Respondent violated license condition #2 by failing to discourage loitering. The City further contends that on these dates, Respondent likewise violated St. Paul Legislative Code § 310.06(b)(5)-(8), by operating the business in a manner that threatens public safety, health, or welfare. The City argues that by operating the business in a manner that routinely allowed violent conduct to occur on its premises, Respondent seriously endangered the public.

Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee fails to comply with any condition of the license. Section 310.06(b)(6) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or failed to comply with laws reasonably related to the licensed activity or from

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[39] Exs. 1-13; 2-13, 2-16, 2-17, 2-18.
[40] *See* Minn. Stat. § 144.414 (2020).
[41] Exs. 1-13; 2-13, 2-18.
[42] Exs. 1-13 (camera 1 at 21:02);. 2-13.
[43] *See* Ex. 1-13 (camera 1 at 21:02).



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which an inference of lack of fitness or good character may be drawn. Section 310.06(b)(7) supports adverse action when the licensee's activity creates serious danger to public health, safety or welfare. And Section 310.06(b)(8) supports adverse action when the way in which the licensed 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 the public.

### i. March 30, 2020

The City maintains that surveillance footage of the licensed premises taken on March 30, 2020, shows that between 4:46 p.m. and 4:51 p.m. several males were loitering outside the door of the One Stop while several other males were sitting inside of an SUV in the parking lot. The City contends that Respondent's store manager, who was standing nearby, made no effort to address either group of individuals or to discourage them from loitering.[44] The City further contends that at 4:53 p.m. two additional vehicles enter the One Stop parking lot and the passengers in these vehicles engage in a dispute with the passengers in the SUV.[45] While the dispute unfolds, a crowd begins to gather in the parking lot. At 4:59 p.m., two of the parties to the dispute fire handguns at each other.[46] The entire incident takes place over the course of eight minutes.

The City contends that Respondent's store manager, Abdulhafiz Abukhdeir Mohamad, made no effort to break up the dispute or disperse the crowd "until the dispute had effectively ended."[47] According to the City, Mohamad's failure to intervene when the dispute escalated violated license condition #2 and demonstrates that Respondent operates the business in a manner that endangers the public in violation of Saint Paul Legislative Code § 310.06(b)(5)–(8). The City asserts further that had Respondent's store manager taken action to disperse the individuals on March 30, 2020, the shooting incident "could very well have been avoided."[48]

A review of the video footage from March 30, 2020, does not support the City's description of events.[49] Instead, it appears the altercation between the occupants of two SUVs begins at about 4:54:40 p.m. Respondent's store manager and an individual who appears to be another employee approach the cars at 4:55 p.m. and appear to direct them to move out.[50] One SUV does leave, but then returns at 4:58 p.m. The occupants exit both SUVs cars and start fighting at about 4:59 p.m.[51] Again, Respondent's store manager approaches the individuals and physically intervenes in what appears to be an attempt to break up the fight.[52] When shots are fired, Respondent's store manager runs

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[44] City's Motion at 5 citing Exs. 1-23 – 1-24.
[45] Exs. 1-23 – 1-24.
[46] Exs. 1-23 – 1-24.
[47] City's Motion at 10.
[48] City's Motion at 13.
[49] Ex. 1-21 (parts 1 and 2; cameras 7 and 12).
[50] *Id.*
[51] *Id.*
[52] *Id.*

back into the store and comes out with a handgun. At that point, both SUVs exit the parking lot.[53]

The report of Sergeant Rob Stanway, the SPPD officer assigned to DSI who viewed the video footage, likewise states that Respondent's store manager comes out of the store at 4:55 p.m. and walks towards the crowd as some cars leave.[54] After shots are fired at 4:59 p.m., Stanway reports that Mohamad retrieves his handgun from the store and comes back out of the store holding it in his right hand.[55] Stanway states that the remaining individuals then get in their vehicles and leave the premises.[56]

The City has failed to show it is entitled to summary disposition on its claim that Respondent violated license conditions and City ordinances by not dispersing loitering and by operating the business in an unsafe manner on March 30, 2020. Instead, the evidence demonstrates disputed factual issues as to what occurred at the One Stop on March 30, 2020, and what reasonable action was required on the part of Respondent in the eight minutes at issue. The disputed facts preclude granting judgment in favor of the City as a matter of law. Therefore, the City's claim that Respondent violated licensing conditions and city ordinances with respect to the March 30, 2020, incident will proceed to an evidentiary hearing if necessary.

**ii. June 1, 2020**

The City argues that Respondent likewise failed to take reasonable steps to intervene when a large group of people began fighting within the licensed premises on June 1, 2020.[57] Based on surveillance video, the City asserts that Respondent's employees failed to attempt to break up the fighting or to remove those fighting from the premises. In addition, the City contends that the video demonstrates multiple instances where firearms were openly transferred between patrons and employees.[58]

Respondent argues that the June 1, 2020, video footage does not reflect numerous fights or unsafe handling of firearms within the licensed premises.[59] Respondent also notes that June 1, 2020, was a night of great unrest throughout both the cities of St. Paul and Minneapolis in response to the killing of George Floyd. Respondent urges this tribunal to review the evidence in that context.

The City has failed to demonstrate that it is entitled to summary disposition on this claim. Material issues of fact exist as to whether Respondent took reasonable steps to address the fighting within the licensed premises on June 1, 2020. While the video footage of the chaotic fighting that broke out within the store is disturbing, Respondent's employees appear to have made attempts to remove people and to break up the fighting

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[53] *Id.*
[54] Ex. 1-4.
[55] *Id.*
[56] *Id.*
[57] Exs. 6-16 – 6-17; 2-19 – 2-28.
[58] Exs. 6-16 – 6-17; 2-19 – 2-28.
[59] Decl. of Z. Abukhudeer at ¶¶ 8-12, 21-37.



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at various points. There are material issues of fact that preclude granting summary disposition on this claim. Instead, Respondent should be allowed to address the alleged violations at an evidentiary hearing if necessary.

**iii. July 20, 2020**

The City asserts that on July 20, 2020, SPPD officers observed a large group of males gambling and shooting dice on the west side of the property of the licensed premises in broad daylight.[60] The officers noted that these males could be easily viewed by Respondent's employees by "simply looking out a window."[61]

Respondent argues that, contrary to the City's claim and the affidavit of the SPPD officer, there are no windows on the west side of the building that a One Stop employee could have looked out of to view activity on the premises. Respondent submitted two photographs of the building that appear to support his claim.

Respondent has demonstrated that material issues of fact are in disputes with respect to the City's claim that Respondent failed to take appropriate action to disperse loitering and operated the business in an unsafe manner on July 20, 2020. The City is therefore not entitled to summary disposition on this claim. This alleged violation will proceed to an evidentiary hearing if necessary.

**D. Failing to Comply with Requests for Surveillance Video**

The City contends that on April 27, 2020, the DSI sent a letter to Respondent requesting copies of all video footage of the licensed premises from March 30, 2020, starting at 4:30 p.m. and ending at 5:30 p.m. DSI gave Respondent seven days, until May 4, 2020, to fulfill the request. The City maintains that on May 4, 2020, Respondent notified the DSI by email that the requested footage was not available due to "mistreatment" of Respondent's surveillance equipment by an SPPD employee on April 24, 2020. The City notes that it is a condition of Respondent's license that Respondent maintain the surveillance equipment and provide requested video. The City also notes that Respondent did not complain of or report any mistreatment of its surveillance equipment until after the footage was requested. The City argues that Respondent's failure to provide the video and to maintain the surveillance equipment in working order violated Respondent's license condition #3. The City asserts that it is entitled to summary disposition on this claim.

Respondent asserts that he timely responded to the City's request for the surveillance footage by email on May 4, 2020.[62] Respondent explained in his email that he was unable to provide the video because his surveillance equipment had been mistreated by an SPPD employee on April 24, 2020, resulting in both of his hard drives failing.[63] Respondent states that the mistreatment of the equipment happened when the

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[60] Exs. 2-105; 11-1-2.
[61] Ex. 2-105.
[62] Decl. of Z. Abukhudeer at ¶ 12, Ex. E.
[63] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F.

SPPD employee came to the store to retrieve surveillance video from a different incident.[64] Respondent asserts that he replaced the hard drives the next day, but that, thereafter, it was unable to produce copies of videos prior to April 24, 2020.[65] Respondent advised the City in its email that the SPPD had a copy of the requested March 30 video footage, and suggested the City could obtain a copy from it.[66]

Respondent also points out that the City was able to obtain a copy of the requested surveillance video from the SPPD by April 15, 2020, at least 12 days before DSI formally requested a copy from Respondent. Respondent notes that SPPD Sergeant Robert Stanway, who was assigned to the DSI, states in a report dated April 15, 2020, that he reviewed the video after obtaining a copy from the SPPD.[67] Because Respondent provided the March 30 video to the SPPD and the City was able to ultimately obtain a copy of the footage from the SPPD, Respondent contends it did not violate license condition #3 by failing to provide the video as requested.[68]

In its submission in support of the motion, the City filed an Incident Report of City employee James Legierski.[69] In his report, Legierski states that he went to the One Stop on April 24, 2020, to collect surveillance video at the request of an SPPD officer.[70] Legierski asserts that the DVR was located approximately 16 feet up in the ceiling rafters and that while standing on a ladder, he pulled it down from the rafter causing it to hang by attached cables.[71] Legierski was able to copy the video he needed but states he was unable to push the DVR back up onto the rafter. Instead, he left it hanging and states that he notified the store manager who told him that he would take care of it.[72] Legierski's description of events on April 24, 2020, matches the photograph of the DVR submitted by Respondent.[73]

The City has failed to demonstrate it is entitled to summary disposition on its claim that Respondent violated conditions of its license by failing to provide a copy of surveillance video and failing to maintain surveillance equipment. Instead, Respondent has raised sufficient issues of disputed material facts that preclude finding a violation of license condition #3 as a matter of law. Viewing the facts in the light most favorable to Respondent, it appears Respondent's surveillance equipment was damaged on April 24, 2020, causing it to be unable to produce the requested video. Respondent asserts that it immediately brought the equipment in for repair but that it is now unable to produce video footage prior to April 24, 2020. Respondent timely advised the City of that fact and suggested it obtain a copy of the footage from the SPPD. Based on this record, the City has not shown as a matter of law that Respondent failed to properly maintain its

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[64] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F. *See also*, Ex. 1-17 (Supplemental Offense/Incident Report of Sgt. Tina Kill).
[65] Decl. of Z. Abukhudeer at ¶ 13.
[66] *Id.* at ¶¶ 12, 13; Ex. E.
[67] Ex. 10-1-2.
[68] *Id.*
[69] Ex. 1-17.
[70] *Id.*
[71] *Id.*
[72] *Id.*
[73] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F.



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surveillance equipment or that it failed to provide a copy of requested video footage. This claim will proceed to an evidentiary hearing if necessary.

## IV. Penalty

These are Respondent's first violations of the Saint Paul Legislative Code and under the City's penalty matrix, the presumptive penalty is a fine of $500.[74] The Saint Paul Legislative Code provides that the city council may deviate from the presumptive penalty in the matrix where it determines there are "substantial and compelling reasons" to do so.[75] The Code also provides that the occurrence of multiple violations shall be grounds for departure from the presumptive penalties at the city council's discretion.[76]

The requirement that the city council have "substantial and compelling reasons" to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires "substantial and compelling circumstances" to depart from the presumptive sentence for criminal convictions.[77]

The Minnesota Court of Appeals noted that the City's ordinances "provides a penalty matrix for licensing violations that is akin to the presumptive sentences provided in the Minnesota Sentencing Guidelines."[78] While the Administrative Law Judge recognizes the significant differences between imposing a criminal sentence and imposing an administrative penalty for a municipal code violation, the concepts underpinning the legal standard of review are analogous and, therefore, instructive.

Minnesota courts have held that the presumptive sentence should only be exceeded if the enhanced penalty is deemed to be "more appropriate, reasonable or equitable than the presumptive [penalty]."[79] The decision maker should impose the presumptive penalty unless "'substantial and compelling circumstances' based on aggravating factors warrant an upward departure."[80] To properly impose a penalty that is an upward departure from the presumptive penalty in the sentencing guidelines, then, the decision maker must have a specific factual basis.[81] "Substantial and compelling circumstances" are "factual circumstances that distinguish the case, making it atypical."[82]

The Minnesota Supreme Court has also held that "generally in a case in which an upward departure in sentence length is justified, the upper limit will be double the

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[74] St. Paul, Minn. Legis. Code § 310.05(m)(2).
[75] St. Paul, Minn. Legis. Code § 310.05(m).
[76] *Id.*
[77] Minn. Sent. Guidelines II.D (2019).
[78] *In the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* 2021 WL 562416, at FN #1.
[79] *Dillion v. State,* 781 N.W.2d 588, 595 (Minn. Ct. App. 2010) (citing *State v. Bingham,* 406 N.W.2d 567, 570 (Minn. Ct. App. 1987).
[80] *Id.*
[81] St. Paul, Minn. Legis. Code § 310.05(m)(ii).
[82] *Dillion,* 781 N.W. 2d. at 595.

presumptive sentence length."[83] The Court wrote: "Only in cases of 'severe aggravating circumstances' may the district court impose a greater-than-double departure from the presumptive sentence. Such cases, we have stated, are 'extremely rare'"[84]

Here, the City seeks to revoke the Respondent's licenses. Revocation is a greater-than-double upward departure from the presumptive $500 fine for a first violation provided in the penalty matrix. Therefore, following the guidance of Minnesota Supreme Court, the City must show that severe, aggravating, and factually atypical circumstances warrant such an upward departure from the presumptive penalty.

This tribunal applied this legal analysis in a recent case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota.[85] The city council "unanimously adopted the findings of fact, conclusions of law and recommendation of the administrative law judge."[86] In that case the city council found, based on the administrative law judge's report, "that 'severe aggravating circumstance support[ed] a greater-than-double upward departure from the presumptive penalty.'"[87] Those severe, aggravating circumstances included:

- gunfire,[88]
- shots fired from the gas station parking lot into neighboring buildings on multiple occasions,[89]
- neighbors who feared for their safety,[90]
- large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana,[91]
- drug deals in the parking lot,[92]
- physical assaults,[93]
- and ultimately a homicide.[94]

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[83] *State v. Evans,* 311 N.W.2d 481, 483 (Minn. 1981).
[84] *State. v. Shattuck,* 704 N.W.2d 131, 140 (Minn. 2005) (citing *State v. Spain,* 590 N.W.2d 85, 89 (Minn. 1999)).
[85] *See In re the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION (Minn. Office of Admin. Hearings Mar. 9, 2020).
[86] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *1.
[87] *Id.* at *4.
[88] *Id.*
[89] Findings of Fact, Conclusions of Law and Recommendation at p. 14.
[90] *Id.* at p. 13.
[91] *Id.* at p. 6.
[92] *Id.*
[93] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *4.
[94] *Id.*

In that case, the "licensee fostered this criminal actively by selling single cigarettes and drug kits."[95] "Between late April 2019 and the end of June 2019, the SPPD received more than 100 calls for service to the gas station."[96]

The city council found these events amounted to one of those rare instances where the "severe, aggravating and **factually atypical** circumstances . . . supported a [greater-than-double upward] departure from the presumptive penalty."[97] The Minnesota Court of Appeals affirmed the city council's revocation of the cigarette/tobacco and gas station licenses.[98]

In this case, Respondent violated Saint Paul's legislative code by selling single cigarettes, selling flavored tobacco products, and allowing patrons to smoke within the licensed premise in violation of Minnesota's Clean Air Act. These multiple violations support an upward departure on the City's penalty matrix.[99] But, while these violations are concerning, they are not the "severe, aggravating and atypical circumstances" that are required to support the revocation of Respondent's licenses.

Moreover, the remaining allegations, while more troubling, even if established at hearing, would not support revocation. The violations here are not as persistent, pervasive, or dangerous as those in the Midway Amoco BP case. This recommendation should not be taken as condoning the actions of Respondent, but rather a reasoned judgment that the violations established together with the violations alleged, are not so severe, aggravating, atypical, and rare as to meet the high legal standard necessary for a greater-than-double upward departure in the City's penalty matrix.

It is recommended that an upward departure to the second penalty box, a $1,000 fine, be imposed for Respondent's multiple sales of single cigarettes and flavored tobacco products, and for allowing patrons to smoke cigarettes while inside the store. This matter will proceed to a prehearing conference as indicated in the Order to discuss the remaining violations and whether an evidentiary hearing is necessary.

J. E. L.

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[95] *Id.*
[96] *Id.* at FN #4.
[97] *Id.* at *4 (emphasis added).
[98] *Id.*
[99] St. Paul, Minn. Legis. Code § 310.05(m).

# *Chapter 310. Uniform License Procedures*

## Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

*Adverse action* means 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.

*Bond* means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

*Building official* means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

*Chapters* and *these chapters* shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

*Class R licenses* means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class R Licenses | Legislative Code Chapter |
|---|---|
| Animal Foods Manufacturing and Distributing | 316 |
| Amusement Rides | 317 |
| Mechanical Amusement Devices | 318 |
| Bed and Breakfast | 378 |
| Bituminous Contractors | 320 |
| Rooming and Boardinghouses; Dormitories | 321 |
| Christmas Tree Sales | 323 |
| Cigarettes/Tobacco | 324 |
| Commercial Vehicles | 167 |
| Building Contractors | 326 |
| Courtesy Bench | 127 |

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|---|---|
| Dry Cleaning Establishments and Pickup Stations; Laundries | 327 |
| Alarm Devices | 329 |
| Food Protection Standards | 331A |
| Fuel Dealers—Liquid Fuel | 332 |
| Fuel Dealers—Solid Fuel | 333 |
| Pest Control | 334 |
| House Sewer Contractors | 338 |
| Keeping of Animals | 198 |
| Lawn Fertilizer and Pesticide Application | 377 |
| Mercantile Broker | 340 |
| Oil—Bulk Storage | 342 |
| Peddlers | 345 |
| Solicitors | 345 |
| Pet Grooming Facility | 382 |
| Pet Shops | 347 |
| Solid Waste Hauler | 357 |
| Rental of Hospital Equipment | 350 |
| Rental of Kitchenware | 351 |
| Rental of Trailers | 352 |
| Roller Rinks | 353 |
| Sanitary Disposal Vehicle | 354 |
| Secondhand Dealers (Single Location, Multiple Dealers) | 355 |
| Sidewalk Cafe | 106 |
| Sidewalk Contractors | 356 |
| Solid Waste Transfer Station | 357 |
| Sign and Billboard Construction | 66 and 33 |
| Sound Trucks and Broadcasting Vehicles | 359 |
| Public Swimming Pools | 360 |
| Tanning Facility | 380 |
| Wreckers and Tow Trucks | 361 |
| Taxicab Driver | 376 |
| Taxicab Vehicle | 376 |
| Tree Trimming | 362 |
| Food Vending Machines | 363 |
| Veterinary Hospital | 364 |
| Window Cleaning | 365 |
| Block Parties | 366 |
| Wrecking of Buildings | 368 |
| Building Trades Business Licenses | 369 |
| Building Trades Certificates of Competency | 370 |
| Finishing Shop | 371 |
| Tire Recapping Plants | 372 |
| Massage Center | 412 |
| Therapeutic Massage Practitioner | 414 |
| Vehicle Immobilization | 383 |
| Short-term Rental Platform | 379 |
| Short-term Rental Host | 379 |



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*Class T licenses* means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class T Licenses | Legislative Code Chapter |
|---|---|
| Amusement Rides—Temporary | 317 |
| Close-Out Sales | 325 |
| Transient Merchants | 345 |
| Gambling—Temporary | 402.06 |
| Entertainment—Temporary | 411 |
| Extension of Service Area-Liquor | 409 |
| Soliciting Funds—Tag Days | 391 |
| Temporary On-Sale Malt (3.2) | 410 |
| Temporary Wine, Wine Licenses for Festivals and Liquor | 409 |
| Secondhand Dealer—Exhibition | 355 |
| Temporary World Cup Soccer License | 409, 410 |

*Class N licenses* means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class N Licenses | Legislative Code Chapter |
|---|---|
| Automobile Repair Garage and Body Shop | 423 |
| Pool Hall, Bowling Center | 322 |
| New Motor Vehicle Dealer | 401 |
| Bingo | 402 |
| Bingo Halls | 403 |
| Cabaret | 426 |
| Private Clubs - Liquor | 409 |
| Dance or Rental Halls | 405 |
| Firearms Dealer | 225 |
| Gambling Hall | 278 |
| Game Rooms | 406 |
| Gas Station | 424 |
| Gambling Location | 409 |
| Hotel/Motel | 407 |
| Health/Sports Club | 427 |
| Infectious Waste Processing | 429 |
| Recycling Collection Center/Recycling Processing Center | 408 |
| Second Hand Dealer—Motor Vehicle Parts | 401 |
| Motor Vehicle Salvage Dealer | 422 |
| Intoxicating Liquor—On and Off Sale | 409 |

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|---|---|
| Brewpub/Off-Sale | 409 |
| Off-Sale Brewery | 409 |
| Motorcycle Dealer | 401 |
| Pawn Shop | 344 |
| Nonintoxicating Liquor-On and Off Sale | 410 |
| Entertainment | 411 |
| Conversation/Rap Parlors | 413 |
| Steam Room/Bathouse | 428 |
| Theatres and Movie Theaters | 415 |
| Motion Picture Drive-In Theatres | 416 |
| Second Hand Dealer—Motor Vehicle | 401 |
| Parking Lots and Parking Garages | 417 |
| Scrap and Metal Processor | 420 |
| Liquor Extension of Service Hours | 409 |
| Liquor Outdoor Service Area (Patio) | 409 |
| Currency Exchange | 381 |
| Small Brewer Off-Sale—128 Ounces License | 409 |

*Department* means the department of safety and inspections.

*Director* means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

*Fee* means and includes both the license fee and application fee unless otherwise provided.

*Inspector* as used in these chapters means the director of the department of safety and inspections or his or her designee.

*License* means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

*Person* means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

*Zoning administrator* means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19; Ord 22-35, § 2, 8-3-22)

## Sec. 310.02. Application.

(a) *Form.* All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall

not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.

(b) *Taxes.* No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.

Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:

(1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;

(2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or

(3) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (1) above, the license may be revoked if the licensee defaults upon such agreement.

(c) *Additional information.* The inspector shall prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The inspector shall require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

(d) *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no person may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

(e) *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

(f) *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.

(g) *Waiting period after filing of petition.* Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

(Code 1956, § 510.02; C.F. No. 95-473, § 2, 5-31-95; Ord. 21-26, § 2, 7-28-21)

## Sec. 310.03. Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

## Sec. 310.04. Levels of approval; recommendations.

(a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.

(d) *Class N licenses.*

(1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected

neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal.* The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal.* The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

## Sec. 310.05. Hearing procedures.

(a) *Adverse action; notice and hearing requirements*. In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee shall be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the

inspector, by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.

(b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee shall have been notified in writing that adverse action may be taken against the license or application, and that he or she is entitled to a hearing before action is taken by the council. The notice shall be served or mailed a reasonable time before the hearing date, and shall state the place, date and time of the hearing. The notice shall state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the inspector or by the city attorney.

(c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing shall be held before the council. Otherwise the hearing shall be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee shall be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.

(c-1) *Procedure; hearing examiner.* The hearing examiner shall hear all evidence as may be presented on behalf of the city and the applicant or licensee, and shall present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council shall consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and shall not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council shall provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with such additional arguments presented at the hearing, the council shall determine what, if any, adverse action shall be taken, which action shall be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

(c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein shall prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, shall mean and include a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.

(d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.

(e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.

(g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall be complied with and shall supersede inconsistent provisions of these chapters. This shall include, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.

(h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

(i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.

(j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall be prepared by the license inspector and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.

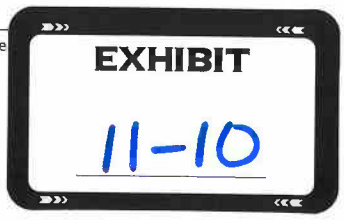
(k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor.

(l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall be controlling.

(m) *Presumptive penalties for certain violations*. The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. 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.

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |
| (1) Violations of conditions placed on the license | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (2) Violation of provisions of the legislative code relating to the licensed activity | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (4) Failure to permit entrance or inspection by DSI inspector or police | 5-day suspension | 10-day suspension | 15-day suspension | Revocation |
| (5) Commission of a crime other than a felony on the premises by a licensee or employee | $700.00 | $1,500.00 | 5-day suspension | Revocation |
| (6) Commission of a felony on the premises by a licensee or employee | $2,000.00 | Revocation | n/a | n/a |





| | | | | |
|---|---|---|---|---|
| (7) Death or great bodily harm in establishment related to violation of law or license conditions | 30-day suspension | 60-day suspension | Revocation | n/a |
| (8) Failure to pay license fees | Suspension | Revocation | | |
| (9) Critical violations under 331A | $250.00 | $500.00 | $1,000.00, 5-day suspension | Revocation |
| (10) Non-critical violation under 331A | $150.00 | $250.00 | $500.00 | $1,000.00 |
| (11) Taxi fail to display driver's license as required by 376.16(f) | $100.00 | $250.00 | $500.00 | Revocation |
| (12) Taxi fail to display number of information and complaint office as required by 376.11(v) | $100.00 | $250.00 | $500.00 | Revocation |
| (13) Violation of restrictions upon sidewalk café license under 106.01(b) | $200.00 | $400.00 | $800.00 | Revocation |

(i) *Fines payable without hearing.*

A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance"

for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

(iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.

(iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.

(v) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.

(6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

## Sec. 310.06. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.

(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;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

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.

(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.

(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.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.

(13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section shall mean and include any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting

security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The inspector may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses. The council may impose such conditions on Class N licenses with the consent of the license holder, or upon any class of license as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the council in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.

(d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

(1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;

(2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

(3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;

(4) The management practices of the licensee or applicant with respect to each of such licenses;

(5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;

(6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and

(7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Code 1956, § 510.06; Ord. No. 17584, § 1, 8-25-88; Ord. No. 17657, § 15, 6-8-89; Ord. No. 17659, § 2, 6-13-89; Ord. No. 17901, §§ 2, 3, 1-14-92; Ord. No. 17917, §§ 2, 3, 3-31-92; Ord. No. 17922, § 1, 4-28-92; C.F. No. 94-500, § 3, 7-6-94; C.F. No. 94-1340, § 3, 10-19-94; C.F. No. 95-473, § 5, 5-31-95; C.F. No. 99-500, § 3, 7-7-99; C.F. No. 06-954, § 2, 11-8-06; C.F. No. 06-1072, § 2, 12-27-06)

## Sec. 310.07. Termination of licenses; surety bonds; insurance contracts.

(a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications shall automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and shall not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § 310.05. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul shall be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, shall first be approved as to form by the city attorney.

(3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.

(4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.

(c) *Termination of bonds and insurance required by city.* Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the requirements of Chapter 8 of the Saint Paul Legislative Code.

(d) *Expiration date to be concurrent with term of license or permit.* The expiration date of all such policies, bonds, guarantees or certifications shall be concurrent with the expiration date of the license or permit.

(Code 1956, § 510.07; Ord 12-74, § 1, 11-28-12)

## Sec. 310.08. Terms of licenses; uniform dates.

(a) All licenses or permits shall be valid for a period of one (1) year from the date of issuance by the inspector, except as otherwise provided herein or in these chapters or in cases of revocation, suspension or termination under section 310.06.

(b) Licensees may continue to operate their business after the expiration date of their license; provided, that the licensee has filed with the inspector on or before the expiration date the appropriate license application, license fees, insurance and bonds. The inspector shall process the renewal application in the manner provided for in this Code.

(c) Whenever any licensee is the holder of the two (2) or more licenses of the City of Saint Paul which expire on different dates, the inspector is authorized, at the request of the licensee, to determine a uniform date for the expiration of all or any number of such licenses, notwithstanding the term and expiration dates of such licenses as originally issued, and notwithstanding any provision as to term of license of any ordinance of the city heretofore or hereafter enacted. The provisions hereof shall govern the issuance of any new license to one already holding a license.

(d) In order to conform to the foregoing provisions, new licenses may be issued for a term of less than one (1) year, and the license fee therefor shall be prorated for the period of issuance.

(Code 1956, § 510.08; Ord. No. 17360, § 1, 6-5-86)

## Sec. 310.09. Fees.

(a) *Exempt organizations.* The Legislative Code exempts certain organizations from paying the customary license or permit fees or establishes a nominal fee of less than seven dollars ($7.00). The terms and conditions of such exemptions are stated within the applicable chapters. Such organizations shall pay a five dollars ($5.00) minimum processing fee for each and every application for a license or permit to be issued by the division manager, director or council of the city.

(b) *Fee schedule.* The council may by ordinance determine and establish one (1) fee schedule for any or all licenses and permits issued pursuant to these chapters, and a separate fee schedule for applications for such licenses and permits, which may include fees to cover costs incurred by reason of the late filing. Such fees, in either schedule, shall be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration shall mean and include, but without limitation by this specification, both direct and indirect costs and expenses, such as salaries, wages, benefits and all personnel costs including training, seminars and schooling, expenses of investigations and inspections, handling of inquiries and requests for assistance, telephone and communications, stationery, postage, paper, reproduction, office capital equipment and all office supplies. Such fee schedules as adopted by ordinance and posted in the office of the inspector shall supersede inconsistent fee provisions in these chapters or in other ordinances or laws.

(c) *Fee for one year; may be prorated.* Unless otherwise specifically provided, the license fee stated is for a period of one (1) year. Such fee may be prorated where a license is issued for a period of less than a year.

(d) *Late fee.* Unless otherwise specifically provided by the particular licensing provisions involved, an applicant for the renewal of a license who makes application for such renewal after the expiration date of such license shall be charged a late fee for each such license. The late fee shall be in addition to any other fee or payment required, and shall be ten (10) percent of the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the expiration date of such license. The late fee shall not exceed fifty (50) percent of the annual license fee. If any provision of these chapters imposes more stringent or additional requirements for the issuance of an original license than would be the case for mere renewal, those requirements must be met when the license has lapsed by reason of expiration.

(e) Environmental change of ownership fee. Unless otherwise stated, the environmental change of ownership fee shall be 25% of the environmental plan review fee for each license type.

(Code 1956, § 510.09; Ord. No. 16884, 2-11-82; Ord. No. 17802, § 1, 1-10-91; C.F. No. 03-893, § 1, 11-5-03)

## Sec. 310.10. Refunds of fees.

(a) *Refund where application withdrawn; service charge.* Unless otherwise specifically provided by the particular licensing provisions involved, where an application for any license is withdrawn, the inspector shall refund to the applicant the license fee submitted less a service charge to recover in part the costs incurred in processing the application in the amount of twenty-five (25) percent of the annual license fee.

(b) *Limitation on refund; other cases.* In all other cases as provided in paragraph (c), the director of the department of safety and inspections, or his designee, may upon receipt of a written request refund the license fee, less a service charge to recover in part the costs incurred in processing the application up to twenty-five (25) percent of the annual licensee fee.

(c) *Bases for refunds.* Refunds under paragraph (b) may be made to the licensee or his estate:

(1) Where the place of business of the licensee or his principal equipment is destroyed or so damaged by fire or any other cause that the licensee ceases for the remainder of the licensed period to engage in the licensed activity or business;

(2) Where the business or licensed activity ceases by reason of the death or illness of the licensee or the sole employee or manager; or

(3) Where it has become unlawful for the licensee to continue in the business or licensed activity other than by cancellation, termination, revocation, suspension, denial or any criminal activity on the part of the licensee.

(Code 1956, § 510.10; C.F. No. 09-516, § 1, 6-10-09; Ord. No. 11-69, § 1, 8-24-11; Ord 12-33, § 1, 6-27-12)

## Sec. 310.11. Transfers; general.

(a) *License a privilege, not property.* All licenses or permits issued by the City of Saint Paul pursuant to these chapters or other ordinances or laws confer a privilege on the licensee to engage in the activity or occupation so licensed, and do not constitute property or property rights or create any such rights in any licensee. No such license or permit may be seized, levied upon, attached, executed upon, assessed or in any manner taken for the purpose of satisfaction of any debt or obligation whatever.

(b) *Licenses not transferable; conditions.* Notwithstanding any other provision of the Saint Paul Legislative Code to the contrary, no licenses issued by the City of Saint Paul shall be transferable.

(c) *Transfer; definition.* "Transferable" means the ability to transfer a license or licenses from one (1) person to another, or from one (1) location to another. "Transfer," as used in these chapters, shall include a transfer from person to person, or from place to place, or a transfer of stock in a corporate licensee, or of shares or interests in a partnership or other legal entity. "Transfer," as used in these chapters, shall not include the instance where a license is held by an individual or partnership and the transfer is by said individual or partnership to a corporation in which the majority of the stock is held by said individual or by the members of said partnership.

(d) *Deceased licensee.* Notwithstanding any other provision of these chapters, in any case where a liquor license is held by a person not incorporated and where the license would, by reason of the death of said licensee, lapse to the city in the absence of this paragraph, the authorized representative of the estate of the deceased licensee may consent to and seek to reissue said license to the beneficiary to the licensed establishment. The reissuance shall be subject to all applicable requirements of these chapters and existing law.

(Code 1956, § 510.11; Ord. No. 16822, 9-3-81; Ord. No. 17551, § 3, 4-19-88; C.F. No. 95-473, § 6, 5-31-95)

## Sec. 310.12. Inspection of premises.

The premises, facilities, place, device or anything named in any license issued pursuant to any provision of the Saint Paul Legislative Code or other law shall at all times while open to the public or while being used or occupied for any purpose be open also to inspection and examination by any police, fire, or health officer or any building inspector of the city, as well as the inspector.

(Code 1956, § 510.12)

## Sec. 310.13. Renewal.

Every license renewal under these chapters may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust, or similar program, established for the benefit of his employees.

(Code 1956, § 510.13)

## Sec. 310.14. Savings clause.

(a) If any provision in these chapters is held unconstitutional or invalid by a court of competent jurisdiction, the invalidity shall extend only to the provision involved and the remainder of these chapters shall remain in force and effect to be construed as a whole.

(b) The repeal of any ordinance by this ordinance (which enacts the Uniform License Ordinance) shall not affect or impair any act done, any rights vested or accrued, or any suit, proceeding or prosecution had or commenced in any matter, prior to the date this ordinance became effective. Every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if the repealed ordinances had themselves remained in force and effect. Every such suit, proceeding or prosecution may be continued after repeal as though the repealed ordinances were fully in effect. A suit, proceeding or prosecution which is based upon an act done, a right vested or accrued, or a violation committed prior to repeal of the repealed ordinances, but which is commenced or instituted subsequent to repeal of the repealed ordinances, shall be brought pursuant to and under the provisions of such repealed ordinances as though they continued to be in full force and effect.

(Code 1956, § 510.14)

## Sec. 310.15. Penalty.

Any person who violates any provision of these chapters, or other ordinances or laws relating to licensing, or who aids, advises, hires, counsels or conspires with or otherwise procures another to violate any provision of these chapters or other ordinances or laws relating to licensing is guilty of a misdemeanor and may be sentenced in accordance with section 1.05 of the Saint Paul Legislative Code. The term "person," in addition to the definition in section 310.01, shall for the purpose of this section include the individual partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof, who shall be responsible for the violation.

(Code 1956, § 510.15)

## Sec. 310.16. Reserved.

Editor's note(s)—Section 310.16, pertaining to license fees and annual increases, and derived from Ord. No. 16885, adopted Feb. 11, 1982; Ord. No. 17059, adopted Oct. 20, 1983; and Ord. No. 17303, adopted Oct. 29, 1985, was repealed by Ord. No. 17884, § 1, adopted Nov. 19, 1991.

## Sec. 310.17. Licensee's responsibility.

Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working for or 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. To the extent this section is in conflict with sections 409.14 and 410.09 of the Legislative Code, this section shall be controlling and prevail; but shall not otherwise amend, alter or affect such sections.

(Ord. No. 17629, § 1, 1-31-89)

## Sec. 310.18. License fee schedule.

Notwithstanding the provision of any other ordinance or law to the contrary, the following fees are hereby provided for all the licenses listed herein. These fees supersede all inconsistent provisions, including, but not limited to, graduated fee provisions, in these chapters and in other ordinances and laws, and include the fee for the license application as part of the license fee; provided, however, that this section does not amend or modify sections 310.09(a) or 310.09(d) of the Legislative Code with respect to exempt organizations or late fees. Pursuant to section 310.09(b) of the Legislative Code, these schedules shall be posted in the office of the director. These fees shall be effective for license renewals and new license applications occurring on and after January 1, 1995, or on the effective date of this section, whichever is later; provided, however, that with respect to all licenses whose renewal dates occur after the effective date of this new schedule, there shall be no increases in, nor offsets or refunds of, the existing fees paid, or due and owing.

(a) ENFORCEMENT LEVEL 1

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 165 | Agricultural Vehicle Parking Permit | $21.00 |
| 316.02 | Animal Foods Manufacturing and Distribution | 79.00 |
| 317.01 | Amusement Rides | 79.00 |
| 323.02 | Christmas Tree Sales | 79.00 |
| 325.02 | Close Out Sale | 79.00 |
| 327.03 | Laundry Dry Cleaning Pickup Station | 79.00 |
| 332.03 | Liquid Fuel Vehicle | 79.00 |
| 333.03 | Solid Fuel Vehicle | 79.00 |
| 340.04 | Mercantile Broker | 79.00 |
| 345.04 | Peddler (Solicitor/Transient) | 79.00 |
| 346.03 | Mobile Retail Vehicle | 79.00 |
| 348.01 | Animal Day Care | 77.00 |

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| 348.01 | Animal Boarding | 77.00 |
| 350.02 | Rental of Hospital Equipment | 79.00 |
| 350.02 | Rental of Hospital Equipment Vehicle | 79.00 |
| 351.03 | Rental of Kitchenware | 79.00 |
| 353.02 | Roller Rinks | 79.00 |
| 355.02 | Secondhand Dealer-Single Location | 79.00 |
| 357.03 | Solid Waste Hauler—Each Vehicle Over One | 79.00 |
| 359.03 | Sound Trucks and Broadcast Vehicles | 79.00 |
| 371.02 | Finishing Shop | 79.00 |
| 361.01 | Tow Truck/Wrecker Vehicle | 79.00 |
| 362.02 | Tree Trimmer—Additional Vehicle | 79.00 |
| 372.02 | Tire Recapping Plant | 79.00 |
| 377.03 | Lawn Fertilizer and Pesticide Application | 79.00 |
| 382.03 | Pet Grooming Facility | 79.00 |
| 409.05(b), 410.07(c) | Liquor-Outdoor Service Area (Patio) | 79.00 |
| 424.02 | Gas Stations | 104.00 |

(b) ENFORCEMENT LEVEL 2

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 320.03 | Bituminous Contractor | $194.00 |
| 322.02(a) | Pool Halls | 194.00 |
| 322.02(b) | Bowling Centers | 194.00 |
| 326.06 | Building Contractors | 194.00 |
| 327.03 | Laundry/Dry Cleaning Plants | 194.00 |
| 332.03 | Fuel Dealers—Liquid | 194.00 |
| 333.03 | Fuel Dealers—Solid | 194.00 |
| 334.03 | Pest Control | 194.00 |
| 338.02 | House Sewer Contractors | 194.00 |
| 342.02 | Bulk Oil Storage | 194.00 |
| 347.03 | Pet Shop | 194.00 |
| 352.03 | Rental of Trailers | 194.00 |
| 355.02 | Secondhand Dealer—Exhibitions | 194.00 |
| 356.02 | Sidewalk Contractors | 194.00 |
| 362.02 | Tree Trimming (with One Vehicle) | 194.00 |
| 364.02 | Veterinary Hospital | 194.00 |
| 365.02 | Window Cleaning | 194.00 |
| 401.02 | Motorcycle Dealer | 194.00 |
| 405.02 | Dance or Rental Hall | 297.00 |
| 406.04 | Game Room | 194.00 |
| 408.03 | Recycling Collection Center | 194.00 |

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| 415.04 | Theaters and Movie Theaters | 194.00 |
| 416.03 | Motion Picture Drive-in Theater | 194.00 |
| 426.04 | Cabaret (Class A and B) | 194.00 |

(c) ENFORCEMENT LEVEL 3

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 225.04(a) | Firearms | $375.00 |
| 324.04 | Cigarettes | 495.00 |
| 354.02 | Sanitary Disposal Vehicle | 375.00 |
| 355.02 | Secondhand Dealer-Multiple Dealers | 375.00 |
| 357.03 | Solid Waste Hauler and Vehicle | 375.00 |
| 360.03 | Public Swimming Pools | 375.00 |
| 360.03 | Whirlpools | 375.00 |
| 361.13 | Tow Truck/Wrecker Operator | 375.00 |
| 383.03 | Vehicle Immobilization Service | 375.00 |
| 376.04 | Taxicabs | 434.00 |
| 376.05 | Taxicabs (Reciprocity Event) | 34.00 |
| 379.02 | Short-term Rental Platform License | 10,353.00 |
| 379.02 | Short-term Rental Host License | 42.00 |
| 381.02(d) | Currency Exchanges | 375.00 |
| 401.02 | New Motor Vehicle Dealer | 375.00 |
| 401.02 | Secondhand Dealer Motor Vehicle Parts | 469.00 |
| 401.02 | Secondhand Motor Vehicle Dealer | 469.00 |
| 407.03 | Hotel/Motel—To 50 rooms | 375.00 |
| 407.03 | Hotel—Each additional room over 50 | 13.00 |
| 409.07.1(a), 410.04(c) | Liquor—Extension of Service Hours | 375.00 |
| 412A.03 | Massage Center—Adult | 375.00 |
| 412A.03 | Environmental Plan Review Massage Center Adult | 413.00 |
| 413.04 | Conversation/Rap Parlor (A and B) | 375.00 |
| 415.04 | Mini-Motion Picture Theater—Adult | 375.00 |
| 417.04 | Parking Lots and Parking Garages | 375.00 |
| 417.04 | Parking Garages (Government) | 0.00 |
| 417.04 | Parking Garages (Private) | 367.00 |
| 422.02 | Motor Vehicle Salvage Dealer | 375.00 |
| 423.02(b) | Auto Body Repair Garage | 469.00 |
| 423.02(a) | Auto Repair Garage | 469.00 |
| 427.04 | Health/Sports Clubs | 375.00 |
| 427A.04 | Health/Sports Club (Adult) | 375.00 |
| 428.04 | Steam Room/Bath House (Class A and B) | 375.00 |
| 423.02(b) | Auto Body Repair/Painting Shop | 469.00 |

(d) ENFORCEMENT LEVEL 4

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 331A.04 | Catering-Limited | $ 326.00 |
| 331A.04 | Environmental Plan Review—Catering—Limited | 380.00 |
| 331A.04 | Catering | 570.00 |
| 331A.04 | Environmental Plan Review—Catering | 625.00 |
| 331A.04 | Catering—Add on | 250.00 |
| 331A.04 | Environmental Plan Review—Catering—Add on | 380.00 |
| 331A.04 | Customer Appreciation—Food Sales | 55.00 |
| 331A.04 | Day Care Food | 109.00 |
| 331A.04 | Food Give-Away | 55.00 |
| 331A.04 | Food Processing/Packaging/Distributing | 217.00 |
| 331A.04 | Environmental Plan Review—Food Processing/Packaging/Distributing | 380.00 |
| 331A.04 | Food Vehicle | 92.00 |
| 331A.04; 363.02(a) | Food Vending Machine | 16.00 |
| 331A.04: 363.02(a) | Food Vending Machine Operator | 136.00 |
| 331A.04 | Food/Boarding Facility | 353.00 |
| 331A.04 | Environmental Plan Review—Food/Boarding Facility | 380.00 |
| 331A.04 | K—12 School Food Service | 217.00 |
| 331A.04 | Environmental Plan Review — K—12 School Food Service | 272.00 |
| 331A.04 | K—12 School Food Service—Limited | 109.00 |
| 331A.04 | Environmental Plan Review—K—12 School Food Service—Limited | 136.00 |
| 331A.04 | Mobile Food Vehicle | 244.00 |
| 331A.04 | Mobile Food Cart—Limited | 110.00 |
| 331A.04 | Mobile Food Cart—Full | 217.00 |
| 331A.04 | Environmental Plan Review—Restaurant (1) | 381.00 |
| 331A.04 | Environmental Plan Review—Restaurant (2) | 381.00 |
| 331A.04 | Environmental Plan Review—Restaurant (3) | 625.00 |
| 331A.04 | Environmental Plan Review—Restaurant (4) | 625.00 |
| 331A.04 | Environmental Plan Review—Restaurant (5) | 625.00 |
| 331A.04 | Restaurant (D)—Add-On | 272.00 |
| 331A.04 | Environmental Plan Review Restaurant (D) Add-On | 381.00 |
| 331A.04 | Restaurant (D)—Add-on (Bar Only) | 109.00 |
| 331A.04 | Environmental Plan Review Restaurant (D) Add-On (Bar Only) | 190.00 |
| 331A.04 | Restaurant (E)—Extension | 164.00 |
| 331A.04 | Environmental Plan Review—Restaurant (E)—Extension | 136.00 |
| 331A.04 | Environmental Plan Review—Restaurant (L)—Limited | 381.00 |



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|---|---|---|
| 331A.04 | Restaurant (L)—Limited | 272.00 |
| 331A.04 | Restaurant (1)—no seats | 435.00 |
| 331A.04 | Restaurant (2)—1—12 | 478.00 |
| 331A.04 | Restaurant (3)—13—50 | 580.00 |
| 331A.04 | Restaurant (4)—51—150 | 631.00 |
| 331A.04 | Restaurant (5)— 151 and over | 673.00 |
| 331A.04 | Retail Food Establishment (A)—1 to 100 Sq. Ft. | 82.00 |
| 331A.04 | Environmental Plan Review—Retail Food Establishment (A) | 136.00 |
| 331A.04 | Retail Food Establishment (B)—101 to 1000 Sq. Ft. | 109.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (B) | 272.00 |
| 331A.04 | Retail Food Establishment (C)—1001 to 3000 Sq. Ft. | 408.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (C) | 408.00 |
| 331A.04 | Retail Food Establishment (D)—3001 to 6000 Sq. Ft. | 652.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (D) | 516.00 |
| 331A.04 | Retail Food Establishment (E)—6001 to 10,000 Sq. Ft. | 978.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (E) | 652.00 |
| 331A.04 | Retail Food Establishment (F)—over 10,000 Sq. Ft. | 1,413.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (F) | 816.00 |
| 331A.04 | Retail Food Establishment—Farmers' Market | 164.00 |
| 331A.04 | Retail Food Establishment—Temporary | 65.00 |
| 331A.04 | Retail Food Establishment—Nonprofit | 27.00 |
| 331A.04 | Environmental Plan Review—Retail Food Establishment—Nonprofit | 55.00 |
| 331A.04 | Retail Food Establishment—Secondary Facility | 82.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment—Secondary Facility | 381.00 |
| 331A.04 | Retail Food Establishment—Restricted Food Service | 79.00 |
| 331A.04 | Special Event Food Sales—1 to 3 days (up to 150 sq. feet) | 190.00 |
| 331A.04 | Special Event Food Sales—4 to 10 days (up to 150 sq. feet) | 217.00 |
| 331A.04 | Special Event Food Sales—Up to 3 events (up to 150 sq. feet) | 217.00 |
| 331A.04 | Special Event Food Sales—late fee | 50% of special event food sales fee |
| 331A.04 | Special Event Food Sales (Nonprofit) (up to 150 sq. feet) | 55.00 |
| 331A.04 | Special Event Food Sales—Extension (up to 150 sq. feet) | 109.00 |
| 331A.04 | Special Event Food Sales—Each additional 150 square feet portion thereof | 25% of special event foods sales fee |
| 331A.04 | Special Event Food Sales—Each additional location fee | 85.00 |
| 331A.04 | Nonprofit 1 Day Special Event—1—10 Stands | 275.00 |

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| 331A.04 | Nonprofit 1 Day Special Event—Each Additional 10 Stands or Portion of 10 Stands | 275.00 |
| 331A.04 | Seasonal Temporary Food Stand | 244.00 |

(e) ENFORCEMENT LEVEL 5

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 409.27 | 2:00 a.m. closing | $55.00 |
| 409.05(i) | Intoxicating Liquor—Fee waived for government agencies | 0.00 |
| 409.01(c) | Liquor Catering Permit—Annual | 178.00 |
| 409.02 | Off-Sale Microdistillery | 190.00 |
| 409.05(b) | Liquor Catering Permit—Temporary | 55.00 |
| 409.05(b) | On-Sale—100 seats or less | 4,964.00 |
| 409.05(b) | On-Sale—101—180 seats | 5,497.00 |
| 409.05(b) | On-Sale—181—290 seats | 5,889.00 |
| 409.05(b) | On-Sale—291 or more seats | 5,970.00 |

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 409.05(b) | On-Sale—Theater | 1,772.00 |
| 409.25(b) | Temporary Liquor | 55.00 |
| 409.05(f) | On-sale Club—Under 200 members | 300.00 |
| 409.05(f) | On-sale Club—201—500 members | 500.00 |
| 409.05(f) | On-sale Club—501—1,000 members | 650.00 |
| 409.05(f) | On-sale Club—1,001—2,000 members | 800.00 |
| 409.05(f) | On-sale Club—2,001—4,000 members | 1,000.00 |
| 409.05(f) | On-sale Club—4,001—6,000 members | 2,000.00 |
| 409.05(f) | On-sale Club—6,000+ members | 3,000.00 |
| 409.05(h) | Additional family members | 57.00 |
| 409.02 | Brewpub/Off-sale (Growler) | 190.00 |
| 409.02 | Off-Sale Brewery | 190.00 |
| 409.05 | Off-Sale | 1,398.00 |
| 409.07(b)(2) | Sunday On-Sale | 200.00 |
| 409.11(b) | Extension of Service Area—Temporary | 63.00 |
| 410.07(a)(8), 409.15(b) | Wine On-Sale | 2,000.00 |
| 409.25 | Temporary Wine | 55.00 |
| 409.25 | Wine Licenses for Festivals | 55.00 |
| 409.15(d) | On-Sale Malt (Strong) | 659.00 |
| 409.28 | Brewery Taproom | 659.00 |
| 409.31 | Microdistillery Cocktail Room | 659.00 |
| 410.02 | On-Sale Malt (3.2) | 659.00 |

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| 410.02, 410.11 | On-Sale Malt—Fee waived for municipal golf courses | 0.00 |
| 410.02 | Off-Sale Malt | 208.00 |
| 410.10(a) | Temporary Malt | 55.00 |
| 411.03 | Entertainment—Class A | 257.00 |
| 411.03 | Entertainment—Class B | 622.00 |
| 411.03 | Entertainment—Class C | 2,955.00 |
| 411.05 | Entertainment Temporary | 32.00 |
| 409.08 | Live Music Event—18 and Up | 32.00 |
| 409.15(e) | Culinary On-sale | 236.00 |
| 409.01 | Private Event—Restaurant/Liquor Caterer | 32.00 |
| 409 | Small Brewer Off-Sale—128 Ounces License | 30.00 |
| 409, 410 | Temporary World Cup Soccer | 250.00 Per event |

(f) ENFORCEMENT LEVEL 6

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 329.02 | Alarm Permits | $40.00 |
| 317.01 | Amusement Rides—Temporary | 30.00 |
| 106.01(b) | Sidewalk Café—Food Only | 37.00 |
| 106.01(b)(4) | Sidewalk Café—Liquor | 37.00 |
| 127.04 | Courtesy Benches | 24.00 |
| 127 | Courtesy Benches Transfer | 16.00 |
| 293.09 | Noise Variance | 178.00 |
| 368.02 | Wrecking of Buildings | 60.00 |
| 369.03 | Building Trades Business License | 174.00 |
| 370.09 | Building Trades Certificates of Competency | 22.00 |
| 370.17 | Trade Worker—Tier 1 | 34.00 |
| 370.17 | Trade Worker—Tier 2 | 65.00 |
| 278.03 | Gambling Hall | 412.00 |
| 318.02 | Mechanical Amusement Device | 19.00 |
| 318.02 | Music Machine | 19.00 |
| 318.02 | Amusement Rides | 19.00 |
| 318.02 | T.V. Units | 19.00 |
| 344.02(a) | Pawn Shops | 2,955.00 |
| 344.02(b) | Pawn Shop Billable Transaction Fee | 3.00 |
| 373 | Transportation Network Companies | 38,069.00 |
| 374.3 | Commercial Pedal Car Driver | 47.00 |
| 374.3 | Commercial Pedal Car Vehicle | 109.00 |
| 374.3 | Commercial Pedal Car Business | 326.00 |
| 375.2(a) | Pedicab Vehicle | 105.00 |
| 375.2(b) | Pedicab Driver | 47.00 |
| 376 | Taxicab Vehicle—Duplicate Sticker | 19.00 |

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| 376 | Taxicab Replacement Vehicle Sticker | 52.00 |
| 376.05 | Taxicab Driver (Reciprocity Event) | 33.00 |
| 376.16(d) | Taxicab Driver (new) | 47.00 |
| 376.16(i) | Taxicab Driver Renewal | 47.00 |
| 376 | Taxicab Driver Duplicate Identification Card | 6.00 |
| 376.17(d) | Taxicab Driver (provisional) | 47.00 |
| 391.02 | Soliciting Funds—Tag Days | 24.00 |
| 402.08 | Temporary Gambling (3 types) | 55.00 |
| 403.03 | Bingo Halls | 212.00 |
| 409.05(g) | Gambling Location | 78.00 |
| 409.08(11) | Modification of Parking | 445.00 |
| 359.03 | Sound Trucks and Broadcast Vehicles Nonprofit Organizations) | 29.00 |
| 380.04 | Tanning Facility | 98.00 |
| 380.04 | Environmental Plan Review Tanning Facility | 178.00 |
| 414.02 | Massage or Bodywork Practitioner—One Location | 98.00 |
| 414.02 | Massage or Bodywork Practitioner—Each Additional Location | 29.00 |
| 414.02 | Massage Center (Class A)—One practitioner | 93.00 |
| 412.04 | Massage Center (Class A)—Two or more practitioners | 243.00 |
| 412.04 | Therapeutic Massage Practitioner—Temporary | 46.00 |
| 412.04 | Environmental Plan Review Massage Center (Class A) | 437.00 |
| 412.04 | Massage Center (Class B) | 98.00 |
| 412.04 | Environmental Plan Review Massage Center (Class B) | 178.00 |
| 357.03 | Solid Waste Transfer Station | 1,771.00 |
| 408.03 | Recycling Processing Center | 887.00 |
| 429.03 | Infectious Waste Processing Facility | 1,771.00 |
| 198.04(c) | Keeping of Animal (includes more than three (3) chickens | 77.00 |
| 198.04(c) | Keeping of Animal—Renewal | 28.00 |
| 198.04(c) | Tier 1 Chicken Permit | 26.00 |
| 198.04(c) | Tier 1 Chicken Permit Renewal | 16.00 |
| 198.04(c) | Tier 2 Chicken Permit | 77.00 |
| 198.04(c) | Tier 2 Chicken Permit Renewal | 28.00 |
| 198.04(c) | Keeping of More than Three (3) Cats | 77.00 |
| 198.04(c) | Keeping of More than Three (3) Cats (Renewal) | 28.00 |
| 200.03 | Dog License—Annual Altered | 20.00 |
| 200.03 | Dog License—Annual Unaltered | 81.00 |
| 200.03 | Dog License—Annual Altered Reduced | 10.00 |
| 200.03 | Dog License—Lifetime (with Microchip, altered) | 142.00 |
| 200.03 | Dog License—Reduced, Lifetime (with Microchip and altered) | 71.00 |
| | Dog License—Reduced Rate, Lifetime (with Microchip, unaltered) | 34.00 |



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| | Declared, Animal (microchip and altered | 142.00 |
| | Declared, Animal (microchip and altered | 284.00 |
| 200.04 | Dog License—Replacement | 10.00 |
| 200.07 | Impounding Fee | 36.00 |
| 200.02(a) | Unlicensed Dog | 59.00 |
| 200.121(e) | Dangerous Dog Registration | 305.00 |
| 200.07 | Boarding Fee—Per Day | 19.00 |
| | Animal Adoption—St. Paul Resident | 51.00 |
| | Rabies Vaccination for impounded dogs, cats, ferrets | 30.00 |
| | Microchipping for impounded animals | 30.00 |
| | Delinquent License Renewal fee (per month) | 5.00 |
| 376.17 | Taxicab Service Company | 422.00 |

(C.F. No. 92-1742, § 1, 12-8-92; C.F. No. 93-1650, § 1, 12-9-93; C.F. No. 94-201, § 1, 3-16-94; C.F. No. 94-1447, § 1, 12-14-94; C.F. No. 95-519, § 2, 6-7-95; C.F. No. 95-1457, § 1, 1-3-96; C.F. No. 96-391, § 3, 5-8-96; C.F. No. 96-1095, § 1, 10-2-96; C.F. No. 97-912, § 1, 8-20-97; C.F. No. 99-500, § 4, 7-7-99; C.F. No. 99-812, § 1, 9-8-99; C.F. No. 00-457, § 1, 6-7-00; C.F. No. 00-1064, § 1, 12-12-00; C.F. No. 00-1065, § 1, 12-20-00; C.F. No. 01-613, §§ 1, 2, 7-5-01; C.F. No. 01-1244, § 1, 12-26-01; C.F. No. 02-770, § 1, 10-2-02; C.F. No. 1031, § 2, 11-27-02; C.F. No. 03-102, § 2, 3-12-03; C.F. No. 03-694, § 2, 9-3-03; C.F. No. 03-695, § 1, 9-3-03; C.F. No. 03-893, § 2, 11-5-03; C.F. No. 04-670, § 1, 8-4-04; C.F. No. 04-960, § 1, 11-3-04; 04-961, § 1, 11-10-04; C.F. No. 05-631, § 1, 8-10-05; C.F. No. 05-697, § 1, 8-24-05; C.F. No. 06-409, § 1, 5-24-06; C.F. No. 06-574, § 2, 7-26-06; C.F. No. 06-752, § 1, 9-13-06; C.F. No. 06-821, § 2, 9-27-06; C.F. No. 07-149, § 74, 3-28-07; C.F. No. 07-966, § 1, 12-12-07; C.F. No. 07-967, § 1, 12-12-07; C.F. No. 08-382, § 1, 5-14-08; C.F. No. 08-568, § 1, 6-25-08; C.F. No. 08-1009, § 1, 10-8-08; C.F. No. 08-1208, § 2, 12-17-08; C.F. No. 09-478, § 1, 5-27-09; C.F. No. 09-684, § 1, 7-22-09; C.F. No. 09-893, § 1, 10-14-09; C.F. No. 09-987, § 1, 10-14-09; Ord No. 11-56, § 1, 7-13-11; Ord No. 11-63, § 1, 4-25-12; Ord No. 12-24, § 1, 6-13-12; Ord 12-49, § 1, 9-12-12; Ord 12-45, § 1, 10-10-12; Ord 12-83, § 1, 1-9-13; Ord 13-1, § 1, 1-23-13; Ord 13-31, § 1, 5-22-13; Ord 13-34, § 1, 6-26-13; Ord 14-33, § 1, 8-27-14; Ord 14-40, § 1, 12-3-14; Ord 15-29, § 7, 5-27-15; Ord 15-65, § 1, 12-2-15; Ord 16-9, 4-20-16; Ord 16-16, § 2, 7-27-16; Ord 16-66, § 1, 1-4-16; Ord 17-47, § 1, 10-25-17; Ord 17-53, § 1, 11-8-2017; Ord 17-25, § 1, 8-2-17; Ord 18-65, § 1, 1-9-19; Ord 18-68, § 2, 1-9-19; Ord 19-78, § 1, 1-8-20; Ord 20-5, § 1, 2-20-20; Ord 21-65, § 2, 12-22-21; Ord 22-35, § 2, 8-3-22)

## Sec. 310.19. Discount from certain license fees.

(a) A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee shall maintain on the premises, in a location accessible at all times to all employees of the licensed establishment:

a. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and

b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state as outlined in Chapter 7515 of the State of Minnesota Rules and Minn. Stat. Ch. 340A. This compilation must also include chapters 240 through 246, 409 and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee shall maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One (1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section within the lounge area in which the writing on the sign behind the bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (½) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.

(3) *Contract with security agency.*

a. *Generally.* The licensee shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the security agency shall charge the same amount to all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.

b. *Investigation.* The contract with the city shall provide for and require one (1) or more investigations by the security agency each calendar year into the practices of the licensee with respect to (i) age identification of customers in order to prevent sales of alcoholic beverages to minors, and (ii) preventing the sale of alcoholic beverages to persons who are obviously intoxicated. The contract shall require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, to the department, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract shall require that all such investigations shall include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency shall employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract shall also provide for alcohol awareness training by the security agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year shall receive such training within four (4) weeks following their hiring, and shall not work in the premises after that four-week period until they have received such training.

d. *Standards for approval.* In addition to the requirements specified elsewhere in this subsection, the security agency and its investigations and training must meet or exceed the following:

1. The alcohol awareness course shall cover all of the topics listed herein. The content of each training course shall include, but need not be limited to:

(a) Pertinent laws and ordinances regarding the sale of alcohol.

(b) Verification of age, forms of identification, and forms of false or misleading age identification.

(c) The effect of alcohol on humans and the physiology of alcohol intoxication.

(d) Recognition of the signs of intoxication.

(e) Strategies for intervention to prevent intoxicated persons from consuming further alcohol.

(f) The licensee's policies and guidelines, and the employee's role in observing these policies.

(g) Liability of the person serving alcohol.

(h) Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations.

(i) Training available in languages other than English that are spoken by the license holders and/or the license holders employees.

2. The security agency shall have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.

3. The security agency shall have sufficient personnel and physical resources to provide an alcohol awareness training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract. The cost covering the training and investigation service provided to license holders shall be identified and charged equally to each participant.

The (7) seven percent shall be applied to the following licenses:

Brew pub

Off-sale brewery

Liquor catering permit

On-sale—Over 200 seats

On-sale—Over 100 seats

On-sale—100 seats or less

On-sale club—Under 200 members

On-sale club—201—500 members

On-sale club—501—1,000 members

On-sale club—1,001—2,000 members

On-sale club—2,001—4,000 members

On-sale club—4,001—6,000 members

On-sale club—6,000+ members

On-sale extended service hours

On-sale theatre

Off-sale

Sunday on-sale

Liquor—Outdoor service area

Wine on-sale

On-sale malt (strong)

On-sale malt (3.2)

Off-sale malt

(b) A discount will be provided for restaurant and catering licenses issued under Chapter 331A. Such fees shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) The licensee shall employ a person in charge, who, in the absence of the certified food manager, shall be on duty at all times and who can demonstrate that he/she have viewed a video concerning food allergies. The video presentation shall be provided by and will be viewed at the department of safety and inspections. If the person in charge leaves the licensee's employment, the establishment will have two months to either:

a. Have the new person in charge view the video on food allergy at a presentation by the department of safety and inspection; or

b. If there is no presentation within two months of that person being hired, ensure that the new person in charge is registered for the next available video presentation.

(2) Allergic customer alert process. The licensee shall produce a written procedure to alert all employees of an allergic customer. That policy shall, at a minimum, require that once a customer has notified any employee of an allergy to particular food item(s) or group(s), the establishment shall notify the above-referenced person in charge or certified food manager, and all employees who may handle any food item served to that customer of the food allergy.

(C.F. No. 94-1447, § 2, 12-14-94; C.F. No. 00-237, § 1, 4-5-00; C.F. No. 01-1260, § 1, 12-26-01; C.F. No. 02-107, 3-6-02; C.F. No. 04-1093, § 1, 12-15-04; C.F. No. 06-821, § 3, 9-27-06; C.F. No. 07-149, § 75, 3-28-07; C.F. No. 09-1290, § 1, 12-9-09)

# Chapter 324. - Tobacco

## Sec. 324.01. - License required.

(a) No person shall sell or offer for sale at retail within the city any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product or maintain a tobacco vending machine for the sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products without a license.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee;

(2) Any machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all tobacco purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed.

(3) Any tobacco vending machine shall have posted on or near it a sign with the statement, in letters at least one-half (½) inch high, "The sale of tobacco products or electronic delivery devices to persons under twenty-one is prohibited."

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years, subject to the following exceptions:

(1) Notwithstanding subdivision (d), a license may be issued if the new applicant:

a. Currently holds another tobacco license in the city;

b. Has held the license for at least five (5) years; and

c. The license:

1. Has not been subject to adverse action within the past two (2) years;

2. Has been subject to no more than one (1) adverse action within the past five (5) years; and

Is not the subject of any pending adverse actions

is not the subject of any pending adverse actions.

3.

(2) Notwithstanding subdivision (d), a license may be issued if the new applicant is otherwise able to demonstrate at least five (5) years of previous experience operating a tobacco retail establishment in a law abiding manner in the State of Minnesota. In considering an application made pursuant to this subsection, the factors to be considered by the council include, but are not limited to:

a. Any adverse or disciplinary actions against any business licenses held by the applicant in the previous five (5) years; and

b. Any violations of the law related to operating a retail establishment, committed by the applicant in the previous five (5) years, regardless of whether any criminal charges have been brought in connection therewith.

(3) Any license granted pursuant to subpart (d)(1) or (d)(2) must be approved by the affirmative vote of no less than five (5) members of the council.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 1, 10-16-19)

Sec. 324.02. - License for each location or vending machine.

A license shall permit the licensee to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(Code 1956, § 366.05; C.F. No. 94-341, § 2, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that

has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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 shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.

(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17)

Sec. 324.04. - Fee, duration, limitation on number of licenses.

The annual license fee for each location of sale or each tobacco vending machine shall be established by ordinance as specified in section 310.09(b) of the Legislative Code. The license shall expire one (1) year from the date of issuance during each calendar year. The annual license fee shall be prorated for licenses in force less than a full year.

The total number of licenses issued by the city for the retail sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products shall not exceed two hundred forty-two (242). Establishments or locations holding licenses on July 1, 2018, or with an application of a license pending on July 1, 2018, that is ultimately granted shall not be affected by this limitation, but shall be entitled to have such licenses renewed or new license granted, subject to the following exceptions:

1. The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;
2. The previous license has not terminated or expired more than two (2) years before the new license had been first applied for;
3. A previous license has not been revoked by the council.

(Code 1956, § 336.03; Ord. No. 17386, § 1, 8-19-86; C.F. No. 92-1930, § 1, 1-14-93; C.F. No. 94-341, § 4, 4-13-94; C.F. No. 95-1271, § 1, 11-8-95; C.F. No. 97-314, § 1, 4-20-97; Ord 18-19, § 1, 6-27-18)

Sec. 324.05. - Application.

In addition to any other information required by the director, the applicant shall state the true name of the applicant, the name under which he or she shall conduct his or her business, whether such business is that of an individual, sole trader, firm, partnership, or corporation, and the address where such business is to be conducted. Any person applying for more than one (1) license shall file with the department of safety and inspections a list of all locations of sale and/or the location of each vending machine for which license applications are being filed. Any change in the location of the place of sale shall be reported to the director within five (5) days of said change.

(Code 1956, § 336.04; C.F. No. 94-341, § 5, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 07-149, § 81, 3-28-07)

Sec. 324.06. - License to be displayed.

The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location. In the case of a tobacco vending machine, the operator shall also affix his or her name, address and telephone number in a conspicuous place on each machine.

(Code 1956, § 336.06; C.F. No. 94-341, § 6, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than twenty-one (21) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition,

no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

(g) Sale to persons under the age of twenty-one (21) years prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of twenty-one (21) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under twenty-one (21) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19)

**Editor's note—** Ord 17-28, § 2, adopted November 1, 2017, shall take effect and be in force beginning November 1, 2018.

Sec. 324.08. - Distribution of free products prohibited.

No person in the business of selling or promoting tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products or agent or employee of such person shall distribute any products free to any person on the sidewalks, pedestrian concourses, pedestrian malls or pedestrian skyway systems within the city.

(Code 1956, § 336.08; Ord. No. 17714, § 1 2-20-90; C.F. No. 92-1930, § 2, 1-14-93; C.F. No. 94-341, § 8, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 324.09. - Use of false identification by minors prohibited.

No person under the age of twenty-one (21) years shall purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products using a driver's license, a Minnesota identification card, or other form of identification which is false, fictitious, altered or counterfeited as to age or any other material fact of identification. Use of false identification to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products is a misdemeanor.

(Ord. No. 17733, § 1, 5-8-90; C.F. No. 94-341, § 9, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 13-8, § 3, 4-24-13; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 3, 10-16-19)

Sec. 324.10. - Presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations. 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 which make it appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

(b) *Presumptive penalties for violations.* Adverse penalties for violations or convictions shall be presumed as follows:

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |

| | | | | |
|---|---|---|---|---|
| (1) Sale to a person under twenty-one (21) years of age | $200.00 fine | $400.00 fine | $800.00 fine and 7-day suspension | Revocation |

(c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) Computation of time.

(1) Second, third and fourth appearances. A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) Any appearance not covered by subsections (1) above shall be treated as a first appearance. Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19)

**Editor's note**— Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.

# *Chapter 324. Tobacco*

## Sec. 324.01. License required.

(a) No person shall sell or offer for sale at retail within the city any licensed product or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any licensed product or maintain a tobacco vending machine for the sale of licensed products without a license from the city.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee;

(2) Any machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed;

(3) Any tobacco vending machine shall have posted on or near it a sign with the statement, in letters at least one-half (½) inch high, "The sale of tobacco products or electronic delivery devices to persons under twenty-one is prohibited."

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 1, 10-16-19; Ord 21-29, § 2, 11-3-21)

## Sec. 324.02. License for each location or vending machine.

A license shall permit the licensee to sell licensed products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(Code 1956, § 366.05; C.F. No. 94-341, § 2, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16; Ord 21-29, § 3, 11-3-21)

## 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stats. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Cigarette* means and includes any roll for smoking, made wholly or in part of tobacco, irrespective of size and shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except whole tobacco leaf, and includes any cigarette as defined in Minn. Stats. § 297F.01, subd. 3.

(3) *Drug paraphernalia* means drug paraphernalia as defined in Saint Paul Legislative Code Section 255.01.

(4) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(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.

(6) *Licensed products* means collectively any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

(7) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(8) *Non-discounted price* means the higher of the price listed for licensed products on a package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the sale price.

(9) *Price reduction instrument* means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, not included in the non-discounted price, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

(10) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.



EXHIBIT
tabbies
13-2

(11) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(12) *Snuff* means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

(13) *Snus* means any smokeless tobacco product marketed and sold as snus, and sold in ready-to-use pouches or loose as a moist powder.

(14) *Tobacco* or *tobacco product* 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, cigarettes, cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snus, 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. 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.

(15) *Tobacco license* means either a tobacco shop or a tobacco products shop license.

(16) *Tobacco shop license* means a license issued to a person, firm, or corporation for an establishment that:

a. May offer for sale licensed products which are accessible to the public only with the intervention of a store employee; and,

b. May allow persons who are under the age of twenty-one (21) to enter the establishment; and

(17) *Tobacco products shop license* means a license issued to a person, firm, or corporation for an establishment that:

a. Must derive at least ninety (90) percent of its revenue from the sale of licensed products;

b. Must prohibit persons who are under the age of twenty-one (21) from entering the establishment;

c. Must be accessible only through a door opening directly to the outside; and

d. Must be staffed by at least one individual solely dedicated to the tobacco products shop during all operating hours.

(18) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(19) *Tobacco vending machine* means a machine for vending licensed products by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17; Ord 21-29, § 4, 11-3-21)



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## Sec. 324.04. Fee, duration, limitation on number of licenses.

(a) *License fee, duration.* The annual license fee for each license issued under this chapter will be established by ordinance as specified in section 310.09(b) of the Legislative Code. Each license will expire one (1) year from the date of issuance during each calendar year. The annual license fee will be prorated for licenses in force less than a full year.

(b) *Limitation on number of licenses and location.*

(1) The total number of tobacco shop licenses issued under this chapter will not exceed one hundred fifty (150). The total number of tobacco products shop licenses issued under this chapter will not exceed twenty-five (25). Establishments or locations holding either tobacco shop or tobacco product shop licenses on July 31, 2021, or with an application of a license pending on July 31, 2021, that is ultimately granted will not be affected by this limitation but will be entitled to have such licenses renewed or new license granted, subject to the following conditions:

a. The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;

b The previous license has not terminated or expired more than one (1) year before the new license had been first applied for;

c. A previous license has not been revoked by the council.

(2) No tobacco license may be issued to a person, firm, or corporation for any establishment located within one-half mile (2,640 feet) of another establishment possessing a tobacco license. Said one-half mile being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the tobacco license to the property line of any other tobacco license.

(Code 1956, § 336.03; Ord. No. 17386, § 1, 8-19-86; C.F. No. 92-1930, § 1, 1-14-93; C.F. No. 94-341, § 4, 4-13-94; C.F. No. 95-1271, § 1, 11-8-95; C.F. No. 97-314, § 1, 4-20-97; Ord 18-19, § 1, 6-27-18; Ord 21-29, § 5, 11-3-21)

## Sec. 324.05. Application.

In addition to any other information required by the director, the applicant must state the true name of the applicant, the name under which he or she will conduct his or her business, whether such business is that of an individual, sole trader, firm, partnership, or corporation, and the address where such business is to be conducted. Any person applying for more than one (1) license must file with the department of safety and inspections a list of all locations for which license applications are being filed. Any change in the location of the place of sale will require a new license application.

(Code 1956, § 336.04; C.F. No. 94-341, § 5, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 07-149, § 81, 3-28-07; Ord 21-29, § 6, 11-3-21)

## Sec. 324.06. License to be displayed.

The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location. In the case of a tobacco vending machine, the operator shall also affix his or her name, address and telephone number in a conspicuous place on each machine.

(Code 1956, § 336.06; C.F. No. 94-341, § 6, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)



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## Sec. 324.07. Sales prohibited.

(a) No person may sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes may be sold individually or in packages of fewer than twenty (20) cigarettes.

(b) No person may sell or dispense licensed products from a motor vehicle or other movable place of business.

(c) No person may sell licensed products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.

(d) No person may offer for sale licensed products in any open displays which are accessible to the public without the intervention of a store employee. This restriction does not apply to establishments holding a tobacco products shop license.

(e) No person may sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person may sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person may sell or offer for retail sale cigarette packages or cartons for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per pack.

(g) No person may sell or offer for retail sale moist snuff retail packages or multipacks for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per 1.2 ounce package. No person may sell or offer for retail sale any smokeless tobacco/moist snuff unless it is sold in a package of at least 1.2 ounces minimum package size. The price floor for packages larger than 1.2 ounces shall be computed by adding two dollars and fifty cents ($2.50) for each 0.3 ounces or any fraction thereof in excess of 1.2 ounces, excluding all applicable taxes.

(h) No person may sell or offer for sale or otherwise distribute snus for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per 0.32 ounce package. No person may sell or offer for retail sale any snus unless it is sold in a package of at least 0.32 ounces minimum pack size. The price floor for packages larger than 0.32 ounces shall be computed by adding two dollars and fifty cents ($2.50) for each 0.08 ounces or any fraction thereof in excess of 0.32 ounces, excluding all applicable taxes.

(i) No holder of a license issued under this chapter, nor any employee or agent of same may sell tobacco products to a person under the age of twenty-one (21) years. Sale to persons under the age of twenty-one (21) years prohibited.

(1) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stats. § 340A.503, subd. 6.

(j) No person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter.

(k) *Coupons and price promotions.* No holder of a license issued under this chapter, nor any employee or agent of same, may:

(1) Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any price reduction instrument or other offer that provides any licensed product without charge or for less than the listed or non-discounted price; or



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(2) Sell or offer to sell licensed products, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any licensed products, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other licensed products.

Nothing in this chapter is intended to prohibit communication of pricing information or other truthful, non-misleading information to consumers.

(l) *Exceptions.*

(1) Notwithstanding section (i), individuals exempted under Minn. Stats. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase licensed products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products.

(m) Any violation of this chapter will subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19; Ord 21-29, § 7, 11-3-21)

## Sec. 324.08. Distribution of free products prohibited.

No person shall distribute any tobacco products free to any person on the sidewalks, pedestrian concourses, pedestrian malls or pedestrian skyway systems within the city.

(Code 1956, § 336.08; Ord. No. 17714, § 1 2-20-90; C.F. No. 92-1930, § 2, 1-14-93; C.F. No. 94-341, § 8, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16; Ord 21-29, § 8, 11-3-21)

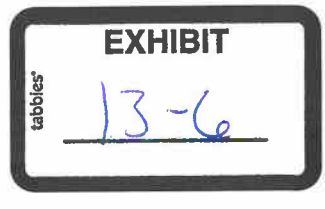
## Sec. 324.09. Reserved.

Editor's note(s)—Ord 21-29, § 9, adopted November 3, 2021, repealed § 324.09. Former § 236.09 pertained to the use of false identification by minors is prohibited and derived from Ord. No. 17733, § 1, adopted May 8, 1990; C.F. No. 94-341, § 9, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 3, adopted April 24, 2013; Ord 15-57, § 1, adopted January 6, 2016; and Ord 19-57, § 3, adopted October 16, 2019.

## Sec. 324.10. Presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. 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 which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under Saint Paul Legislative Code Section 310.





(b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |
| (1) Sale to a person under twenty-one (21) years of age | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 7-day suspension | Revocation |
| (2) Display, possession or multiple incidents of sales of;<br>• single cigarettes;<br>• menthol tobacco products; or<br>• flavored tobacco products | 10-day suspension | Revocation | | |

(c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) *Computation of time.* Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent violations are subject to the following:

(1) *Second, third and fourth appearances.* A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) *Any appearance not covered by subsections (1) above shall be treated as a first appearance.* Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19; Ord 21-29, § 10, 11-3-21)

Editor's note(s)—Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.



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EXHIBIT tabbies 13-7

Zakariya and Mann,

Please confirm that you've received the message below.

Eric Hudak

**Eric Hudak**
*Licensing Manager*
Dept. of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
P: 651 266-9102

Making Saint Paul the Most Livable City in America

**From:** Hudak, Eric (CI-StPaul)
**Sent:** Thursday, June 18, 2020 7:10 PM
**To:** Theonestopmarket051@gmail.com
**Subject:** One Stop Market - 1541 Maryland Ave. W.

Zakariya and Maan Abukhudeer,

Attached find documents and links that define the rules and regulations governing the secondhand dealer and cigarette/tobacco licenses issued to your convenience store, One Stop Market at 1541 Maryland Avenue East.

As discussed in our meeting at the Eastern District Saint Paul Police Department Offices on June 17, 2020, it is your direct responsibility as license holders to ensure compliance with all the rules and regulations contained within these attachments.

Cigarette/Tobacco
Imitation Tobacco Products and Novelty Lighters Ordinance
Secondhand Dealers
Uniform License Procedures

Please confirm you have received this message. Questions may be asked by reply to this message or calling (651) 266-1932.

Respectfully,

EXHIBIT
15-1

**Eric Hudak**
*Licensing Manager*
Dept of Safety and Inspections
375 Jackson Street Suite 220
Saint Paul MN 55101-1806
P: 651 266-9132

EXHIBIT
15-2

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

March 1, 2024

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
Alan.Tellez@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **SEVENTH PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On March 1, 2024, a true and correct copy of the **SEVENTH PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
Alan.Tellez@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**SEVENTH PREHEARING ORDER**

This matter came before Administrative Law Judge Suzanne Todnem for a prehearing conference on March 1, 2024.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City. Mark K. Thompson, MKT Law, PLC, appeared on behalf of Licensee Zakariya Abukhudeer.

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED:**

1. **Witness Lists and Exhibits.** The parties shall file and serve revised witness lists, exhibit lists and exhibits by **4:30 p.m.** on **March 5, 2024**. The revised documents shall focus only the remaining issue: Are there substantial and compelling reasons for an upward deviation from the presumptive penalty in the City's penalty matrix?

2. **Hearing Location, Date and Time.** The hearing in this matter will be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, on **March 8, 2024**, beginning at **9:30 a.m.**

3. **Prior Orders.** Unless amended herein, the terms of prior orders remain in effect.

Dated: March 1, 2024

SUZANNE TODNEM
Administrative Law Judge

[202379/1]

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By: OAH on 02/28/2024 5:23PM

# STATE OF MINNESOTA

# OFFICE OF ADMINISTRATIVE HEARINGS

OAH Docket No.: 23-6020-39016

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

License ID #: 20190001624

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## WITNESS LIST

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**TO: CITY OF SAINT PAUL, THROUGH ITS CITY ATTORNEY, LYNDSEY M. OLSON AND ASSISTANT CITY ATTORNEY, THERESE SKARDA, OFFICE OF THE SAINT PAUL CITY ATTORNEY, 400 CITY HALL, 15 WEST KELLOGG BLVD., SAINT PAUL, MINNESOTA 55102:**

Licensee, above-named, may call the following witnesses to testify at the evidentiary hearing scheduled to begin on March 6, 2024:

1. Zakariya Abukhudeer;
2. Faleh Alzerjawi;
3. City of Saint Paul video technician Kheng Lee ;
4. DSI Licensing Manager Eric Hudak;
5. Eastern District Saint Paul Police Department Sargeant Charles Graupman;
6. DSI Inspector III Jospeh Voyda; and
7. DSI Deputy Director Dan Niziolek.

This list may be amended at any time before the hearing. Licensee reserves the right to call any witness listed by the City and any unnamed witnesses for impeachment purposes.

Dated: February 28, 2024

Respectfully submitted,

MKT LAW PLC

By: _____
Mark K. Thompson #297343

4927 34th Avenue South
100 Nokomis Professional Building
Minneapolis, Minnesota 55417
(612) 999-2404
mkt@mktlawoffice.com

*ATTORNEY FOR LICENSEE*

# STATE OF MINNESOTA

# OFFICE OF ADMINISTRATIVE HEARINGS

OAH Docket No.: 23-6020-39016

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

License ID #: 20190001624

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## EXHIBIT LIST

---

**TO: CITY OF SAINT PAUL, THROUGH ITS CITY ATTORNEY, LYNDSEY M. OLSON AND ASSISTANT CITY ATTORNEY, THERESE SKARDA, OFFICE OF THE SAINT PAUL CITY ATTORNEY, 400 CITY HALL, 15 WEST KELLOGG BLVD., SAINT PAUL, MINNESOTA 55102:**

Licensee, above-named, may offer the following exhibits at the evidentiary hearing scheduled to begin on March 6, 2024:

| EXHIBIT NO. | DESCRIPTION |
|---|---|
| Exhibit 5-7 to 5-80 | March 24, 2021, Affidavit of Service and Notice of Violation and Request for Upward Departure to Revocation with attachments |
| Exhibit 7-1 to 7-13 | CN #21-026681 Amended Report of Sergeant Charles Graupman dated 6/14/2023 |
| Exhibit 10 | The One Stop Market January 2021 videos |
| Exhibit 19 | Affidavit of Joseph Voyda |
| Exhibit 20 | Affidavit of Charles Graupman |
| Exhibit 21 | Affidavit of Dan Niziolek |
| Exhibit 22 | Affidavit of Eric Hudak |
| Exhibit 23 | Supplemental Affidavit of Joseph Voyda |

This list may be amended at any time before the hearing. Licensee reserves the right to offer any exhibit listed by the City and any unlisted exhibits for impeachment purposes.

Respectfully submitted,

Dated: February 28, 2024

MKT LAW PLC

By: _____
Mark K. Thompson #297343
4927 34th Avenue South
100 Nokomis Professional Building
Minneapolis, Minnesota 55417
(612) 999-2404
mkt@mktlawoffice.com

*ATTORNEY FOR LICENSEE*

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

February 29, 2024

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
Alan.Tellez@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **SIXTH PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On February 29, 2024, a true and correct copy of the **SIXTH PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
Alan.Tellez@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**SIXTH PREHEARING ORDER**

This matter came before Administrative Law Judge Suzanne Todnem upon the City of St. Paul's (City) correspondence filed on February 26, 2024.

Therese Skarda, Assistant City Attorney, appears on behalf of the City. Mark K. Thompson, MKT Law, PLC, appears on behalf of Respondent Zakariya Abukhudeer.

The parties were contacted and have agreed to the prehearing conference date and time set in this order.

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED:**

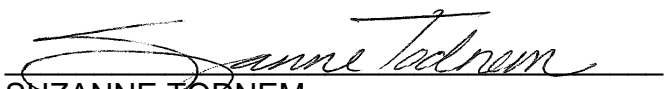
1. **Prehearing Conference.** A prehearing conference will be held by telephone at **1:00 p.m.** on **March 1, 2024**. At that time, the parties are directed to:

   a. Telephone **1-651-395-7448** and, when prompted,

   b. Enter the Conference Code: **626 019 056#.**

2. **Prior Orders.** Unless amended herein, the terms of prior orders remain in effect.

Dated: February 29, 2024



SUZANNE TODNEM
Administrative Law Judge

[202138/1]

RECEIVED
By: OAH on 02/26/2024 1:33pm

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: 651-266-8710 | Fax: 651-298-5619

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

**Agency Notice of Partial Dismissal**

OAH 23-6020-39016

On January 31, 2023, the City served an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice) on Respondent.

The Amended Notice alleged that the City was entitled to take Adverse Action against the Tobacco Shop License of Respondent based on several violations including:

1. On January 18, 2021, Respondent violated his license condition #2 when he failed to take reasonable steps to discourage loitering on the Licensed Premises
2. On January 18, 2021, Respondent violated his license condition #3 when he failed to maintain his video surveillance.
3. Respondent sold and displayed prohibited flavored tobacco products on January 18, 2021, in violation of Saint Paul Legislative Code.
4. Respondent violated SPLC §§310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7), and 310.06(b)(8).
5. Respondent sold and displayed prohibited flavored tobacco products on February 8, 2021, in violation of Saint Paul Legislative Code.

On July 14, 2023, the City filed a Motion for Summary Disposition. The record on this motion was closed on August 7, 2023.



*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.*

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: 651-266-8710 | Fax: 651-298-5619

On January 12, 2024, the Administrative Law Judge issued a Recommendation and Order on Motion for Summary Disposition that recommended granting the City's Motion in Part and denying it in part.

The City's Motion for Summary Disposition was granted with respect to the alleged violations of St. Paul Legislative Code (SPLC) §324.07(j) relating to the Respondent's offering for sale of flavored tobacco products on February 8, 2021, and found that the City may take disciplinary action against Respondent's license for these violations.

On January 29, 2024, the City filed a Motion to Certify the City's Motion for Summary Disposition to the Saint Paul City Council pursuant to Minn. R. 1400.7600 (2023). Respondent filed an objection.

On February 22, 2024, the Administrative Law Judge denied the City's Motion.

The city has reviewed the orders from the Administrative Law Judge, weighed important factors such as cost-effectiveness, costs to both parties and the need to make the best use of both parties' resources.

The City believes that based on the prior Adverse Action and the facts related to the February 8, 2021 incident, ample basis for upward departure to revocation exists in the record and therefore, **DISMISSES** the following allegations laid out in the January 31, 2023, Amended Notice:

1. On January 18, 2021, Respondent violated his license condition #2 when he failed to take reasonable steps to discourage loitering on the Licensed Premises
2. On January 18, 2021, Respondent violated his license condition #3 when he failed to maintain his video surveillance.
3. Respondent sold and displayed prohibited flavored tobacco products on January 18, 2021, in violation of Saint Paul Legislative Code.
4. Respondent violated SPLC §§310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7), and 310.06(b)(8).



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CITY ATTORNEY

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Saint Paul, MN 55102
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Since the Administrative Law Judge has already granted summary disposition and found Respondent sold and displayed prohibited flavored tobacco products on February 8, 2021, in violation of Saint Paul Legislative Code, the City will look to the Administrative Law Judge for further guidance on what, if any additional evidence or argument is needed on the requested penalty of Upward Departure to Revocation.

Sincerely,

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(612) 266-8710

Cc. Mr. Mark K. Thompson, Counsel for the Licensee
MKT Law, PLC
4927 - 34th Avenue South
100 Nokomis Professional Building
Minneapolis, MN 55417
mkt@mktlawoffice.com



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RECEIVED
By: OAH on 02/23/2024 1:03pm

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: 651-266-8710 | Fax: 651-298-5619

February 23, 2023

Mr. Mark K. Thompson
MKT Law, PLC
4927 - 34th Avenue South
100 Nokomis Professional Building
Minneapolis, MN 55417

RE: Cigarette/Tobacco license held by Zhariya Abukhudeer d/a/b The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul
License ID: 20190001624
OAH Docket 23-6020-39016

Mr. Thompson:

Please find attached and served upon you the following witness list. The City may call any of these witnesses to testify at the March 6, 2024, Administrative Hearing.
If I add any witnesses to this list, I will provide you with that information as well.

1. Dan Niziolek, Department of Safety and Inspections (DSI), Deputy Director, 375 Jackson Street, Ste. 220, St. Paul, MN 55101. (651)-238-4021
2. Charles Graupman, Saint Paul Police Department Sergeant, 375 Jackson Street, Ste. 220, St. Paul, MN 55101. (651)-266-5733
3. Joseph Voyda, DSI Inspector lll, 375 Jackson Street, Ste. 220, St. Paul, MN 55101. (651)-266-9014
4. Eric Hudak, DSI Licensing Manager, 375 Jackson Street, Ste. 220, St. Paul, MN 55101. (651) 266-9132
5. Kheng Lee, Saint Paul Police Video Technician, 367 Grove St, St Paul, MN 55101. (651)-266-6139

Sincerely,

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(612) 266-8710



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SAINT PAUL
CITY ATTORNEY

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Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Cc: Suzanne Todnem Administrative Law Judge, Office of Administrative Hearings
PO Box 64620, St. Paul, MN 55164-0620



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February 23, 2023

Mr. Mark K. Thompson
MKT Law, PLC
4927 - 34th Avenue South
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Minneapolis, MN 55417

RE: Cigarette/Tobacco license held by Zhariya Abukhudeer d/a/b The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul
License ID: 20190001624
OAH Docket 23-6020-39016

Mr. Thompson:

Please find attached and served upon you the following exhibits for the administrative hearing scheduled on March 6, 2024.

| Exhibit No. | Description |
|---|---|
| Ex. No. 1-1 to 1-2 | January 31, 2023, letter to opposing counsel with information that the Notice of Violation has been updated to include information on the adverse action recently resolved by City Council |
| Ex. No. 2-1 to 2-11 | January 31, 2023, Amended Notice of Violation and Request for Upward Departure to Revocation |
| Ex. No. 3-1 | Affidavit of Service for January 31, 2023, Amended March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation, Amended April 1, 2022, Notice of Violation and Request for Revocation and Service Letter |
| Ex. No. 3-2 | Affidavit of Service for Attachments from March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation and Attachments to April 1, 2022, Notice of Violation and Request for Revocation |
| Ex. No. 4-1 to 4-89 | Attachments from March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation and Attachments to April 1, 2022, Notice of Violation and Request for Revocation served February 10, 2023. |
| Ex. No. 5-1 to 5-99 | March 24, 2021, Affidavit of Service and Notice of Violation and Request for Upward Departure to Revocation with attachments |
| Ex. No. 6-1 to 6-5 | Signature Copy of RES PH 23-10 adopting the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued September 7, 2021, and Judge |



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Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

| | |
|---|---|
| | Schlatter issued December 6, 2022 |
| Ex. No. 7-1 to 7-15 | CN #21-026681 Amended Report of Sergeant Charles Graupman dated 6/14/2023 |
| Ex. No. 8-1 to 8-16 | September 7, 2021, Recommendation And Order On Motion For Summary Disposition by Administrative Law Judge LaFave |
| Ex. No. 9-1 to 9-31 | December 6, 2022, Findings of Fact, Conclusions of Law and Recommendation by Administrative Law Judge Schlatter |
| Ex. No. 10 | The One Stop Market January 2021 videos |
| Ex. No. 10-1 | SPPD Video Hash_Report_ VMU |
| Ex. No. 11-1 to 11-31 | Saint Paul Legislative Code 310 (in effect on date that the violation occurred). |
| Ex. No. 12-1 to 12-8 | Saint Paul Legislative Code 324 (in effect on date that the violation occurred). |
| Ex. No. 13 | Saint Paul Legislative Code 324 (Amended by Ordinance 21-29 dated 11-3-2021) |
| Ex. No. 14 to 14-5 | Original Offense/Incident Reports for CN 21-011884, CN 20-062710, CN 20-144580 and CN 20-076456 (Public Narrative) |
| Ex.15-1 to 15-2 | June 18, 2020, email from Eric Hudak to Licensee with Code Provisions |
| Ex. 16-1 to 16-7 | 1541 Maryland Avenue East - DBA The One Stop Market Video Comparison Report Prepared by Joseph Voyda, DSI Licensing Inspector III |
| Exhibit 17 | Video Clip CH0620210118124336 discussed in Exhibit 16, Video Comparison Report prepared by Joseph Voyda which shows the sale of prohibited flavored products on January 18, 2021. |
| Exhibit 18-1, 18-2 | Video Clips CH1020210118132515 and CH102021011812834 which are discussed in Exhibit 7, CN #21-026681 Amended Report of Sergeant Charles Graupman dated June 14, 2023. |
| Exhibit 19 | Affidavit of Joseph Voyda |
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| Exhibit 22 | Affidavit of Eric Hudak |
| Exhibit 23 | Supplemental Affidavit of Joseph Voyda |
| Exhibit 24 | Recommendation and Order on Motion for Summary Disposition |

Sincerely,

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse



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Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(612) 266-8710

Cc: Suzanne Todnem Administrative Law Judge, Office of Administrative Hearings
PO Box 64620, St. Paul, MN 55164-0620



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Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

February 23, 2023

Mr. Mark K. Thompson
MKT Law, PLC
4927 - 34th Avenue South
100 Nokomis Professional Building
Minneapolis, MN 55417

RE: Cigarette/Tobacco license held by Zhariya Abukhudeer d/a/b The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul
License ID: 20190001624
OAH Docket 23-6020-39016

Mr. Thompson:

Please find attached and served upon you the following the **Amended Exhibit List** for the administrative hearing scheduled on March 6, 2024.

| Exhibit No. | Description |
|---|---|
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| Exhibit 22 | Supplemental Affidavit of Joseph Voyda |
| Exhibit 23 | Recommendation and Order on Motion for Summary Disposition |

Sincerely,

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard



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Saint Paul, Minnesota 55102
(612) 266-8710

Cc: Suzanne Todnem Administrative Law Judge, Office of Administrative Hearings
PO Box 64620, St. Paul, MN 55164-0620



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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: 651-266-8710 | Fax: 651-298-5619

January 31, 2023

The One Stop Market LLC
1541 Maryland Avenue
Saint Paul, MN 55106
Attn: Mark K. Thompson, MKT Law, PLC, 4927 34th 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 your request of December 15, 2022, please find a copy of the April 1, 2022, Notice of Violation for The One Stop Market, LLC with attachments. My legal assistant's records indicate that this was served on you on April 1, 2022. The purpose of the April 1, 2022, Notice of Violation, was to inform you that the Department intended to take additional adverse action against your license once the current adverse action was completed.

You were also served with a March 24, 2021, Notice of Violation and Request for Upward Departure on March 24, 2021.

It is my understanding that your client contests the allegations in both the March 21, 2021, Notice of Violation and Request for Upward Departure and the April 1, 2022, Notice of Violation. Therefore, I have asked my Legal assistant Shawn McDonald to request separate administrative hearings for these matters.

I am enclosing Amended Notice of Violations for both the March 21, 2021, and the April 1, 2022, Notices. These have been updated to include information on the adverse action recently resolved by City Council and the requested penalty.

They are also reflective of your request for administrative hearings.

Additional information added to the notices has been noted with strikeout and underlines.



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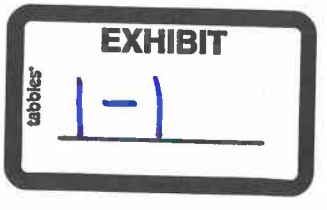

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
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I would anticipate that the Office of Administrative Hearings will be reaching out to set the dates for scheduling conferences soon.

Please let me know if you have additional questions.

Thank you,

Therese



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~~March 24, 2021~~ January 31, 2023

**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 34th 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 the Notice of Violation and request for upward departure to Revocation related to license violations which occurred after the first Notice of Violation was sent to your client.

In relation to these violations, the Department of Safety and Inspections ("Department") is recommending 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 to Revocation based on:

- Evidence that the Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021,
- Evidence of failure to maintain video in accordance with his license condition,
- Evidence of multiple additional incidents of sales of flavored products on January 18, 2021 documented on video provided by licensee,
- Evidence of a large volume of flavored products observed by Inspector Voyda during his inspection on February 8, 2021 and documented report and through photos,



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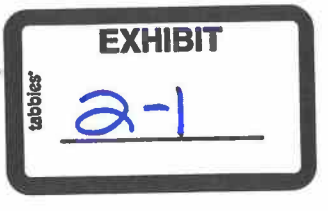

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- Evidence that the licensed premises were being operated in a manner that violated several sections of Saint Paul Legislative Code Section ~~306~~ 310 on January 18, 2021 and February 8, 2021.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

- 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.



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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 (f) which prohibits the sale 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 portion of the Saint Paul Legislative Code relating to the sale of flavored products is:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – Revocation:**



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On January 18, 2023, Saint Paul City Council considered and adopted the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021, under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022, under OAH 80-6020-37157 in the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul. Under resolution RES PH 23-10 imposed a second level matrix penalty of $1,000 on the cigarette/tobacco license held by Licensee.

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) also states that the occurrence of multiple violations **shall** be grounds for departure from such penalties at the council's discretion (emphasis added). 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.

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, including successive sales of prohibited flavored products and possession of an amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021.
- 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 surveillance equipment in good working order,



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- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,
- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises, and
- the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law Judge LaFave found numerous violations of sales of prohibited flavored products and single cigarettes as well as violations of the clean indoor air act; and

The Department believes that the report of Inspector Voyda, video and photographic evidence support the violations and the Department plans on asking the City Council to impose the costs as allowed under 310.05 (k). 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.

The Department is recommending an upward departure, one box on the penalty matrix to Revocation under Saint Paul Legislative Code §310.05. This is the matrix penalty that was in effect at the time of the violation. The relevant sections of Saint Paul Legislative Code §§ 310 and 324 that were in effect at the time of these violations are included as attachments to this correspondence and will be included in the materials sent to the Administrative Law Judge.

**List of Violations in Chronological Order:**

**Violation #1 – Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021.**

**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 January 18, 2021 Saint Paul Police responded to a call at the Licensed Premises on a report of a person who had been shot in the parking lot and taken to Regions hospital with non-life threatening injuries. Saint Paul Police documented the incident under Saint Paul Police Case Number ("CN") 21011884. Responding officers recovered six (6) 9mm casings near the scene. Officers also spoke with employees who advised that a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer.



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On January 19, 2021, Sgt. Graupman, the Sgt. currently assigned to DSI learned of this incident.

On January 21, 2021, Sgt. Graupman drafted and delivered a formal letter requesting surveillance video from Monday, January 18, 2021 from 12:30 p.m. to 2:30 p.m. on Monday, January 18, 2021.

On January 25, 2021 the requested video was turned in at DSI. Sgt. Graupman viewed the video and made the following observations which DSI alleges support adverse action on the basis that the Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021:

- 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
- 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
- Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
- Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

**Violation #2 - On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.**



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**License Condition Violated:** License Condition #3 which states: "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:** Sgt. Graupman noted in CN 2106681 that when he viewed the video turned in to DSI by the Licensee he noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This information was also documented in a separate supplemental report by Video Management Technician Ricard Bertholf.

**Violation #3 – On January 18, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:** DSI Inspector Joseph Voyda viewed the January 18, 2021 video and pulled still photographs of 6 separate sales of flavored products, specifically:

- Camera 6 – 1/18/2021 at 12:18:14 – Backwoods Russian Crème Cigars
- Camera 6 – 1/18/2021 at 12:19:18 – Dutch Honey Fusion and Blue Dream Fusion Cigars
- Camera 6 – 1/18/2021 at 12:44:04 – Dutch Honey Fusion Cigars
- Camera 6 – 1/18/2021 at 12:46:01 – Backwoods Honey Burbon Cigars

**Violation #4 - The Licensee (or any person whose conduct may be imputed to the licensee) managed the property engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or**



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**welfare and 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 the members of the public.**

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

**Synopsis of Alleged Facts:**

- Video recovered of January 18, 2021 shooting shows a failure to monitor Licensed Premises.
    - 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Cheverolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
    - 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
    - Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
    - Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.
- Sergeant Graupman documented in his CN 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and



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investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents.

- Inspector Voyda noted that his observations of the video from January 18, 2021 showed that no customers were carded by the clerk for tobacco purchases.
- Repeated sales of prohibited flavored tobacco products on January 18, 2021 and the presence of a large amount of prohibited flavored tobacco products on February 8, 2021.

**Violation #5 – On February 8, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:**

On February 8, 2021 Sgt. Graupman and DSI Inspector Voyda went to the Licensed Premises to follow up on a licensing complaint. They made contact with 2 employees working behind the front counter. They verbally identified one of the employees as the Licensee, Zakariya Abukhudeer. Inspector Voyda informed them that the purpose of this inspection was to ensure that the Licensed Premises was compliant with Saint Paul Legislative Code 324.07(f). During the Inspection, Inspector Voyda located and photographed multiple boxes containing prohibited flavored products behind the sales area. Inspector Voyda advised the Licensee to remove the prohibited products from the premises.

~~The Licensee has four (4) options:~~

~~1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **April 1, 2021,** I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for revocation of the licenses.~~

~~2. If you wish to admit the facts but you contest the upward departure to revocation, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **April 1, 2021.** The~~



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~~matter will then be scheduled before the City Council to determine whether to revoke the license. You and your client will have an opportunity to appear before the Council and make a statement.~~

~~4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 1, 2021.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation. Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).~~

**~~If you have not contacted me by April 1, 2021, I will assume that you do not contest the Revocation of your licenses. In that case, the matter will be placed on a City Council Consent Agenda for approval of the recommended penalty.~~**

You have requested an Administrative Hearing on this Notice of Violation. My legal assistant, Shawn will contact the Office of Administrative Hearings to request the Administrative Hearing.

Sincerely,

/S/
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:
January 18, 2021 Surveillance video observations from Inspector Joseph Voyda
A copy of January 21, 2021 letter from the Department of Safety and Inspections requesting January 18, 2021 video.
A copy of February 8, 2021 Inspector's report from Inspector Joseph Voyda



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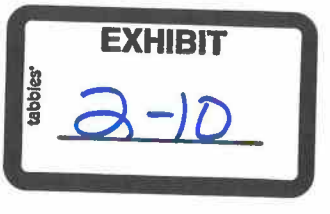

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License Group Comments Text
Adverse Action Comments Text
STAMP- Ownership/Zoning Information
Photos
Vendor tobacco education packet
Saint Paul Police Department address/Intersection Report from 2/10/2020 to 2/10/2021
Saint Paul Police Report Case Number: 21026555
Saint Paul Police Report Case Number: 21026681
Saint Paul Police Report Case Number: 21011884
Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021, under OAH 60-6020-37157
Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022, under OAH 80-6020-37157
Saint Paul City Council Resolution RES PH 23-10



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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 31st day of January, he served the attached **AMENDED MARCH 24, 2021 NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION, AMENDED APRIL 1, 2022 NOTICE OF VIOLATION AND REQUEST FOR REVOCATION, AND SERVICE LETTER** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 31st day of January 2023

Notary Public

REGINA M. ETOLL
Notary Public-Minnesota
My Commission Expires Jan 31, 2023

EXHIBIT
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3-1

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

Shawn McDonald, being first duly sworn, deposes and says that on the 10th day of February, he served the attached **ATTACHMENTS FROM MARCH 24, 2021, NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION AND ATTACHMENTS TO APRIL 1, 2022, NOTICE OF VIOLATION AND REQUEST FOR REVOCATION** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 10th day of February 2023

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
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# 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Surveillance Video Observations

## January 18, 2021 – From 12:00 p.m. to 2:30 p.m.

**Violations found:**

USB Flash Drive labeled 1/18/2021:

Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars

Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars

Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars

Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars

Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

**Violations Found:**

City of Saint Paul's Legislative Code 324.07(f) - (h-3) – Flavor violations

**NOTE:** No customers were carded by the clerk for tobacco purchases at the 'The One Stop Market' counter and no violations observed from the 'One Stop Wireless' counter.

See attached documents for pictures of violations and the request for video letter dated January 18, 2021

Joseph Voyda
Licensing inspector III

February 10, 2021

EXHIBIT
4-1

'Backwoods' Russian Cream Cigars

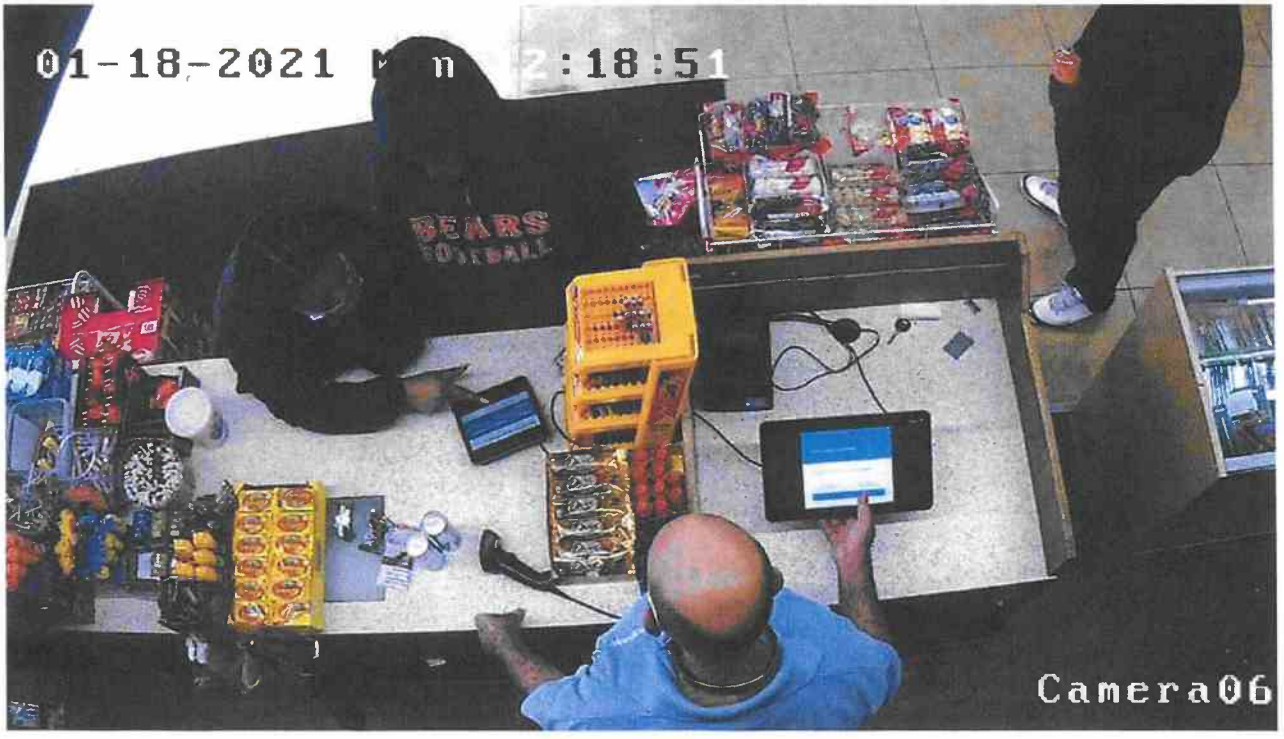


EXHIBIT
4-2

'Dutch' Honey Fusion and Blue Dream Fusion Cigars

'Dutch' Honey Fusion Cigars

EXHIBIT
4-3

'Backwoods' Honey Bourbon cigars

EXHIBIT

4-4

It appears that they didn't have any 'Newport' cigarettes at this time of day or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

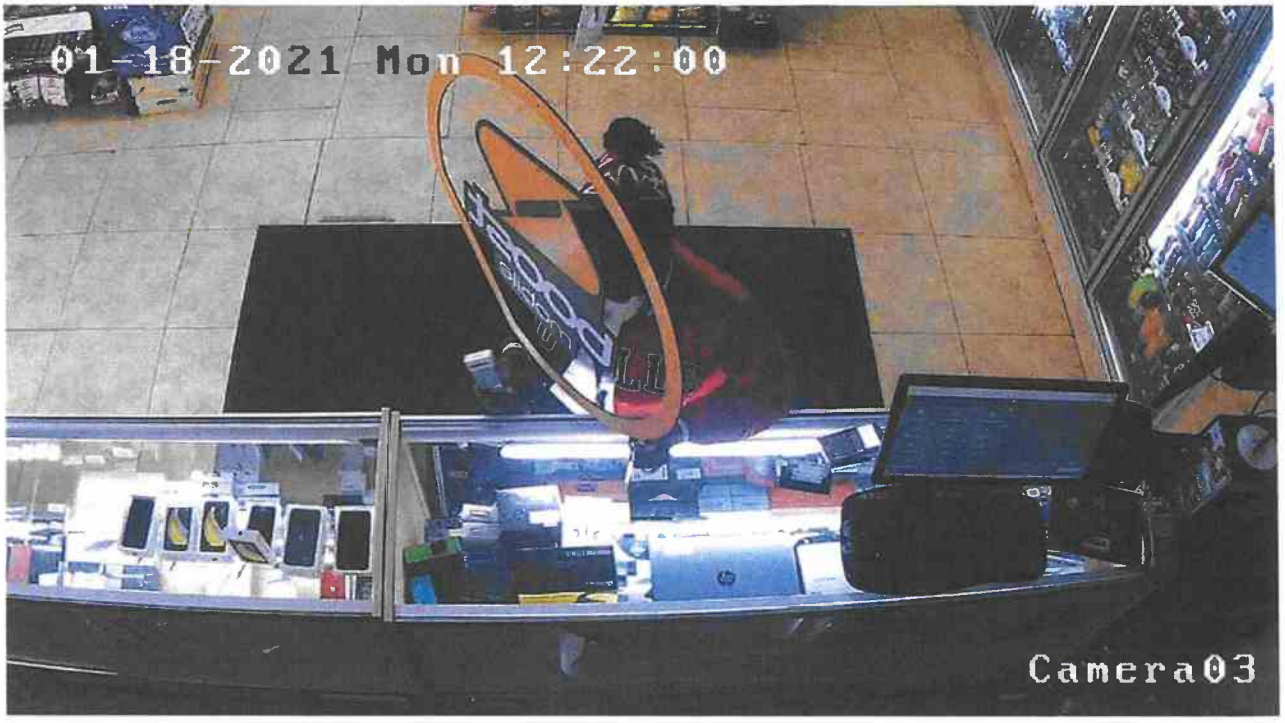


EXHIBIT
4-5

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

January 21, 2021

The One Stop Market LLC
The One Stop Market
1541 Maryland Ave E.
St. Paul, MN 55106

**HAND-DELIVERED: 01-21-2020 @ 1:30 P.M**

Mr. Abukhudeer,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following period:

**Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. Monday, January 18, 2021**

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 no later than 4:00 p.m. on Monday, January 25, 2021. Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have previously been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Attorney Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042

An Equal Opportunity Employer

EXHIBIT
4-6

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X Cervantes, Director*

CITY OF SAINT PAUL

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

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

# 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Complaint Inspection for Flavored Tobacco Products

## February 8, 2021

**Evidence of violations to be added to current Adverse Action**

**Violations Found:**

City of Saint Paul's Legislative Code -Licenses 324.07(f) & Zoning Code 65.535 (a) (b) – Flavor violations, distance requirement, and not zoned for a product shop to sell flavored tobacco.

**NOTE:** Education to the licensee on the flavor violations found and education given that 1541 Maryland Avenue East – DBA: The One Stop Market, was not a Tobacco Product Shop.

See attached documents for pictures of violations and the 'Inspectors Report' dated February 8, 2021

Joseph Voyda
Licensing inspector III

February 8, 2021



EXHIBIT
4-7

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

# Inspector's Report

Inspectors Name: Joseph Voyda

Date: 2/8/2021

Business/Property Name: The One Stop Market

Property Address: 1541 Maryland Avenue East

Reason for Visit: Complaint for flavored product being sold

Observations: Multiple flavor violations found behind counter

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

Behind the counter/register

Action Taken: ☐ Education / warning

☐ Request for Adverse Action

Other: Additional violations found from a complaint received to DSI to be added to the current Adverse Action

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

Upon arrival on February 8, 2021. I spoke with the licensee Zakariya Abukhudeer. I introduced myself as an Inspector for the City of Saint Paul with DSI I introduced the Saint Paul Police officer that works with DSI. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco product being sold.

In plain sight located behind the counter/cash register were multiple flavor tobacco product violations (See Attached Photos – 20 Total). I asked Zakariya if there were any other flavor products that were present or hidden, his response was "no we don't sell menthol and no other flavor products". Continuing the inspection, I advised Zakariya to move all products off the premises. I educated Zakariya on the flavor violations that were discovered, he agreed and said, "it wouldn't happen again".

Types of flavored tobacco products found: 'Dutch' - Irish Fusion, Java Fusion, Berry Fusion, Honey Fusion, Blue Dream Fusion and Rum Fusion, 'Zig Zag' – Purple, Blue and Pink. 'Backwoods' – Black Russian, Honey Berry, Russian Cream, Dark Stout, Honey Bourbon, and Honey. 'Black & Mild' – Wine.



EXHIBIT
4-8

License Group Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

2/8/2021 Complaint inspection - Multiple flavor violations found JNV
5/26/2020 To CAO for adverse action. Violation of condition # 2 & #3
5/4/2020 recieved an email from licensee that he was not able to provide a copy of requested video.KS
4/27/2020 Letter sent requestiing inside video for 3/3020 due by 5/4/20.KS
4/6/2020 ALJ dismissed KS
02/04/2020 Spoke with licensee to question his confusing written request for a PH. He changed his mind and advised he'd send another letter to request an ALJ.
01/09/2020 Sent to the CAO for adverse action - MN Dept. of Revenue seizure for invoice - tobacco JNV

License Group Conditions Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

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.
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 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 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.
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 place in front of the window.

Adverse Action Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

10/21/2020 Notice of Prehearing Conference sent. SM
09/10/2020- Sent Notice of Violation with an 09/25/2020 deadline to respond. SM
1/15/20- NOV sent with a 1/29/20 deadline to respond. SM
3/9/20- Sent Notice of Prehearing Telephone Conference. SM

EXHIBIT
4-9

# STAMP - Ownership / Zoning Information

New Search Help using this report

**Run Date:** 02/08/21 03:35 PM

**House#:**

**Street Name:**

**Last updated from Ramsey County data on:**

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

1541 Maryland Ave E - Sam'S Dairy / 1543 Maryland Ave E - Ultimate Wash / 1545 Maryland Ave E - 55106-2931 - Other Applications

| | | | | |
|---|---|---|---|---|
| **PIN:** 222922430040 | **Census Track:** 30704 | **Census Block:** 3004 | **Council Ward:** 6 | **District Council:** 2 |
| **Year Built:** | **Foundation Sq Feet:** | **Loan Company:** | **Land Value:** 209000 | **Building Value:** 251000 |

**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:**

**Zoning:** B1 / B2

**Legal Desc:** SECTION 22 TOWN 29 RANGE 22 W 180 FT OF S 173 FT OF (SUBJ TO ST AVE & ESMTS) OF SE 1/4 OF SEC 22 TN 29 RN 22

**Owner:**
Zamzam Inc
1149 97th Ln Nw
Coon Rapids MN 55433-4585
612-986-7315

EXHIBIT
4-10

Dutch
2 PREMIUM CIGARILLOS
WARNING:
This product contains nicotine. Nicotine is

Dutch
2 PREMIUM CIGARILLOS
WAR
incr
canc

NATURAL LEAF WRAPPER
Dutch
BERRY FUSION
Made in the Dominican Republic
Distributed by ITG Brands, LLC
Greensboro, NC 27420
Sale only allowed in the United States
SURGEON GENERAL WARNING: Tobacco Use Increases the Risk of Infertility, Stillbirth and Low Birth Weight.

SLOW BURN
Dutch
WARNING:
Tobacco smoke increases the risk of lung cancer and heart disease, even in nonsmokers.

EXHIBIT
4-11

ZIG-ZAG
WRAPS
Purple
WARNING:
This product
contains
nicotine
SAVE
SAVE
MORE
Dutch
ZIG-ZAG
WRAPS

LIMITED EDITION
BACKWOODS
BLACK
RUSSIAN
1 CIGAR
WARNING:
This product
contains
BACKWOODS
HONEY
BERRY
BACKWOODS

EXHIBIT

4-12

BACKWOODS
5 HONEY
BACKWOODS
BLACK
1 CIGAR
BACKWOODS
HONEY
BOURBON
5 CIGARS
WARNING: Tobacco
increases the risk
cancer and heart
BACKWOODS
DARK
STOUT
WARNING: Tobacco
BACKWOODS
1 HONEY BERRY

EXHIBIT

4-13

BACKWOODS
HONEY
BOURBON
CIGAR

BACKWOODS
CREAM
BACKWOODS
STOUT

STOUT
STOUT

Black
Mild
Black
Mild
WINE

EXHIBIT
4-14

EXHIBIT

4-15

EXHIBIT

4-16

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

March 01, 2018

Dear Cigarette/Tobacco License Holder,

Thanks to your hard work and cooperation, the results of 2017 compliance checks for the sale of tobacco to juveniles were very promising with 92% of Saint Paul's licensed vendors passing their initial inspection. The Department of Safety and Inspections (DSI) is required to conduct inspections at all cigarette/tobacco retail locations in the city to monitor for compliance with State Statute prohibiting tobacco sales to minors. Compliance checks consist of a person under the age of 18 entering your establishment and attempting to purchase cigarettes or other tobacco products. There may be multiple compliance inspections conducted throughout the year at any given location. The continued efforts of Saint Paul's licensed vendors to prevent juvenile access to tobacco are appreciated by many.

Effective November 1, 2018, NEW flavored tobacco regulations take effect that prohibit the sale of menthol, mint and wintergreen tobacco products including cigarettes at a vast majority of licensed cigarette/tobacco retail establishments in Saint Paul. Only liquor stores that hold a Cigarette/Tobacco license and tobacco product shops will be allowed to continue selling menthol, mint and wintergreen flavored tobacco products. Tobacco product shops continue to be the only establishments permitted to sell any other flavored tobacco products. It is strongly encouraged that you work with your supplier to verify that products are compliant with the City's flavored tobacco restrictions prior to placing on display or offering for sale.

Please be reminded that single cigars and/or cigars in original packages of three or less must sell at a retail price of not less than $2.60 per cigar before sales tax and cigars in original packages of four or more must sell at a retail price of $10.40 or greater before sales tax.

The City of Saint Paul appreciates your continued cooperation in complying with these and all other federal, state and local laws regulating tobacco and tobacco-related products. Failure to comply with all applicable requirements will result in adverse licensing action. If you have questions regarding cigarette/tobacco retailer requirements, you may contact a DSI Licensing Inspector at 651-266-8989 and/or email DSI-InformationAndComplaints@ci.stpaul.mn.us.

Respectfully,

Barry Brown
DSI Licensing Inspector



EXHIBIT
4-17

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

March 2018

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## Cigarettes

### NOT ALLOWED ✗

**Examples of menthol cigarettes: Newport, Marlboro menthol, Kool true menthol, and Camel Crush**

*Menthol cigarettes can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops.*

### ALLOWED ✓

**Examples of non-menthol cigarettes: Marlboro, American Spirit, Pall Mall, and Camel unflavored**

*Cigarettes that are not flavored are allowed to be sold in all licensed tobacco vendors.*



EXHIBIT
4-18

## Cigars and Cigarillos

### NOT ALLOWED

**Examples of flavored cigars and cigarillos: Strawberry, Raspberry Cream, Mango, White Grape, Wintergreen, Arctic Ice, and Grape**

*Menthol, Mint, and Wintergreen flavored cigars and cigarillos can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored cigars and cigarillos can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored cigars and cigarillos: Garcia Vega, Swisher Diamonds, White Owl Silver, and unflavored Black & Mild**

*Cigarillos and cigars that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Smokeless Tobacco and Pouches

### NOT ALLOWED

**Examples of flavored smokeless tobacco: Wintergreen Grizzly, Cherry Skoal, Wintergreen Camel, Camel Snus Winterchill, General Swedish Snus Mint and Camel Snus Mint**

*Menthol, Mint, and Wintergreen flavored smokeless tobacco can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored smokeless tobacco can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored smokeless tobacco: Copenhagen Snuff, Grizzly Premium Straight, Skoal Classic Straight, and Camel Snus Robust**

*Smokeless Tobacco that is not flavored is allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
4-19

## E-cigarettes and E-juice

### NOT ALLOWED

**Examples of flavored e-cigarettes and e-juice: Peach, Menthol, and Fruit Stripe e-juice; Cherry Crush blu, Cool Menthol NJOY, Menthol Vuse Vibe, Chai Vuse, and Sex on the Beach Starbuzz**

*Menthol, Mint, and Wintergreen flavored e-cigarettes and e-juice can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored e-cigarettes and e-juice can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored e-cigarettes and e-juice: FIN Rich Tobacco, Rich Tobacco NJOY, Original Vuse VIBE, and Classic Tobacco blu**

*E-cigarettes and e-juice that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Tobacco and Hemp Cigar and Blunt Wraps

### NOT ALLOWED

**Examples of flavored wraps: Strawberry, Grape Ape, Blueberry Bomb and Mango/Pineapple hemp wraps, Watermelon, Chicken & Waffles, and Menthol wraps**

*Menthol, Mint, and Wintergreen flavored wraps can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored wraps can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Example of non-flavored wraps: Natural hemp wraps and Double Platinum Zer0 blunt wraps**

*Tobacco and hemp cigar and blunt wraps that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
4-20

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

Limit the sale of tobacco products flavored with menthol, mint or wintergreen to adult-only tobacco product shops and liquor stores that are licensed to sell tobacco.

**These changes take effect on November 1, 2018.**

*For more information, please contact DSI Licensing:*
*651-266-8989 or DSIComplaints@ci.stpaul.mn.us*

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

## Frequently Asked Questions

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: cigarettes, e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt and hemp wraps, shisha, and smokeless tobacco.

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco is restricted under the ordinance. Menthol, mint, and wintergreen flavored tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Other flavored tobacco products can only be sold in adult-only tobacco product shops.

**How does the ordinance define a 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 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 shall constitute presumptive evidence that the product or device is a flavored product.

Continued...

## Frequently Asked Questions (continued)

**What if I'm not sure if the product is flavored?**

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.

**What are the penalties?**

The penalties for selling tobacco to people under the age of 18 years are:

*First violation*—$200.00 fine
*Second violation*—$400.00 fine
*Third violation*—$800.00 fine and a 7-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

All other license violations incur the following penalties:

*First violation*—$500.00 fine
*Second violation*—$1,000.00 fine
*Third violation*—$2,000.00 fine and a 10-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

**What are other tobacco ordinance provisions I should remember?**

1. Non-premium cigars, such as little cigars and cigarillos, must be priced at $2.60 each plus sales tax, after coupons and discounts have been applied. A pack of four or more cigars must be sold for at least $10.40 plus sales tax. The minimum price of cigars is as follows:
   - 1 single cigar = $2.60 + sales tax
   - 2-pack = $5.20 + sales tax
   - 3-pack = $7.80 + sales tax
   - 4-pack or larger = $10.40 + sales tax
2. Tobacco product shops are required to prohibit entry to people under 18 years of age.
3. Cigarettes should not be sold in packages fewer than 20.
4. No tobacco or tobacco-related devices should be sold from a vehicle or other movable place of business.
5. Tobacco should not be sold from a vending machine unless the facility does not permit those under 18 to enter at any time.

**Who can I contact for more information?**

For more information, please contact:

Inspector Barry Brown
Barry.Brown@ci.stpaul.mn.us
651-266-9143

License Manager Eric Hudak
Eric.Hudak@ci.stpaul.mn.us
651-266-9132

EXHIBIT
4-22

# St. Paul's New Menthol Sales Requirement

As of November 1, 2018, menthol, mint and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco.

EXHIBIT
4-23

## General reminders about the sale of tobacco:

- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco product shops (a store where at least 90 percent of revenue comes from tobacco sales). Menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.

- Cigars must be sold for a minimum price of $2.60 each plus sales tax. The minimum price of cigars is as follows:

    - Single cigar = $2.60 + sales tax
    - 2 Pack = $5.20 + sales tax
    - 3 Pack = $7.80 + sales tax
    - 4 Pack or larger = $10.40 + sales tax

- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless minors under the age of 18 years are prohibited from entering at all times.

- Penalties and adverse actions will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As of November 1, 2018, menthol, mint and wintergreen tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. This restriction includes all tobacco products such as cigarettes, cigars, blunt wraps, e-cigarettes and e-juice, smokeless tobacco products, and shisha. If a tobacco product has a taste or smell of menthol, mint, or wintergreen, these restrictions apply.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department:

**651-266-8989** or **DSIComplaints@ci.stpaul.mn.us**

**Association for Nonsmokers-Minnesota**
**2395 University Avenue West, Suite 310**
**Saint Paul, MN 55114**

NON-PROFIT. OI
U.S. POSTAGE
PAID
Twin Cities, MI
Permit No. 298

EXHIBIT
4-24

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT

4-25

Stop Sales to Minors
stopsalestominors.org

Training for retailers to prevent tobacco sales to minors.

# MINNESOTA TOBACCO RETAILER TRAINING

The Minnesota tobacco retailer training is designed to help tobacco retailers comply with Minnesota and federal laws that regulate the sale of tobacco, electronic delivery devices, or e-cigarettes, and tobacco-related devices.

## FORMAT

The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.

| Section 1: Tobacco and Health & State and Federal Laws | Section 2: Compliance Checks and Penalties | Section 3: Avoiding Illegal Sales |
|---|---|---|
| 10 minute video | 5 minute video | 15 minute video |
| 10 question quiz | 5 question quiz | 10 question quiz |

Access this ***free*** training at www.stopsalestominors.org

Also available in Somali and Spanish

This training was created in 2016 by the Association for Nonsmokers-Minnesota, with assistance from the Public Health Law Center, and made possible with support from the Minnesota Department of Health.

ANSR

MDH Minnesota Department *of* Health

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

2395 University Ave W, Ste 310, St. Paul, MN 55114 | 651-646-3005 | www.ansrmn.org

EXHIBIT
4-26

DEPARTMENT OF PLANNING &
ECONOMIC DEVELOPMENT
*Dr. Bruce Corrie, Director*

CITY OF SAINT PAUL
*Melvin Carter, Mayor*

*25 West Fourth Street, Ste. 1300*
*Saint Paul, MN 55102*

*Telephone: 651-266-6565*

Dear Business Owner,

On November 1, 2017, the Saint Paul City Council adopted ordinance 17-28, limiting the sales of menthol, mint, wintergreen and fruit-flavored tobacco products to adults-only tobacco shops and liquor stores. The ordinance takes effect on November 1, 2018.

We understand this may have a significant impact on your business, and that you may be considering changes to deal with that impact. To assist with this transition, the City of Saint Paul's Business Resource Center has multiple resources available to help. The Business Resource Center can assist with:

- **General Consultation:** Our staff can make personalized recommendations that fit the unique needs of your business plan;
- **Financial Assistance:** The City and State offer multiple low-interest loans and grants for businesses located in Saint Paul interested in expanding or making capital improvements;
- **Connecting with City departments or other agencies:** Our partner agencies can assist with business planning, technical services, skills training, marketing and more.

The Business Resource Center is available Monday through Friday from 8:30 a.m. to 4 p.m. at **651-266-6600**, or online at **stpaul.gov/BusinessResources**. You may also reach out through email at **BusinessResources@ci.stpaul.mn.us**.

City staff from the Department of Safety and Inspection (DSI) and/or from Planning and Economic Development (PED) will be visiting your store in the coming weeks to personally answer questions or address concerns. We look forward to meeting you.

Thank you for doing business in Saint Paul. We are appreciative of your contributions to your community. Please do not hesitate to reach out for assistance.

Thank you,

Martin Schieckel
Director of Economic Development, Department of Planning and Economic Development



EXHIBIT
4-27

# CITY OF SAINT PAUL - BUSINESS RESOURCE CENTER

## 651-266-6600

## BusinessResources@ci.stpaul.mn.us

When you contact the business resource center,
Economic Development staff can assist you with:

## TECHNICAL SERVICE PROVIDERS

The City of Saint Paul's Department of Planning and Economic Development (PED) staff can help connect you to partner organizations that offer expertise in numerous areas. The following organizations can provide you with resources and information on loans and financial counseling, business planning, general technical information and/or services, skills training and/or workforce development, facade improvements, marketing and/or tax preperation and/or information.

If you have questions, please contact the Business Resource Center at **651-266-6600** or **BusinessResources@ci.stpaul.mn.us.**

| Organization | Contact | Description | Services | Languages |
|---|---|---|---|---|
| African Economic Development Solutions (AEDS) | 651-646-9411<br>info@aeds-mn.org | Builds wealth within communities of Black heritage through economic development activities | $ | English, Somali, Swahili |
| Asian Economic Development Association | 651-222-7798<br>info@aeda-mn.org | Expands opportunities for economic success for low-income Asian Americans | $ | English, Hmong, Thai, Vietnamese, Lao, Spanish |
| East Side Neighborhood Development Corporation, Inc. | 651-288-8744<br>adejoy@esndc.org | Engages with the community to create affordable housing and support affordable housing | $ | English, Somali, Swahili |
| Latino Economic Development Center | 651-724-5332 | Transforms community by creating economic opportunity for Latinos | $ ! | English, Spanish |
| Metropolitan Economic Development Association (MEDA) | 612-332-6332<br>info@meda.net | Business services for minority entrepreneurs | $ ✓ | English |
| North East Neighborhoods Development Corporation | 612-771-6955<br>info@nendc.net | Improves economic conditions for area residents and businesses | $ ! | English, Hmong |
| WomenVenture | 612-224-9540<br>info@womenventure.org | Provides women with tools to achieve economic success through small business ownership | $ ! ✓ | English |

$ Loans & financial counseling
Business planning
General technical information/services
Skills training/ workforce development
Facade imiprovements
! Marketing
✓ Tax preperation/ information

stpaul.gov/BusinessResources | @cityofsaintpaul | City of Saint Paul

EXHIBIT
4-28

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following price

EXHIBIT 4-29

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales tax

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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ZIP CODE 55121
PERMIT #30325

EXHIBIT 4-30

YOU MUST BE AT LEAST
AGE OF AGE TO ENTER.
THIS IS A TOBACCO PRODUCTS SHOP.

EXHIBIT

4-31

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

# Tobacco Compliance Education Form

**Case #**_____

Affix Label Here

For Office Use Only
Compliance Check I.D.#_____
Business I.D. #_____
Pre Ordinance_____
Post Ordinance_____

**Business Type:**

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

**Date:** ☐☐ / ☐☐ / ☐☐ **Time:** ☐☐ : ☐☐ a.m. / p.m

MM DD YY

**Was purchase attempted?** ☐Yes ☐No

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

Inspector ☐☐☐

Cigar prices: Single $_____ Double $_____ Triple $_____ Quadruple $_____

**Was educational packet left at location?** Yes or No

**Picture of window signs taken?** Yes or No

**Instructions posted to read read I.D.?** Yes or No

**E-cig packaging report present?** Yes or No

**Clerk Information:** ☐Female ☐Male **Driver's License #** _____

Name of Clerk: _____

Notes / Issues: _____

EXHIBIT
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CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, flavored tobacco products and cigar pricing requirements*

As of April 13, 2016, Saint Paul prohibits the sale of flavored tobacco products, except for menthol, mint or wintergreen products, in stores with a tobacco license where minors can enter such as gas stations, corner stores, and grocery stores. Tobacco products shops (shops which make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18) are exempted from the flavor restriction. Below are examples of flavored products that can only be sold in tobacco products shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors. Saint Paul also requires a minimum price for cigar products, which is described below.

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Cigars

**Examples: "Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape", "White Grape" and "Wine" cigars and cigarillos**

*Explanation: ""Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape" and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor. These products are NOT allowed by ordinance.*

**Examples: Dutch Masters Palma, Swisher "Diamonds", White Owl "Black", and Black & Mild cigars and cigarillos**

*Explanation: tobacco products that are not flavored are allowed by ordinance.*

EXHIBIT
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# NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

# ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

## E-cigarettes and E-juice

**Examples: EZ Cig "Licorice", blu "Cherry Crush" and Shisha Time "Blueberry" e-cigarettes; Haus by Mystic "Berry" e-liquid**

*Explanation: "Licorice" is a candy flavor and "Cherry Crush", "Blueberry" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Vuse "Menthol", NJOY and blu e-cigarettes; Hells Vapors "Menthol" e-liquid**

*Explanation: "Menthol" is a flavor allowed by ordinance; tobacco products that are not flavored are allowed by ordinance.*

## Smokeless Tobacco and Pouches

**Examples: Skoal Pouches "Berry Blend" and Skoal "Berry"**

*Explanation: "Berry Blend" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Copenhagen "Wintergreen" and Camel Snus "Mint"**

*Explanation: "Wintergreen" and "Mint" are flavors allowed by ordinance.*

EXHIBIT
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## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Shisha

**Examples: Al Fakher "Pineapple", Starbuzz "Apple Martini" or Fantasia "Bubble Gum" shisha**

*Explanation: "Pineapple" is a fruit flavor, "Apple Martini" is an alcoholic beverage flavor and or "Bubble Gum" is a candy flavor. These products are NOT allowed by ordinance.*

**Example: Al Fakher "Mint" shisha**

*Explanation: "Mint" is a flavor allowed by ordinance.*

### Cigar wraps/blunt wraps

**Example: Hood Wraps "Da Bomb Blueberry" cigar wraps**

*Explanation: "Da Bomb Blueberry" is a fruit flavor. This product is NOT allowed by ordinance.*

**Example: Zig Zag "Straight Up" cigar wraps**

*Explanation: "Straight Up" is not a flavor. Products that are not flavored are allowed by ordinance.*

EXHIBIT
4-35

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

1. Set a minimum price of $2.60 per unit up to 4 units for cigar products after coupons and discounts have been applied. This means that all cigar products must be priced as follows:
    - 1 single cigar = at least $2.60 + sales tax
    - 2-pack or "double" pack = at least $5.20 + sales tax
    - 3-pack of cigars = at least $7.80 + sales tax
    - 4 pack of cigars = at least $10.40 + sales tax
    - Pack of 5 or more cigars = at least $10.40 + sales tax
2. Limit the sale of flavored tobacco products (except for menthol, mint or wintergreen ) to adult-only tobacco-only stores.
3. Require tobacco-only stores to prohibit entry to people under 18 years of age.

**These changes take effect on April 13, 2016.**

*For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143.*

## Frequently Asked Questions

**Which cigars must follow this pricing structure?**

All cigar products such as little cigars and cigarillos must be priced at $2.60 each plus sales tax. A pack of four or more cigars must be sold for at least $10.40 plus sales tax.

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt wraps, shisha, and smokeless tobacco. The following is the ordinance language defining each of these products:

> *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.
>
> *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.
>
> *Tobacco or tobacco product* 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 cigarettes, cigars, little 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.. 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.
>
> *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

## Frequently Asked Questions (continued)

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco, menthol, mint or wintergreen is restricted under the ordinance and can only be sold in tobacco-only shops.

**How does the ordinance define a 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, menthol, mint, or wintergreen, 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 chocolate, cocoa, vanilla, honey, 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, menthol, mint, or wintergreen, shall constitute presumptive evidence that the product or device is a flavored product.

**What if I'm not sure if the product is flavored?**

Tobacco products labeled with a flavor other than plain tobacco, menthol, mint, or wintergreen are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored- the City recommends not selling the item. The City will also compile a list of example products; however, with new flavors and products continually entering the market, the list cannot be considered exhaustive. The burden is on the retailer to prove a product is not flavored- therefore we recommend not selling any products you are unsure about.

**What if the product contains mint and another flavor, for example, *Mint Chocolate Chip*?**

If the product contains multiple characterizing flavors, one being mint and another being a restricted flavor, then it is considered a flavored product that cannot be sold by regular tobacco vendors and can only be sold in tobacco-only shops.

**When does this go into effect?**

These changes go into effect April 13, 2016. Inspectors will begin checking and enforcing the ordinance after this date.

**What are the penalties?**

Violation of this ordinance will be treated the same as other tobacco license violations.

> *First violation*—Two hundred dollar ($200.00) fine.
> *Second violation*—Four hundred dollar ($400.00) fine.
> *Third violation*—Eight hundred dollar ($800.00) fine and a 7 day suspension of the license.
> *Fourth violation*—Revocation of the tobacco license.

**Who can I contact for more information?**

For more information, please contact Inspector Barry Brown at *barry.brown@ci.stpaul.mn.us* or 651-266-9143 *Inspector Tom Ferrara at Tom.*Ferrara@ci.stpaul.mn.us or 651-266-9087, or License Manager Eric Hudak at Eric.Hudak@ci.stpaul.mn.us or 651-266-9132.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

February 01, 2016

Dear Licensed Tobacco Vendor,

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014). Child-resistant packaging is required whether or not the e-juice contains nicotine. You should be prepared to provide documentation of child-resistant packaging when requested by the DSI Licensing Inspector. This documentation, called a full protocol testing laboratory report, summarizes the testing that has been conducted to prove a package is child resistant and should be provided by your manufacture or supplier.

The United States Consumer Products Safety Commission provides a Guide to Child-resistant Packages, including the different types that are available, and a list of companies that manufacture and test child-resistant packaging. You may find it at http://www.cpsc.gov. This is just one resource for your use.

If you fail to comply with this requirement, you may be subject to the administrative penalties found in the St. Paul Licensing Code.

Thank you for complying with this State law. If you have questions, please contact Barry Brown DSI Licensing at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Sincerely,

Barry Brown
Licensing Inspector,
Department of Safety and Inspections
barry.brown@ci.stpaul.mn.us
651-266-9143

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales to

EXHIBIT
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## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger – $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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EXHIBIT
04-4

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

### Standard Driver's License

Date of Birth

Expiration Date

### Under 18 Provisional Driver's License

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT 14-4

Association for Nonsmokers- Minnesota
North Suburban Tobacco Compliance Project
2395 University Ave. W., Suite 310
Saint Paul, MN 55114

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EXHIBIT
24-4

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

October 15, 2018

Cigarette/Tobacco License Holder,

**Effective November 1, 2018 your place of business may no longer sell, offer for sale or otherwise distribute *any* favored tobacco product to include menthol, mint and/or wintergreen** in accordance with Chapter 324 of the Saint Paul Legislative Code, attached.

Unannounced inspections of your place of business may be conducted at any time to assess compliance with applicable tobacco regulations and may include the use of a minor (person 17 years of age or younger) to attempt the purchase of tobacco products. Violations discovered and/or failure to comply with state and/or city regulations will result in adverse action taken against your license up to and including license revocation.

License Holders who have questions regarding this notice, flavored tobacco or any of the rules governing the sale and distribution of tobacco within the City of Saint Paul are strongly encouraged to contact Joseph Voyda at (651) 266-9014 or Thomas Ferrara at (651) 266-9087.

The City of Saint Paul appreciates your cooperation.

Respectfully,

Eric Hudak,
Licensing Manager, Department of Safety and Inspections

EXHIBIT
4-43

Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

**THE COUNCIL OF THE Saint Paul Legislative Code is hereby amended to read as follows:**

**************

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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~~, menthol, mint or wintergreen,~~ 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 ~~menthol, mint or wintergreen~~, shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.



(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.



EXHIBIT
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(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

**********

SECTION 2

Section 324.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products. ~~This restriction shall not apply to retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time.~~

(g) Sale to minors prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of eighteen (18) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an Off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 of the Saint Paul Legislative Code.



EXHIBIT

4-45

# ADDITIONAL INFORMATION

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## WHAT IF I'M NOT SURE IF THE PRODUCT IS FLAVORED?

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.



EXHIBIT
4-46

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 21026555 | 02/08/2021 11:34:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21024162 | 02/05/2021 02:08:26 | 1541 | | ALARMS | ADV |
| 21023897 | 02/04/2021 17:50:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018711 | 01/28/2021 13:31:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018477 | 01/28/2021 03:06:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 21015441 | 01/23/2021 15:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21014392 | 01/21/2021 23:22:05 | 1541 | | ALARMS | ADV |
| 21012617 | 01/19/2021 14:53:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011884 | 01/18/2021 13:38:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 21011172 | 01/17/2021 09:06:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011178 | 01/17/2021 09:02:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011177 | 01/17/2021 09:02:30 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21010901 | 01/16/2021 22:28:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21010899 | 01/16/2021 22:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21008387 | 01/13/2021 08:40:02 | 1541 | | ALARMS | FA |
| 21007862 | 01/12/2021 13:21:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 21007271 | 01/11/2021 16:55:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21004609 | 01/07/2021 17:28:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003921 | 01/06/2021 18:11:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003154 | 01/05/2021 17:50:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001670 | 01/03/2021 18:50:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001139 | 01/02/2021 21:13:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001108 | 01/02/2021 20:30:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20271166 | 12/22/2020 17:10:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269831 | 12/20/2020 20:43:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20269639 | 12/20/2020 16:39:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269467 | 12/20/2020 09:59:49 | 1541 | | ALARMS | FA |
| 20267843 | 12/18/2020 05:41:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20267523 | 12/17/2020 19:37:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265790 | 12/15/2020 17:28:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265029 | 12/14/2020 18:22:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20262773 | 12/11/2020 19:16:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20261876 | 12/10/2020 19:01:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20260979 | 12/09/2020 18:06:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260868 | 12/09/2020 16:43:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260791 | 12/09/2020 15:02:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260178 | 12/08/2020 17:20:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20259487 | 12/07/2020 18:42:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258652 | 12/06/2020 17:01:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258127 | 12/05/2020 20:15:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258120 | 12/05/2020 20:03:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20256624 | 12/03/2020 21:58:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20256151 | 12/03/2020 08:53:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20253589 | 11/28/2020 19:58:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20253454 | 11/28/2020 17:14:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251544 | 11/25/2020 21:26:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20251180 | 11/25/2020 15:23:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251162 | 11/25/2020 14:36:02 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20250630 | 11/24/2020 20:28:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250591 | 11/24/2020 19:18:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250525 | 11/24/2020 17:47:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20250454 | 11/24/2020 16:48:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249836 | 11/23/2020 19:52:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20249782 | 11/23/2020 18:40:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249660 | 11/23/2020 16:36:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246931 | 11/19/2020 18:09:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246115 | 11/18/2020 18:45:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20245156 | 11/17/2020 14:59:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20244937 | 11/17/2020 09:40:14 | 1541 | | ALARMS | ADV |
| 20244406 | 11/16/2020 15:29:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242160 | 11/12/2020 20:33:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242035 | 11/12/2020 16:57:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20240866 | 11/10/2020 18:11:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20239035 | 11/07/2020 20:33:55 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20238976 | 11/07/2020 19:06:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238351 | 11/06/2020 22:36:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238181 | 11/06/2020 18:33:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20237928 | 11/06/2020 13:43:12 | 1541 | | THEFT EXCEPT AUTO THEFT | GOA |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20236981 | 11/05/2020 10:43:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236649 | 11/04/2020 20:39:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236517 | 11/04/2020 18:09:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236448 | 11/04/2020 16:48:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20234946 | 11/02/2020 18:08:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20232783 | 10/30/2020 19:22:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231967 | 10/29/2020 17:21:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231297 | 10/28/2020 19:39:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231151 | 10/28/2020 17:05:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20230555 | 10/27/2020 20:36:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20229558 | 10/26/2020 16:12:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20229085 | 10/25/2020 22:30:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228992 | 10/25/2020 19:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228915 | 10/25/2020 17:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228603 | 10/25/2020 00:48:51 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20228145 | 10/24/2020 14:33:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227513 | 10/23/2020 16:40:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227273 | 10/23/2020 10:22:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227247 | 10/23/2020 09:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227001 | 10/22/2020 21:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226779 | 10/22/2020 16:32:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226645 | 10/22/2020 12:47:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226505 | 10/22/2020 08:03:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226078 | 10/21/2020 16:24:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224910 | 10/19/2020 21:48:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224871 | 10/19/2020 20:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224781 | 10/19/2020 18:34:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224740 | 10/19/2020 17:54:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224684 | 10/19/2020 16:57:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224617 | 10/19/2020 15:34:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223438 | 10/17/2020 21:42:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223230 | 10/17/2020 16:32:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20222663 | 10/16/2020 19:53:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221994 | 10/15/2020 21:54:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221980 | 10/15/2020 21:32:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20221875 | 10/15/2020 18:52:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221787 | 10/15/2020 17:41:00 | 1541 | | VEHICLE MAINTENANCE-WASH | RR |
| 20221753 | 10/15/2020 17:12:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221053 | 10/14/2020 18:52:00 | 1541 | | STOLEN PROPERTY-RECEIVING | RR |
| 20220805 | 10/14/2020 14:30:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220476 | 10/14/2020 03:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220434 | 10/14/2020 00:26:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20220289 | 10/13/2020 21:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219708 | 10/13/2020 09:06:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219388 | 10/12/2020 19:59:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219335 | 10/12/2020 18:51:53 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20218444 | 10/11/2020 17:15:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20217917 | 10/10/2020 20:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215422 | 10/07/2020 17:55:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215354 | 10/07/2020 17:07:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20214700 | 10/06/2020 21:04:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213885 | 10/05/2020 21:43:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213840 | 10/05/2020 20:42:05 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20213617 | 10/05/2020 16:38:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20212316 | 10/03/2020 19:23:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211861 | 10/03/2020 00:55:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &RUN | RR |
| 20211650 | 10/02/2020 20:33:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211214 | 10/02/2020 11:12:26 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20210033 | 09/30/2020 19:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20209723 | 09/30/2020 14:45:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208797 | 09/29/2020 15:51:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208742 | 09/29/2020 14:52:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20208646 | 09/29/2020 12:57:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208475 | 09/29/2020 08:20:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20207089 | 09/27/2020 15:47:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206942 | 09/27/2020 11:07:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206542 | 09/26/2020 19:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206333 | 09/26/2020 15:04:35 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20206274 | 09/26/2020 13:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20205650 | 09/25/2020 18:11:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205539 | 09/25/2020 16:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205484 | 09/25/2020 15:37:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205470 | 09/25/2020 15:23:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204842 | 09/24/2020 21:29:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204636 | 09/24/2020 17:57:12 | 1541 | | THEFT EXCEPT AUTO THEFT | ADV |
| 20204483 | 09/24/2020 15:21:28 | 1541 | | THEFT-FROM AUTO | ADV |
| 20203918 | 09/23/2020 20:18:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203740 | 09/23/2020 17:34:00 | 1541 | | ASS-OOC ASSIST | RR |
| 20203680 | 09/23/2020 16:59:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203589 | 09/23/2020 15:44:40 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20202547 | 09/22/2020 13:34:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20202386 | 09/22/2020 10:31:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201689 | 09/21/2020 17:01:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201596 | 09/21/2020 15:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20201502 | 09/21/2020 13:34:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20200819 | 09/20/2020 17:55:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200734 | 09/20/2020 16:36:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200718 | 09/20/2020 16:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200659 | 09/20/2020 14:23:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200471 | 09/20/2020 07:42:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200174 | 09/19/2020 21:29:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199872 | 09/19/2020 16:42:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20199556 | 09/19/2020 10:14:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199522 | 09/19/2020 08:59:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198631 | 09/18/2020 13:45:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198431 | 09/18/2020 09:54:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198351 | 09/18/2020 08:47:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197985 | 09/17/2020 19:27:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197578 | 09/17/2020 12:51:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196819 | 09/16/2020 14:56:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196726 | 09/16/2020 13:05:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196073 | 09/15/2020 18:55:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195319 | 09/14/2020 20:49:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195263 | 09/14/2020 19:50:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20195250 | 09/14/2020 19:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195198 | 09/14/2020 18:43:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194963 | 09/14/2020 15:33:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194813 | 09/14/2020 12:34:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194220 | 09/13/2020 18:06:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194185 | 09/13/2020 17:22:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20194032 | 09/13/2020 13:41:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194001 | 09/13/2020 12:58:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20193978 | 09/13/2020 12:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193935 | 09/13/2020 10:51:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193562 | 09/12/2020 21:19:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193450 | 09/12/2020 18:53:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193405 | 09/12/2020 18:04:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193370 | 09/12/2020 17:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193246 | 09/12/2020 15:27:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193205 | 09/12/2020 14:34:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193107 | 09/12/2020 12:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192694 | 09/11/2020 21:06:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192626 | 09/11/2020 19:54:36 | 1541 | | 911 HANGUP | SNR |
| 20192589 | 09/11/2020 19:11:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192418 | 09/11/2020 16:29:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192400 | 09/11/2020 16:07:04 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20192237 | 09/11/2020 11:17:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192148 | 09/11/2020 08:43:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20191824 | 09/10/2020 21:44:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20190701 | 09/09/2020 16:30:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190615 | 09/09/2020 14:35:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190612 | 09/09/2020 14:31:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190575 | 09/09/2020 13:42:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190310 | 09/09/2020 05:31:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190230 | 09/09/2020 00:28:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189827 | 09/08/2020 15:57:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189594 | 09/08/2020 10:17:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189186 | 09/07/2020 19:33:36 | 1541 | | CRIMINAL DAMAGE TO PROPERTY | ADV |
| 20189060 | 09/07/2020 17:09:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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Total Records: 786

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|---|---|---|---|---|---|
| 20189040 | 09/07/2020 16:54:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189027 | 09/07/2020 16:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188956 | 09/07/2020 14:27:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188494 | 09/06/2020 19:58:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20188159 | 09/06/2020 11:52:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187706 | 09/05/2020 21:50:15 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20187551 | 09/05/2020 19:01:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187432 | 09/05/2020 16:49:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20186769 | 09/04/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20186207 | 09/04/2020 08:05:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20185873 | 09/03/2020 21:18:00 | 1541 | | AUTO THEFT-AUTOMOBILE | RR |
| 20185862 | 09/03/2020 20:53:57 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20185697 | 09/03/2020 18:37:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20185676 | 09/03/2020 18:23:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20184910 | 09/02/2020 21:42:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20183851 | 09/01/2020 17:37:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20183158 | 08/31/2020 21:20:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183099 | 08/31/2020 20:07:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183096 | 08/31/2020 20:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183014 | 08/31/2020 18:35:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182720 | 08/31/2020 13:58:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182704 | 08/31/2020 13:44:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20182625 | 08/31/2020 12:23:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20182549 | 08/31/2020 11:02:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182454 | 08/31/2020 08:43:24 | 1541 | | MISSING PERSONS | GOA |
| 20182067 | 08/30/2020 18:44:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182025 | 08/30/2020 17:43:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181787 | 08/30/2020 12:08:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181251 | 08/29/2020 18:12:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181058 | 08/29/2020 14:16:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180994 | 08/29/2020 12:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180992 | 08/29/2020 12:34:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180977 | 08/29/2020 12:21:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180923 | 08/29/2020 10:50:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

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|---|---|---|---|---|---|
| 20180882 | 08/29/2020 09:33:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180840 | 08/29/2020 07:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20180424 | 08/28/2020 19:49:22 | 1541 | | OTHER ASSAULTS | ADV |
| 20180422 | 08/28/2020 19:48:20 | 1541 | | PREVIOUS CN | PCN |
| 20180416 | 08/28/2020 19:40:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20180129 | 08/28/2020 14:33:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180088 | 08/28/2020 13:45:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180056 | 08/28/2020 13:11:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20179578 | 08/27/2020 21:48:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179435 | 08/27/2020 19:20:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179165 | 08/27/2020 14:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178706 | 08/26/2020 21:13:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178584 | 08/26/2020 18:39:16 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178157 | 08/26/2020 11:14:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178091 | 08/26/2020 09:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177719 | 08/25/2020 21:02:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177401 | 08/25/2020 15:49:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177290 | 08/25/2020 12:59:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176695 | 08/24/2020 18:29:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176691 | 08/24/2020 18:20:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176631 | 08/24/2020 17:26:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176528 | 08/24/2020 15:52:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176462 | 08/24/2020 14:20:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176389 | 08/24/2020 12:52:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176369 | 08/24/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176339 | 08/24/2020 11:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176270 | 08/24/2020 10:02:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175933 | 08/23/2020 20:21:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175916 | 08/23/2020 19:43:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175886 | 08/23/2020 19:06:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175789 | 08/23/2020 16:59:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175717 | 08/23/2020 14:31:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175630 | 08/23/2020 11:21:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20175241 | 08/22/2020 20:09:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175091 | 08/22/2020 16:57:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |



EXHIBIT
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# Saint Paul Police Department
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Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20174464 | 08/21/2020 19:58:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174316 | 08/21/2020 17:17:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20174199 | 08/21/2020 14:44:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174168 | 08/21/2020 14:03:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174103 | 08/21/2020 12:28:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174030 | 08/21/2020 10:36:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20173253 | 08/20/2020 12:59:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20173241 | 08/20/2020 12:38:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20172410 | 08/19/2020 14:16:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172236 | 08/19/2020 10:08:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172145 | 08/19/2020 07:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20171790 | 08/18/2020 19:22:57 | 1541 | | OTHER ASSAULTS | SNR |
| 20171719 | 08/18/2020 18:16:44 | 1541 | | PREVIOUS CN | PCN |
| 20170815 | 08/17/2020 20:16:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170628 | 08/17/2020 17:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170608 | 08/17/2020 16:52:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170377 | 08/17/2020 12:31:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170365 | 08/17/2020 12:09:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170346 | 08/17/2020 11:52:36 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20170278 | 08/17/2020 10:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170211 | 08/17/2020 09:03:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169985 | 08/16/2020 22:48:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169722 | 08/16/2020 17:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20169581 | 08/16/2020 14:08:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20169430 | 08/16/2020 10:14:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169042 | 08/15/2020 19:43:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168961 | 08/15/2020 18:15:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168949 | 08/15/2020 18:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168860 | 08/15/2020 16:30:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168736 | 08/15/2020 13:21:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168705 | 08/15/2020 12:37:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168655 | 08/15/2020 10:56:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168651 | 08/15/2020 10:53:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168330 | 08/14/2020 21:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168297 | 08/14/2020 20:55:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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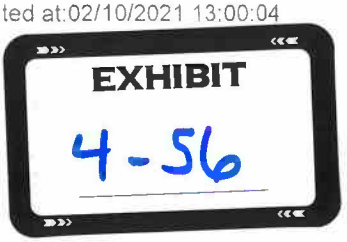
|---|---|---|---|---|---|
| 20168249 | 08/14/2020 20:02:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20168233 | 08/14/2020 19:36:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168148 | 08/14/2020 17:38:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168054 | 08/14/2020 15:58:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167955 | 08/14/2020 13:38:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167902 | 08/14/2020 12:26:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167836 | 08/14/2020 11:03:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20167456 | 08/13/2020 22:06:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167307 | 08/13/2020 18:37:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167198 | 08/13/2020 16:53:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166896 | 08/13/2020 09:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166607 | 08/12/2020 21:53:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166548 | 08/12/2020 20:33:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166333 | 08/12/2020 17:11:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166325 | 08/12/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166121 | 08/12/2020 12:41:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165911 | 08/12/2020 07:25:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165637 | 08/11/2020 21:52:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165547 | 08/11/2020 19:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165514 | 08/11/2020 18:46:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165355 | 08/11/2020 16:28:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165282 | 08/11/2020 14:39:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165226 | 08/11/2020 13:19:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165217 | 08/11/2020 13:12:37 | 1541 | 21 | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164999 | 08/11/2020 07:59:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164756 | 08/10/2020 22:05:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164453 | 08/10/2020 17:15:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164438 | 08/10/2020 16:56:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164307 | 08/10/2020 14:57:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164259 | 08/10/2020 13:42:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164205 | 08/10/2020 12:30:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163781 | 08/09/2020 19:39:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163684 | 08/09/2020 17:28:00 | 1541 | | WARRANT ARREST-WHERE NO CN IS REF ON WARRANT | RR |
| 20163521 | 08/09/2020 12:52:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |





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|---|---|---|---|---|---|
| 20163512 | 08/09/2020 12:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163501 | 08/09/2020 12:02:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163477 | 08/09/2020 10:30:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163422 | 08/09/2020 08:34:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162881 | 08/08/2020 17:10:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162598 | 08/08/2020 10:33:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162150 | 08/07/2020 20:18:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161975 | 08/07/2020 17:46:10 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161938 | 08/07/2020 17:16:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161910 | 08/07/2020 17:00:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161823 | 08/07/2020 15:18:21 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20161670 | 08/07/2020 12:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161567 | 08/07/2020 11:02:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161351 | 08/07/2020 04:50:52 | 1541 | | ALARMS | ADV |
| 20161058 | 08/06/2020 19:03:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20160972 | 08/06/2020 17:51:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160888 | 08/06/2020 16:55:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160810 | 08/06/2020 15:14:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160515 | 08/06/2020 10:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160486 | 08/06/2020 09:34:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160235 | 08/05/2020 23:22:26 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20160105 | 08/05/2020 20:28:53 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20159827 | 08/05/2020 16:26:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20159745 | 08/05/2020 15:06:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20159066 | 08/04/2020 21:31:49 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20158979 | 08/04/2020 20:04:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158912 | 08/04/2020 18:52:06 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20158791 | 08/04/2020 17:30:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158780 | 08/04/2020 17:23:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158663 | 08/04/2020 15:34:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158661 | 08/04/2020 15:31:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158558 | 08/04/2020 12:47:03 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20158440 | 08/04/2020 09:06:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158401 | 08/04/2020 08:19:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157935 | 08/03/2020 18:54:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157821 | 08/03/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157784 | 08/03/2020 17:11:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157606 | 08/03/2020 14:02:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157516 | 08/03/2020 12:31:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157494 | 08/03/2020 11:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157374 | 08/03/2020 09:10:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157075 | 08/02/2020 22:07:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157018 | 08/02/2020 20:49:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156967 | 08/02/2020 19:41:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156851 | 08/02/2020 17:19:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156821 | 08/02/2020 17:04:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156791 | 08/02/2020 16:43:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156774 | 08/02/2020 16:29:11 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156719 | 08/02/2020 15:14:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156614 | 08/02/2020 12:58:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156497 | 08/02/2020 09:57:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156484 | 08/02/2020 09:39:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156142 | 08/01/2020 22:09:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156129 | 08/01/2020 21:52:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156053 | 08/01/2020 20:40:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156026 | 08/01/2020 20:24:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155963 | 08/01/2020 18:59:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155922 | 08/01/2020 18:07:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155911 | 08/01/2020 17:53:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155864 | 08/01/2020 17:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155813 | 08/01/2020 16:38:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155675 | 08/01/2020 13:13:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155478 | 08/01/2020 09:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155216 | 07/31/2020 23:29:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155115 | 07/31/2020 21:34:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154945 | 07/31/2020 18:42:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154764 | 07/31/2020 16:42:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20154635 | 07/31/2020 14:19:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154622 | 07/31/2020 13:51:12 | 1541 | | PERSON IN CRISIS | GOA |
| 20154541 | 07/31/2020 12:34:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20154470 | 07/31/2020 10:51:09 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20153934 | 07/30/2020 18:47:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153848 | 07/30/2020 17:44:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153288 | 07/30/2020 01:12:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153106 | 07/29/2020 20:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153097 | 07/29/2020 20:37:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152984 | 07/29/2020 18:31:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152950 | 07/29/2020 18:07:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152927 | 07/29/2020 17:51:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152885 | 07/29/2020 17:19:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152543 | 07/29/2020 10:17:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152009 | 07/28/2020 17:39:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151983 | 07/28/2020 17:12:55 | 1541 | | THEFT EXCEPT AUTO THEFT | SNR |
| 20151946 | 07/28/2020 16:47:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151943 | 07/28/2020 16:43:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151595 | 07/28/2020 09:04:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151389 | 07/28/2020 00:15:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151156 | 07/27/2020 19:02:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151143 | 07/27/2020 18:50:46 | 1541 | | PREVIOUS CN | PCN |
| 20151134 | 07/27/2020 18:39:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151099 | 07/27/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151001 | 07/27/2020 16:25:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150972 | 07/27/2020 15:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150822 | 07/27/2020 11:40:52 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20150819 | 07/27/2020 11:36:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150653 | 07/27/2020 07:29:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150423 | 07/26/2020 21:43:45 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20150411 | 07/26/2020 21:19:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150317 | 07/26/2020 19:18:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150313 | 07/26/2020 19:15:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150282 | 07/26/2020 18:44:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150230 | 07/26/2020 17:53:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20150208 | 07/26/2020 17:33:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150172 | 07/26/2020 17:02:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150161 | 07/26/2020 16:51:51 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150031 | 07/26/2020 12:54:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150029 | 07/26/2020 12:47:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149640 | 07/25/2020 21:17:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149445 | 07/25/2020 17:22:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149419 | 07/25/2020 17:01:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149392 | 07/25/2020 16:45:22 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149221 | 07/25/2020 11:31:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148531 | 07/24/2020 17:23:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148513 | 07/24/2020 17:03:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20148183 | 07/24/2020 10:35:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20147748 | 07/23/2020 19:38:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146950 | 07/22/2020 21:13:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146827 | 07/22/2020 18:41:31 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146815 | 07/22/2020 18:30:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146763 | 07/22/2020 17:37:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146728 | 07/22/2020 17:08:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146692 | 07/22/2020 16:42:44 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146365 | 07/22/2020 09:11:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146041 | 07/21/2020 21:04:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145886 | 07/21/2020 18:04:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145757 | 07/21/2020 16:19:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145164 | 07/20/2020 21:55:23 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145081 | 07/20/2020 20:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145047 | 07/20/2020 19:27:00 | 1541 | | DISTURBANCE-DISORDERLY CONDUCT | RR |
| 20145043 | 07/20/2020 19:22:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144927 | 07/20/2020 17:29:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144885 | 07/20/2020 16:58:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144866 | 07/20/2020 16:46:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144707 | 07/20/2020 13:30:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144657 | 07/20/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144655 | 07/20/2020 12:16:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144580 | 07/20/2020 10:00:00 | 1541 | | ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD | RR |

# Saint Paul Police Department
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Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20144295 | 07/19/2020 23:11:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144169 | 07/19/2020 20:12:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144132 | 07/19/2020 19:20:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144129 | 07/19/2020 19:06:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144095 | 07/19/2020 18:12:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143948 | 07/19/2020 14:03:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143872 | 07/19/2020 11:05:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143772 | 07/19/2020 07:34:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143433 | 07/18/2020 20:10:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143146 | 07/18/2020 15:39:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143031 | 07/18/2020 12:49:29 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20143027 | 07/18/2020 12:46:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143020 | 07/18/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142285 | 07/17/2020 17:00:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142274 | 07/17/2020 16:52:29 | 1541 | | PREVIOUS CN | PCN |
| 20142087 | 07/17/2020 12:25:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20141606 | 07/16/2020 21:04:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20141447 | 07/16/2020 18:35:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20140964 | 07/16/2020 08:38:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140832 | 07/16/2020 01:02:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140563 | 07/15/2020 17:05:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139967 | 07/14/2020 21:47:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139829 | 07/14/2020 18:42:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139350 | 07/14/2020 08:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20139086 | 07/13/2020 22:19:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138252 | 07/12/2020 21:44:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138154 | 07/12/2020 19:30:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138102 | 07/12/2020 18:13:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137988 | 07/12/2020 15:52:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137849 | 07/12/2020 11:05:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137190 | 07/11/2020 17:36:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137111 | 07/11/2020 16:17:55 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136981 | 07/11/2020 12:13:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136972 | 07/11/2020 11:57:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136922 | 07/11/2020 10:14:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20136491 | 07/10/2020 21:13:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136453 | 07/10/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136351 | 07/10/2020 18:39:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136300 | 07/10/2020 17:56:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136231 | 07/10/2020 16:49:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136218 | 07/10/2020 16:33:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136090 | 07/10/2020 13:25:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136043 | 07/10/2020 12:19:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135545 | 07/09/2020 20:18:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135509 | 07/09/2020 19:37:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135500 | 07/09/2020 19:30:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20135425 | 07/09/2020 18:26:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135416 | 07/09/2020 18:20:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135282 | 07/09/2020 16:49:01 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20135234 | 07/09/2020 16:05:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134645 | 07/08/2020 20:59:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134617 | 07/08/2020 20:16:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134416 | 07/08/2020 16:28:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134371 | 07/08/2020 15:15:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134360 | 07/08/2020 15:00:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134201 | 07/08/2020 10:14:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20133381 | 07/07/2020 09:10:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20133140 | 07/06/2020 22:52:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132802 | 07/06/2020 16:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132655 | 07/06/2020 12:19:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132509 | 07/06/2020 09:04:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131775 | 07/05/2020 09:09:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131146 | 07/04/2020 18:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20131114 | 07/04/2020 18:02:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20130946 | 07/04/2020 12:21:18 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20130415 | 07/03/2020 18:33:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129756 | 07/02/2020 21:02:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129691 | 07/02/2020 19:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129557 | 07/02/2020 16:52:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129539 | 07/02/2020 16:35:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT

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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20129028 | 07/01/2020 22:34:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128809 | 07/01/2020 17:32:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128709 | 07/01/2020 15:32:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128585 | 07/01/2020 12:23:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20128267 | 06/30/2020 23:37:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128174 | 06/30/2020 21:36:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128054 | 06/30/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127979 | 06/30/2020 17:23:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127686 | 06/30/2020 08:52:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20127324 | 06/29/2020 19:37:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127275 | 06/29/2020 18:28:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127202 | 06/29/2020 17:16:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127096 | 06/29/2020 14:32:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127054 | 06/29/2020 13:21:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127009 | 06/29/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127006 | 06/29/2020 12:11:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126913 | 06/29/2020 08:57:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20126571 | 06/28/2020 19:10:25 | 1541 | | ASS-ASSIST FIRE/AMBULANCE | ADV |
| 20126427 | 06/28/2020 14:48:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126341 | 06/28/2020 12:21:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125894 | 06/27/2020 20:57:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125771 | 06/27/2020 18:34:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125668 | 06/27/2020 16:45:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125572 | 06/27/2020 13:42:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125387 | 06/27/2020 05:25:02 | 1541 | | ALARMS | FA |
| 20125262 | 06/27/2020 00:19:04 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20125092 | 06/26/2020 20:50:05 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20125014 | 06/26/2020 20:16:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124963 | 06/26/2020 19:13:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124949 | 06/26/2020 19:01:07 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | ADV |
| 20124940 | 06/26/2020 18:48:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124910 | 06/26/2020 18:15:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124621 | 06/26/2020 13:02:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124576 | 06/26/2020 12:19:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124536 | 06/26/2020 11:32:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20124479 | 06/26/2020 10:17:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124465 | 06/26/2020 09:58:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123894 | 06/25/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123851 | 06/25/2020 17:21:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123748 | 06/25/2020 15:10:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123527 | 06/25/2020 09:26:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123306 | 06/24/2020 23:10:04 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20123305 | 06/24/2020 23:09:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123271 | 06/24/2020 22:36:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123179 | 06/24/2020 20:48:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123104 | 06/24/2020 18:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123038 | 06/24/2020 17:19:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123035 | 06/24/2020 17:16:22 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20122895 | 06/24/2020 13:00:08 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20122542 | 06/23/2020 22:07:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122524 | 06/23/2020 21:36:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122464 | 06/23/2020 20:02:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122356 | 06/23/2020 17:51:07 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122310 | 06/23/2020 16:57:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122263 | 06/23/2020 16:03:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122067 | 06/23/2020 10:46:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122049 | 06/23/2020 10:14:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121728 | 06/22/2020 22:27:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121649 | 06/22/2020 20:38:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121574 | 06/22/2020 18:50:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121558 | 06/22/2020 18:33:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121533 | 06/22/2020 18:08:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121465 | 06/22/2020 16:52:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121455 | 06/22/2020 16:34:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121383 | 06/22/2020 14:49:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121212 | 06/22/2020 10:31:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121084 | 06/22/2020 07:37:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120837 | 06/21/2020 21:49:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120826 | 06/21/2020 21:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120706 | 06/21/2020 18:26:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20120654 | 06/21/2020 17:08:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20120589 | 06/21/2020 15:14:00 | 1541 | | WEAPONS-RECKLESS DISCHARG OF FIREARM | RR |
| 20119971 | 06/20/2020 19:38:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119966 | 06/20/2020 19:34:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119823 | 06/20/2020 17:15:39 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20119730 | 06/20/2020 14:48:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119717 | 06/20/2020 14:13:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119650 | 06/20/2020 12:29:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119643 | 06/20/2020 12:19:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119141 | 06/19/2020 20:21:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119042 | 06/19/2020 18:32:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20119009 | 06/19/2020 18:01:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118866 | 06/19/2020 14:47:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20118850 | 06/19/2020 14:27:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118847 | 06/19/2020 14:21:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118756 | 06/19/2020 11:12:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117774 | 06/17/2020 21:48:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117614 | 06/17/2020 16:57:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117539 | 06/17/2020 15:16:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117524 | 06/17/2020 14:44:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117344 | 06/17/2020 00:00:00 | 1541 | | PREDATORY OFFENDER | RR |
| 20116947 | 06/16/2020 17:32:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20116288 | 06/15/2020 17:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116148 | 06/15/2020 13:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116101 | 06/15/2020 12:34:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116100 | 06/15/2020 12:33:49 | 1541 | | OFF DUTY EMPLOYMENT | ADV |
| 20116081 | 06/15/2020 12:02:00 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20115725 | 06/14/2020 20:03:05 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20115644 | 06/14/2020 16:40:00 | 1541 | | FAMILY/CHILDREN-VIOLATION OF RESTRAINING ORDER | RR |
| 20114451 | 06/12/2020 20:23:25 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20113620 | 06/11/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20113480 | 06/11/2020 13:08:24 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20113294 | 06/11/2020 04:36:34 | 1541 | | PREVIOUS CN | PCN |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20113064 | 06/10/2020 19:26:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20112992 | 06/10/2020 17:12:00 | 1541 | | ROBBERY-HIGHWAY,STRONG ARM | RR |
| 20112798 | 06/10/2020 12:18:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20112366 | 06/09/2020 17:39:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111605 | 06/08/2020 15:46:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111581 | 06/01/2020 21:27:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20111031 | 06/07/2020 17:09:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20110961 | 06/07/2020 15:30:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110950 | 06/07/2020 14:43:45 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | Unfou |
| 20110389 | 06/06/2020 15:36:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110282 | 06/06/2020 11:09:54 | 1541 | | PREVIOUS CN | PCN |
| 20110021 | 06/05/2020 21:52:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20109975 | 06/05/2020 20:35:41 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20109199 | 06/04/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20108130 | 06/03/2020 11:38:44 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20106546 | 06/01/2020 21:44:21 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20106541 | 06/01/2020 19:55:11 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | CAN |
| 20104381 | 05/31/2020 15:16:46 | 1541 | | INVESTIGATE-AND ALL OTHER | Unfou |
| 20104237 | 05/31/2020 09:02:04 | 1541 | | PREVIOUS CN | PCN |
| 20103566 | 05/30/2020 21:00:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20103452 | 05/30/2020 18:52:45 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20101550 | 05/28/2020 16:58:48 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20100730 | 05/26/2020 16:30:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &RR RUN | |
| 20100343 | 05/26/2020 20:08:44 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &CAN RUN | |
| 20100303 | 05/26/2020 19:38:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100271 | 05/26/2020 17:00:00 | 1541 | | DRUGS-POSS OF MARIJUANA | RR |
| 20100201 | 05/26/2020 17:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100193 | 05/26/2020 17:35:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100069 | 05/26/2020 15:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099810 | 05/26/2020 10:11:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099803 | 05/26/2020 10:00:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20099457 | 05/25/2020 21:35:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099369 | 05/25/2020 20:13:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099189 | 05/25/2020 16:44:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099124 | 05/25/2020 15:11:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099030 | 05/25/2020 13:07:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098893 | 05/25/2020 10:01:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098546 | 05/24/2020 21:34:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098375 | 05/24/2020 18:15:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098279 | 05/24/2020 16:57:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098260 | 05/24/2020 16:44:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098098 | 05/24/2020 11:50:55 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20097520 | 05/23/2020 18:09:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20097433 | 05/23/2020 16:56:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20096748 | 05/22/2020 20:35:57 | 1541 | | DISTURBANCE-FIGHTS | ADV |
| 20096544 | 05/22/2020 17:01:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20096478 | 05/22/2020 15:30:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095920 | 05/21/2020 20:32:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095809 | 05/21/2020 18:06:51 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20095800 | 05/21/2020 17:55:30 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20095742 | 05/21/2020 16:59:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095725 | 05/21/2020 16:35:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094981 | 05/20/2020 17:29:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20094953 | 05/20/2020 17:08:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094857 | 05/20/2020 15:29:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094730 | 05/20/2020 12:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094224 | 05/19/2020 19:11:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094141 | 05/19/2020 17:40:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094043 | 05/19/2020 16:07:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093417 | 05/18/2020 20:28:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093221 | 05/18/2020 16:43:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093088 | 05/18/2020 13:22:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20092941 | 05/18/2020 09:29:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091219 | 05/15/2020 16:53:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091149 | 05/15/2020 15:19:11 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20089871 | 05/13/2020 16:21:15 | 1541 | | DISTURBANCE-DISORDERLY | ADV |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| | | | | BOYS,GIRLS,PERSONS | |
| 20086225 | 05/07/2020 22:21:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086212 | 05/07/2020 22:01:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086019 | 05/07/2020 16:53:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20085993 | 05/07/2020 16:26:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20084080 | 05/04/2020 19:20:30 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20083431 | 05/03/2020 19:32:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20081239 | 04/30/2020 19:23:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20081128 | 04/30/2020 17:03:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20080635 | 04/29/2020 21:00:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20080522 | 04/29/2020 17:22:56 | 1541 | | PREVIOUS CN | PCN |
| 20079021 | 04/27/2020 12:12:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20079012 | 04/27/2020 11:44:16 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20078450 | 04/26/2020 14:24:00 | 1541 | | TRAFFIC VIOLATION-DRIVING AFTER REVOCATION | RR |
| 20077709 | 04/25/2020 13:12:45 | 1541 | | TRAFFIC VIOLATION-DANGEROUS CONDITIONS | GOA |
| 20077188 | 04/24/2020 18:42:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077165 | 04/24/2020 18:08:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077157 | 04/24/2020 18:00:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076625 | 04/23/2020 21:05:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076611 | 04/23/2020 20:39:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076587 | 04/23/2020 20:02:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076456 | 04/23/2020 15:56:00 | 1541 | | WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS | R |
| 20074088 | 04/19/2020 14:47:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20072950 | 04/17/2020 17:29:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20069618 | 04/11/2020 16:00:20 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20069142 | 04/10/2020 17:45:38 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20067853 | 04/08/2020 10:31:00 | 1541 | | ANIMAL CALLS-COMPLAINTS,NOT ANIMAL BITES | ADV |
| 20067636 | 04/07/2020 22:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20067424 | 04/07/2020 16:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20064894 | 04/03/2020 14:09:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20062710 | 03/30/2020 17:09:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20062358 | 03/30/2020 01:43:25 | 1541 | | ALARMS | FA |
| 20062353 | 03/30/2020 01:32:52 | 1541 | | ALARMS | FA |
| 20062147 | 03/29/2020 17:52:39 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061599 | 03/28/2020 14:08:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061053 | 03/27/2020 15:10:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20060568 | 03/26/2020 18:17:00 | 1541 | | INVESTIGATE-AND ALL OTHER | RR |
| 20060529 | 03/26/2020 17:14:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20059263 | 03/24/2020 12:41:28 | 1541 | | DISTURBANCE-FIGHTS | Unfou |
| 20057559 | 03/21/2020 03:50:37 | 1541 | | ALARMS | ADV |
| 20057310 | 03/20/2020 18:03:07 | 1541 | | ASS-ASSIST OTHER AGENCY | ADV |
| 20053196 | 03/05/2020 09:59:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20051608 | 03/11/2020 19:13:27 | 1541 | | INVESTIGATE-AND ALL OTHER | GOA |
| 20051403 | 03/11/2020 14:25:00 | 1541 | | CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER $500) | RR |
| 20051237 | 03/11/2020 10:25:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20050048 | 03/09/2020 16:53:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20049380 | 03/08/2020 17:17:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20048712 | 03/07/2020 18:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20048116 | 03/06/2020 20:53:43 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20048012 | 03/06/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20047335 | 03/05/2020 21:47:00 | 1541 | | OBSTRUCTING-FLEEING A POLICE OFFICER | RR |
| 20046623 | 03/04/2020 22:01:26 | 1541 | | CHECK WELFARE | GOA |
| 20046523 | 03/04/2020 19:16:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20044443 | 03/02/2020 07:47:35 | 1541 | | ALARMS | FA |
| 20044008 | 03/01/2020 16:58:54 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20041830 | 02/27/2020 17:40:30 | 1541 | | FRAUD | ADV |
| 20041608 | 02/27/2020 12:47:31 | 1541 | | CHECK WELFARE | ADV |
| 20041288 | 02/26/2020 22:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20039523 | 02/24/2020 15:26:00 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20038755 | 02/23/2020 13:08:45 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20038007 | 02/22/2020 11:38:30 | 1541 | | ASS-ASSIST OTHER AGENCY | GOA |



EXHIBIT
4-69

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20037969 | 02/22/2020 10:03:10 | 1541 | | FRAUD | ADV |
| 20037777 | 02/22/2020 01:08:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20036977 | 02/21/2020 00:19:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20036974 | 02/21/2020 00:05:03 | 1541 | | ALARMS | FA |
| 20036734 | 02/20/2020 17:33:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

**CN Detail for 21-026555**

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 70 INVESTIGATE-AND ALL OTHER | | | | |
| Location: | 1541 MARYLAND AV E | | | | |
| Locale: | Sam's Dairy [1541] | Sector/Grid: | 3 38 | | |
| Call Date: | 02/08/2021 11:34:24 | Disposition: | Advise/Assist | | |
| Occur Date: | 02/08/2021 | Priority: | 2A | Time Received: | 11:34:24 |
| OccurTime: | 11:34:24 | Source: | Officer | Time Sent: | 11:34:24 |
| Caller information | | Fire/Amb: | | Time Arrived: | 11:34:24 |
| Name: | | EDP: | | Time Cleared: | 11:49:00 |
| Address: | | Alarm: | | ECC Console: | 03 |
| Phone: | | | | | |



EXHIBIT 4-71

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:
INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Linssen, John R
District:
Site:
BodyCam? Yes Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 1541 MARYLAND AV E
ST PAUL, MN 55106
Date & time of occurrence: 02/08/2021 11:34:00 to
02/08/2021 11:49:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

**Other**

Abukhudeer, Zakariya
520 LAKE ELMO AV N
LAKE ELMO, MN 55042

*Nicknames or Aliases*

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

*Details*

Sex: Male Race: Other DOB: 10/12/1996 Resident Status:
Hispanic: Age: 24 from to

*Phones*

Home: 612-212-8558 Cell: Contact: 612-212-8558
Work: 651-771-4999 Fax: Pager:

*Employment*

Occupation: Licensee Employer: The One Stop Market LLC

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

---

**Identification**

SSN: License or ID#: License State:

**Physical Description**

| | | | | | |
|---|---|---|---|---|---|
| US: | | Metric: | | | |
| Height: | to | Build: | Hair Length: | Hair Color: | |
| Weight: | to | Skin: | Facial Hair: | Hair Type: | |
| Teeth: | | Eye Color: | Blood Type: | | |

**Other**

The One Stop Market
1541 MARYLAND AV E
ST PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: Employer:

**Identification**

SSN: License or ID#: License State:

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

| | | | |
|---|---|---|---|
| Suspect can be Identified: | | By: | |
| Photos Taken: | | Stolen Property Traceable: | |
| Evidence Turned In: | | Property Turned In: | |
| Related Incident: | | | |

Lab

| | | | |
|---|---|---|---|
| Biological Analysis: | | Fingerprints Taken: | |
| Narcotic Analysis: | | Items Fingerprinted: | |

Lab Comments:

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>LAKE ELMO, MN 55042 | 612-212-8558 |
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST PAUL, MN 55106 | |

## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I review police reports and complaints that involve nuisance related activity that negatively effects the quality of life of neighboring residents and citizens in the city of St. Paul. I also assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions that they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

Recently, Adverse Action had been taken by the Department of Safety & Inspection (DSI) against the One Stop Market, 1541 Maryland Ave E. for licensing violations conditions #2 & #3 and also included the alleged sales of single menthol cigarettes at the business. These violations were documented under SPPD CN's 20-076-456, 20-062-710, 20-144-580. A notice of violation letter was sent out on 9-10-20, by the City Attorney's Office recommending an upward departure two boxes on the matrix penalty scale to a $2,000 fine and a 10-day suspension of the cigarette/tobacco license.

In addition, on 1-18-21, St. Paul Police responded to the business on a report of a shooting under CN 21-011-884, in which one person sustained injury. As a result of this incident, a video request letter was mailed out on 1-21-21 and additional licensing violations, specifically related to license condition #2 was documented under CN 21-026-681. Also several flavored tobacco products were captured being sold to customers and noted by DSI Inspector Joe Voyda.

It should be noted that in the past one year period between (02/09/20 & 02/09/21), this property has generated

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

(786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

On 2-8-20 at 1134 hrs, I assisted DSI Licensing Inspector Voyda with a follow up inspection regarding a licensing complaint. During our visit I was wearing my SPPD issued Body Worn Camera (BWC), which captured the inspection. Upon entry, Inspector Voyda and I made contact with the (2) employees working behind the front counter and identified ourselves. One of the employees verbally identified himself as (ABUKHUDEER, ZAKARIYA), who is the licensee holder. ABUKHUDEER was then informed of the purpose of our visit and that it was in reference to a complaint received. Inspector Voyda added that the purpose was to ensure that the business was remaining compliant with City ordinance 324.07 (f). I stood by while Inspector Voyda spoke to ABUKHUDEER and began his inspection.

During the inspection, I observed Inspector Voyda locate and photograph multiple flavored tobacco products that were displayed in open view behind the sales counter. in the sales area. Inspector Voyda checked several other areas within the store and advised his inspection was complete. Inspector Voyda then advised ABUKHUDEER the business was not authorized to sell these items and to remove all flavored products from behind the sales area and off the premise. ABUKHUDEER complied with the orders and Inspector Voyda and I escorted AUKHUDEER out of the store and to his vehicle, where he secured the flavored tobacco products. Contact information was left with ALRUBAYE and we cleared from the scene.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

On 2-8-21, at 1134 hrs, St. Paul Police assisted the Department of Safety & Inspection with conducting an inspection at The One Stop Market, 1541 Maryland Ave E. This inspection was in reference to a previous complaint received by DSI of cigarette/tobacco license violations. During the inspection, on 2-8-20, licensing violations were observed by both the DSI Licensing inspector and a St. Paul, Police Sergeant. The violations witnessed included the presence of flavored tobacco products that were behind the front counter in the sales area. The business is currently not authorized to sell flavored tobacco products. Incident documented on Body Worn Camera and photos taken by Licensing Inspector.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Graupman, Charles A
*District:* East District
*Site:*
*BodyCam?* No *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106
*Date & time of occurrence:* 02/10/2021 15:10:00 to
02/10/2021 15:10:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## SOLVABILITY FACTORS

*Suspect can be Identified:*
*By:*
*Photos Taken:*
*Stolen Property Traceable:*
*Evidence Turned In:*
*Property Turned In:*
*Related Incident:*

*Lab*

*Biological Analysis:*
*Fingerprints Taken:*
*Narcotic Analysis:*
*Items Fingerprinted:*
*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|

## NARRATIVE

On 2/10/21, I received this case on transfer for review and investigation due to the documented code and life safety concerns related to the property. I then began by reviewing all of the included reports and information, as well as any pictures if applicable. The reports on all parties involved were reviewed to determine the course

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

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of investigation, as well as the level and probability of solvability. This is all done for information gathering purposes, as well as possible future criminal charges.

The original report along with the associated reports noted with the case file have been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Case will be noted.

---

PUBLIC NARRATIVE

Last page of the report

EXHIBIT

4-78

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

CN Detail for 21-026681

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 74 INVESTIGATE-CODE ENFORCEMENT | | | | |
| Location: | 375 JACKSON ST | | | | |
| Locale: | ST PAUL SAFETY AND INSPECTION | Sector/Grid: | 2 153 | | |
| Call Date: | 02/08/2021 15:30:44 | Disposition: | Records received | | |
| Occur Date: | 01/21/2021 | Priority: | 4 | Time Received: | 15:30:44 |
| OccurTime: | 15:30:00 | Source: | Phone | Time Sent: | 15:30:44 |
| Caller information | | Fire/Amb: | | Time Arrived: | 15:30:44 |
| Name: | | EDP: | | Time Cleared: | 15:31:10 |
| Address: | | Alarm: | | ECC Console: | 31 |
| Phone: | | | | | |

BUSINESSES

1541 MARYLAND AV E, ST. PAUL, MN 55106

Information requested by: (237725)

EXHIBIT 4-79

Printed at:2/10/2021 12:48:49 PM

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

Primary offense:
INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Mcquay, Jeremiah J
District: Central District
Site:
BodyCam? No Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 375 JACKSON ST
ST PAUL, MN 55101
Date & time of occurrence: 01/21/2021 15:30:00 to
02/08/2021 15:41:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

Other

Abukhudeer, Zakariya
520 LAKE ELMO AV N
ST. PAUL, MN 55042

Nicknames or Aliases
Nick Name:
Alias:
AKA First Name:
AKA Last Name:

Details
Sex: Male Race: Other DOB: Resident Status:
Hispanic: Age: from to

Phones
Home: 612-212-8558 Cell: Contact: 612-212-8558
Work: Fax: Pager:

Employment
Occupation: Licensee Employer: One Stop Market

EXHIBIT
4-80

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

---

**Identification**

SSN: | License or ID#: | License State:

**Physical Description**

| | | | | | |
|---|---|---|---|---|---|
| US: | | Metric: | | | |
| Height: | to | Build: | Hair Length: | Hair Color: | |
| Weight: | to | Skin: | Facial Hair: | Hair Type: | |
| Teeth: | | Eye Color: | Blood Type: | | |

**Other**

1541 MARYLAND AV E
ST. PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: | AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: | Employer:

**Identification**

SSN: | License or ID#: | License State:

EXHIBIT
4-81

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*
*Photos Taken:* *Stolen Property Traceable:*
*Evidence Turned In:* *Property Turned In:*
*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*
*Narcotic Analysis:* *Items Fingerprinted:*
*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>ST. PAUL, MN 55042 | 612-212-8558 |
| Other | Twins Market & Meat | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 1-19-21, I was made aware of an incident that occurred on 1-18-21 at 1338 hrs, where St. Paul Police responded to The One Stop Market, 1541 Maryland Ave E. for a report of a person who had been shot in the parking lot under SPPD CN (21-011-884). The victim was taken to Regions Hospital by private vehicle. The victim was later interviewed by police and had non-life threatening injuries. Responding officers recovered (6) 9mm casings near the scene. Officers also spoke with employees at the business who advised a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer. This is an ongoing investigation.

In the past one year period between (02/09/20 & 02/09/21), this property has generated (786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

In addition, this property has a current & open Department of Safety & Inspection Adverse Action case for multiple licensing violations. Specifically, violations of conditions #2, & #3 of the license requirements and also the unauthorized sale of menthol flavored cigarettes.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

---

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 1/21/21 at 1300 hrs., DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video of the business. The requested video was noted in the letter and coincided with the above SPPD CN referenced. The time period of the request was for the time period starting on: Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. on Monday January 18, 2021.

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, January 25, 2021. Two copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

The second copy I hand delivered to the business at 1330 hrs. on 1-21-21. I made contact with a male employee working the front counter and advised him to deliver the letter, which was sealed in an envelope to the manager on duty.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

DSI Investigation.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

Primary offense:
INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Graupman, Charles A
District: East District
Site:
BodyCam? No Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 375 JACKSON ST
ST. PAUL, MN 55106
Date & time of occurrence: 01/25/2021 15:45:00 to
02/10/2021 10:38:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

Other

The One Stop Market
1541 MARYLAND AV E
ST. PAUL, MN 55106

*Nicknames or Aliases*

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

*Details*

Sex: Race: DOB: Resident Status:
Hispanic: Age: from to

*Phones*

Home: Cell: Contact: 651-771-4999
Work: 651-771-4999 Fax: Pager:

*Employment*

Occupation: Employer:

EXHIBIT
4-85

SP3A09D5CB5619F

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

*Identification*

| SSN: | License or ID#: | License State: |
|---|---|---|

## SOLVABILITY FACTORS

| | | | |
|---|---|---|---|
| *Suspect can be Identified:* | | *By:* | |
| *Photos Taken:* | | *Stolen Property Traceable:* | |
| *Evidence Turned In:* | | *Property Turned In:* | |
| *Related Incident:* | | | |

*Lab*

| | | | |
|---|---|---|---|
| *Biological Analysis:* | | *Fingerprints Taken:* | |
| *Narcotic Analysis:* | | *Items Fingerprinted:* | |

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

## NARRATIVE

On 1/25/21, at 1545 hrs., I received the requested video that was turned into DSI front counter staff from The One Stop Market, 1541 Maryland Ave E. The requested video was contained on (1) flash drive. Prior to viewing the video, I noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This was also documented in a supplemental under SPPD (CN 21-011-884), by Video Management Technician Richard Bertholf, who had recovered a separate video from the business for the same date and similar time period. I then began to review the video using my office computer and noted the following:

While viewing camera #10, which covers the exterior parking lot and faces S/W towards the intersection of Maryland/Hazelwood, I made several observations prior to the shooting that occurred.

At 12:19 hrs., I observed 2 vehicles, #1 black Chevrolet SUV, #2 black Dodge Caliber arrive. Both vehicles eventually park in the parking lot near the S/W corner of the lot. The vehicles remain in the parking lot for an extended period of time.

At 12:50 hrs, A black Hyundai sedan arrives and backs into a parking space in the parking lot near the S/W corner of the lot, next to the first two mentioned vehicles. From this period of time until the shooting at 13:31 hrs, the occupants of these vehicles enter and exit their vehicles multiple times and also the Hyundai. The occupants also are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business. There are multiple interactions between the occupants of the said vehicles with customers

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

arriving and exiting the store & parking parking lot. It is unclear based on the quality of video if items are exchanged during these interactions, but based on my training and experience this type of behavior can be indicative of narcotics transactions.

It should be noted that at no point, did I observe any of the employees perform a walk thru of the parking lot or monitor this activity. It should also be noted that this suspicious behavior could be deemed loitering on it's own right, but no request for a police response was made by the business.

At 12:31 hrs, the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood. The male then enters the crosswalk, and begins walking N/B into the intersection. The male then stands in the crosswalk near the middle of the street and raises a gun and fires towards the said black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking spot and exits the parking lot turning S/B on Hazelwood and then W/B on Maryland Ave W.

Moments later, a store employee is seen exiting the store and checking the front of the business for damage from the shooting. Officers arrive soon after and recovered (6) 9 mm casings at the scene.

I spoke with DSI Licensing Manager Eric Hudak regarding the nuisance/loitering behavior in the parking lot prior to the shooting. I then turned over the requested video footage to DSI Licensing Inspector Joe Voyda to review the interior footage to ensure the business was complying with the conditions set fourth of their cigarette/tobacco license. Inspector Voyda later informed me that during his review, he noted multiple unauthorized single cigarette sales, flavored tobacco sales and menthol cigarette sales violations.

This report has been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

PUBLIC NARRATIVE

Last page of the report

SP3A09D5CB5619F

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-011884

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 410 AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | | | | |
| Location: | 1541 MARYLAND AV E | | | | |
| Locale: | | Sector/Grid: | 3 38 | | |
| Call Date: | 01/18/2021 13:39:52 | Disposition: | Records received | | |
| Occur Date: | 01/18/2021 | Priority: | 2 | Time Received: | 13:39:52 |
| OccurTime: | 13:38:00 | Source: | Phone | Time Sent: | 13:40:06 |
| Caller information | | Fire/Amb: | | Time Arrived: | 13:43:22 |
| Name: | | EDP: | | Time Cleared: | 17:59:57 |
| Address: | | Alarm: | | ECC Console: | 31 |
| Phone: | | | | | |

### BUSINESSES

SPPD , ST. PAUL, MN 55101

Information requested by: (237725)

EXHIBIT 4-88

Printed at:02/10/2021 12:56:15

Saint Paul Police Department

**PUBLIC**

# ORIGINAL OFFENSE / INCIDENT REPORT

*Complaint Number* 21011884 *Reference C.N.*

*Date and Time of Report* 01/18/2021 16:56:34

*Primary offense*

AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

*Primary Reporting Officer:* Arntzen, Matthew J

*Primary squad:*

*Secondary reporting officer:* Arntzen, Matthew J

*District:* East District

*Site:*

*Secondary offense:*

*Pursuit engaged*

*Name of location/business:*

*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106

*Date & time of occurrence:* 01/18/2021 13:38:00 *to* 01/18/2021 14:09:00

*Arrest made?*

*Resistance encountered*

| *Weapons Used by Police* | *Weapons Used by Suspect at Time of Arrest* |
|---|---|
| (none) | (none) |

**ARRESTS** (None)

**NAMES**

**Owner**

**Victim**

**PUBLIC NARRATIVE**

On 01/18/2021 at 1338 hours police were sent to Maryland / Hazelwood for a person who had been shot. The victim was taken to Regions Hospital by private vehicle. The victim has non-life threatening injuries.

EXHIBIT
4-89

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

Shawn McDonald, being first duly sworn, deposes and says that on the 24th day of March, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 24th day of March 2021

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
tabbies
5-1

**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 24, 2021

EXHIBIT
tabbies 5-2

**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 34th 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 the Notice of Violation and request for upward departure to Revocation related to license violations which occurred after the first Notice of Violation that was sent to your client.

In relation to these violations, the Department of Safety and Inspections ("Department") is recommending 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 to Revocation based on:

- Evidence that the Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021,
- Evidence of failure to maintain video in accordance with his license condition,
- Evidence of multiple additional incidents of sales of flavored products on January 18, 2021 documented on video provided by licensee,
- Evidence of a large volume of flavored products observed by Inspector Voyda during his inspection on February 8, 2021 and documented report and through photos,
- Evidence that the licensed premises were being operated in a manner that violated several sections of Saint Paul Legislative Code Section 306 on January 18, 2021 and February 8, 2021.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

*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.*

- 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 (f) which prohibits the sale 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

EXHIBIT
tabbies
5-4

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

The relevant portion of the Saint Paul Legislative Code relating to the sale of flavored products is:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.
(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – 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 when the council finds that there are substantial and compelling reasons to do so.

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

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 surveillance equipment in good working order,
- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products, and
- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises.

The Department believes that the report of Inspector Voyda, video and photographic evidence support the violations and the Department plans on asking the City Council to impose the costs as allowed under 310.05 (k). 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 – Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021.**

**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 January 18, 2021 Saint Paul Police responded to a call at the Licensed Premises on a report of a person who had been shot in the parking lot and taken to Regions hospital with non-life threatening injuries. Saint Paul Police documented the incident under Saint Paul Police Case Number ("CN") 21011884. Responding officers recovered six (6) 9mm casings near the scene. Officers also spoke with employees who advised that a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer.

On January 19, 2021, Sgt. Graupman, the Sgt. currently assigned to DSI learned of this incident.

On January 21, 2021, Sgt. Graupman drafted and delivered a formal letter requesting surveillance video from Monday, January 18, 2021 from 12:30 p.m. to 2:30 p.m. on Monday, January 18, 2021.

On January 25, 2021 the requested video was turned in at DSI. Sgt. Graupman viewed the video and made the following observations which DSI alleges support adverse action on the basis that the Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021:

- 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
- 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
- Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.

- Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

**Violation #2 - On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.**

**License Condition Violated:** License Condition #3 which states: "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:** Sgt. Graupman noted in CN 2106681 that when he viewed the video turned in to DSI by the Licensee he noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This information was also documented in a separate supplemental report by Video Management Technician Ricard Bertholf.

**Violation #3 – On January 18, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:** DSI Inspector Joseph Voyda viewed the January 18, 2021 video and pulled still photographs of 6 separate sales of flavored products, specifically:

- Camera 6 – 1/18/2021 at 12:18:14 – Backwoods Russian Crème Cigars
- Camera 6 – 1/18/2021 at 12:19:18 – Dutch Honey Fusion and Blue Dream Fusion Cigars
- Camera 6 – 1/18/2021 at 12:44:04 – Dutch Honey Fusion Cigars
- Camera 6 – 1/18/2021 at 12:46:01 – Backwoods Honey Burbon Cigars

**Violation #4 - The Licensee (or any person whose conduct may be imputed to the licensee) managed the property engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare and 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 the members of the public.**

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

**Synopsis of Alleged Facts:**

- Video recovered of January 18, 2021 shooting shows a failure to monitor Licensed Premises.
  - 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
  - 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lot near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
  - Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
  - Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.
- Sergeant Graupman documented in his CN 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents.
- Inspector Voyda noted that his observations of the video from January 18, 2021 showed that no customers were carded by the clerk for tobacco purchases.
- Repeated sales of prohibited flavored tobacco products on January 18, 2021 and the presence of a large amount of prohibited flavored tobacco products on February 8, 2021.

**Violation #5 – On February 8, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:**

On February 8, 2021 Sgt. Graupman and DSI Inspector Voyda went to the Licensed Premises to follow up on a licensing complaint. They made contact with 2 employees working behind the front counter. They verbally identified one of the employees as the Licensee, Zakariya Abukhudeer. Inspector Voyda informed them that the purpose of this inspection was to ensure that the Licensed Premises was compliant with Saint Paul Legislative Code 324.07(f). During the Inspection, Inspector Voyda located and photographed multiple boxes containing prohibited flavored products behind the sales area. Inspector Voyda advised the Licensee to remove the prohibited products from the premises.

The Licensee has three (3) options:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **April 7, 2021,** I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for revocation of the licenses.

2. If you wish to admit the facts but you contest the upward departure to revocation, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **April 7, 2021.** The matter will then be scheduled before the City Council to determine whether to revoke the license. You and your client will have an opportunity to appear before the Council and make a statement.

3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 7, 2021.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation. Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

**If you have not contacted me by April 7, 2021, I will assume that you do not contest the Revocation of your licenses. In that case, the matter will be placed on a City Council Consent Agenda for approval of the recommended penalty.**

Sincerely,

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: January 18, 2021 Surveillance video observations from Inspector Joseph Voyda
A copy of January 21, 2021 letter from the Department of Safety and Inspections requesting January 18, 2021 video.
A copy of February 8, 2021 Inspector's report from Inspector Joseph Voyda
License Group Comments Text
Adverse Action Comments Text
STAMP – Ownership/Zoning Information
Photos
Vendor tobacco education packet
Saint Paul Police Department address/Intersection Report from 2/10/2020 to 2/10/2021
Saint Paul Police Report Case Number: 21026555
Saint Paul Police Report Case Number: 21026681
Saint Paul Police Report Case Number: 21011884

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 May 29, 2020, he served the attached **AMENDED NOTICE OF VIOLATION, RECOMMENDATION FOR UPWARD DEPARTURE TO REVOCATION.** And a correct copy thereof in an envelope addressed as follows:

The One Stop Market LLC

Attn: Zhariya Abukhudeer
520 Lake Elmo Ave N
Lake Elmo, MN 55042

(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 __th day of March, 2021

# 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Surveillance Video Observations

## January 18, 2021 – From 12:00 p.m. to 2:30 p.m.

**Violations found:**

USB Flash Drive labeled 1/18/2021:

Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars

Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars

Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars

Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars

Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

**Violations Found:**

City of Saint Paul's Legislative Code 324.07(f) - (h-3) – Flavor violations

**NOTE:** No customers were carded by the clerk for tobacco purchases at the 'The One Stop Market' counter and no violations observed from the 'One Stop Wireless' counter.

See attached documents for pictures of violations and the request for video letter dated January 18, 2021

Joseph Voyda
Licensing inspector III

February 10, 2021

EXHIBIT
tabbies
5-11

'Backwoods' Russian Cream Cigars

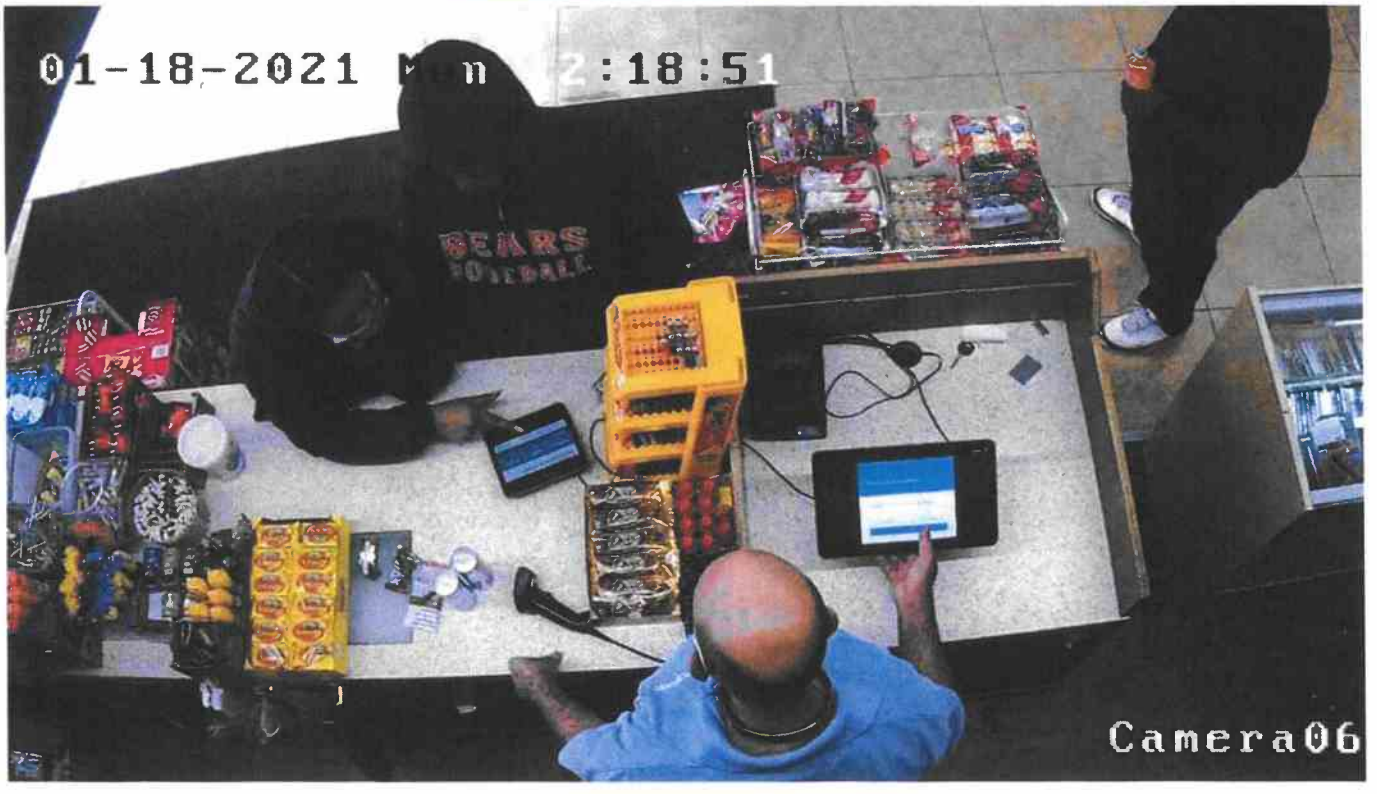
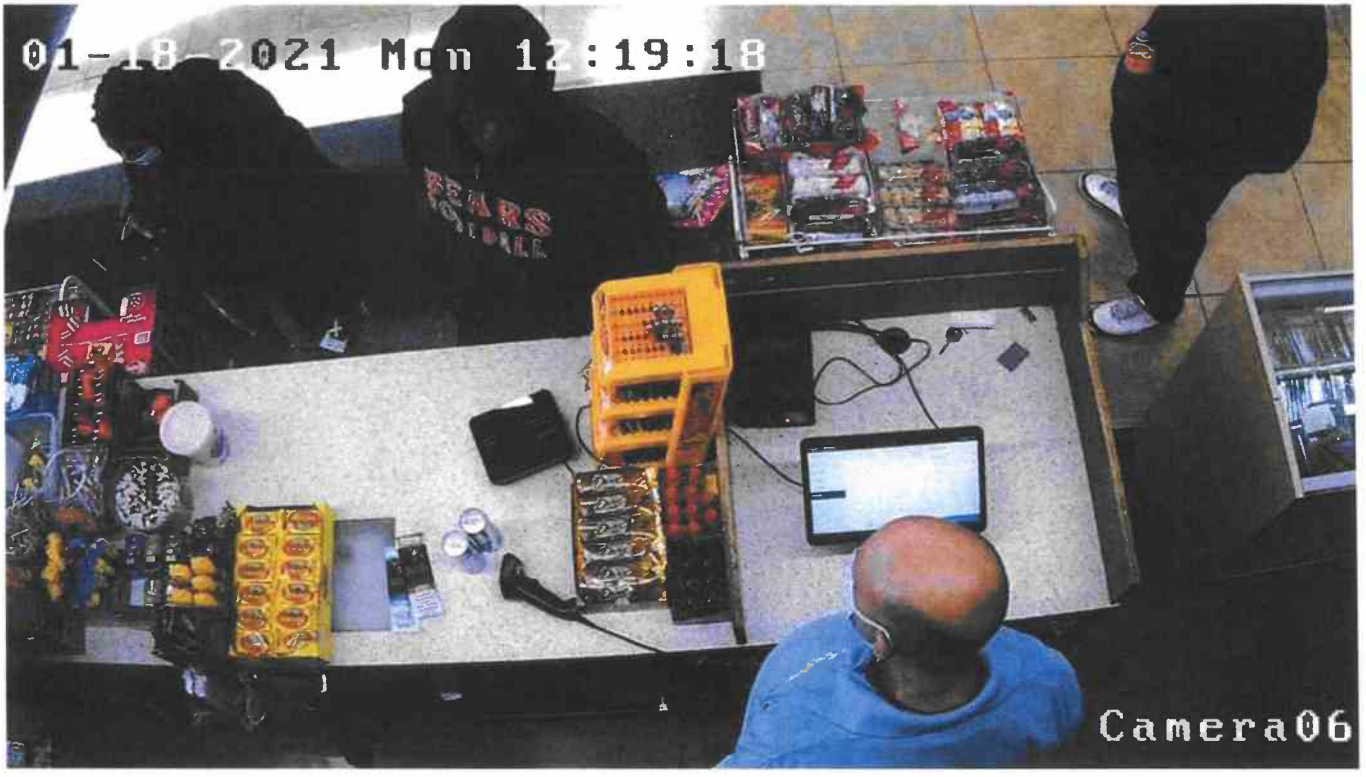



EXHIBIT
tabbies
5-12

'Dutch' Honey Fusion and Blue Dream Fusion Cigars




'Dutch' Honey Fusion Cigars

EXHIBIT
tabbies
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'Backwoods' Honey Bourbon cigars

EXHIBIT
tabbies
5-14

It appears that they didn't have any 'Newport' cigarettes at this time of day or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

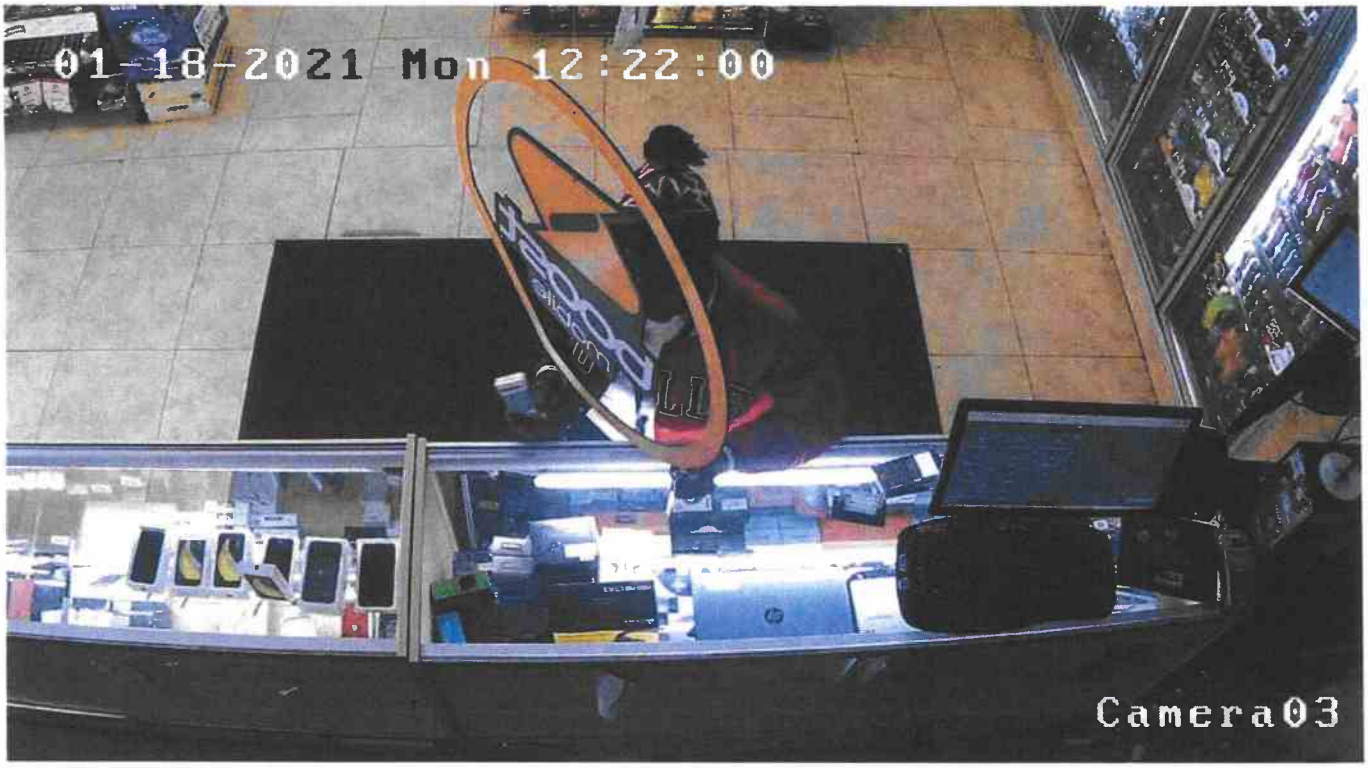


EXHIBIT
tabbies
5-15

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

January 21, 2021

The One Stop Market LLC.
The One Stop Market
1541 Maryland Ave E.
St. Paul, MN 55106

**HAND-DELIVERED: 01-21-2020 @ 1:30 P.M**

Mr. Abukhudeer,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following period:

**Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. Monday, January 18, 2021**

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 no later than 4:00 p.m. on Monday, January 25, 2021. Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have previously been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Attorney Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN. 55042.

An Equal Opportunity Employer

EXHIBIT
tabbies
5 to 6

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

# 1541 Maryland Avenue East – DBA: The One Stop Market

# license # 20190001624

# Complaint Inspection for Flavored Tobacco Products

# February 8, 2021

**Evidence of violations to be added to current Adverse Action**

**Violations Found:**

City of Saint Paul's Legislative Code -Licenses 324.07(f) & Zoning Code 65.535 (a) (b) – Flavor violations, distance requirement, and not zoned for a product shop to sell flavored tobacco.

**NOTE:** Education to the licensee on the flavor violations found and education given that 1541 Maryland Avenue East – DBA: The One Stop Market, was not a Tobacco Product Shop.

See attached documents for pictures of violations and the 'Inspectors Report' dated February 8, 2021

Joseph Voyda
Licensing inspector III

February 8, 2021



EXHIBIT
tabbies
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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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*Facsimile: 651-266-9124*
*Web: www.stpaul.gov/dsi*

# Inspector's Report

Inspectors Name: Joseph Voyda

Date: 2/8/2021

Business/Property Name: The One Stop Market

Property Address: 1541 Maryland Avenue East

Reason for Visit: Complaint for flavored product being sold

Observations: Multiple flavor violations found behind counter

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

Behind the counter/register

Action Taken: ☐ Education / warning

☐ Request for Adverse Action

Other: Additional violations found from a complaint received to DSI to be added to the current Adverse Action

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

Upon arrival on February 8, 2021. I spoke with the licensee Zakariya Abukhudeer. I introduced myself as an Inspector for the City of Saint Paul with DSI I introduced the Saint Paul Police officer that works with DSI. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco product being sold.

In plain sight located behind the counter/cash register were multiple flavor tobacco product violations (See Attached Photos – 20 Total). I asked Zakariya if there were any other flavor products that were present or hidden, his response was "no we don't sell menthol and no other flavor products". Continuing the inspection, I advised Zakariya to move all products off the premises. I educated Zakariya on the flavor violations that were discovered, he agreed and said, "it wouldn't happen again".

Types of flavored tobacco products found: 'Dutch' - Irish Fusion, Java Fusion, Berry Fusion, Honey Fusion, Blue Dream Fusion and Rum Fusion, 'Zig Zag' – Purple, Blue and Pink. 'Backwoods' – Black Russian, Honey Berry, Russian Cream, Dark Stout, Honey Bourbon, and Honey. 'Black & Mild' – Wine.



EXHIBIT
tabbies
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License Group Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

2/8/2021 Complaint inspection - Multiple flavor violations found JNV
5/26/2020 To CAO for adverse action. Violation of condition # 2 & #3
5/4/2020 recieved an email from licensee that he was not able to provide a copy of requested video.KS
4/27/2020 Letter sent requestiing inside video for 3/3020 due by 5/4/20.KS
4/6/2020 ALJ dismissed KS
02/04/2020 Spoke with licensee to question his confusing written request for a PH. He changed his mind and advised he'd send another letter to request an ALJ.
01/09/2020 Sent to the CAO for adverse action - MN Dept. of Revenue seizure for invoice - tobacco JNV

License Group Conditions Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

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.
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 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 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.
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 place in front of the window.

Adverse Action Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

10/21/2020 Notice of Prehearing Conference sent. SM
09/10/2020- Sent Notice of Violation with an 09/25/2020 deadline to respond. SM
1/15/20- NOV sent with a 1/29/20 deadline to respond. SM
3/9/20- Sent Notice of Prehearing Telephone Conference. SM

# STAMP - Ownership / Zoning Information

New Search Help using this report

**Run Date:** 02/08/21 03:35 PM

**House#:**

**Street Name:**

**Last updated from Ramsey County data on:**

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

1541 Maryland Ave E - Sam'S Dairy / 1543 Maryland Ave E - Ultimate Wash / 1545 Maryland Ave E - 55106-2931 - Other Applications

| | | | | |
|---|---|---|---|---|
| **PIN:** 222922430040 | **Census Track:** 30704 | **Census Block:** 3004 | **Council Ward:** 6 | **District Council:** 2 |
| **Year Built:** | **Foundation Sq Feet:** | **Loan Company:** | **Land Value:** 209000 | **Building Value:** 251000 |

**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:**

**Zoning:** B1 / B2

**Legal Desc:** SECTION 22 TOWN 29 RANGE 22 W 180 FT OF S 173 FT OF (SUBJ TO ST AVE & ESMTS) OF SE 1/4 OF SEC 22 TN 29 RN 22

**Owner:**
Zamzam Inc
1149 97th Ln Nw
Coon Rapids MN 55433-4585
612-986-7315

EXHIBIT
tabbies
5-20

EXHIBIT
tabbies
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EXHIBIT
tabbies
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EXHIBIT
tabbies
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EXHIBIT
tabbies
5-24

EXHIBIT
tabbies
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EXHIBIT

tabbies

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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

March 01, 2018

Dear Cigarette/Tobacco License Holder,

Thanks to your hard work and cooperation, the results of 2017 compliance checks for the sale of tobacco to juveniles were very promising with 92% of Saint Paul's licensed vendors passing their initial inspection. The Department of Safety and Inspections (DSI) is required to conduct inspections at all cigarette/tobacco retail locations in the city to monitor for compliance with State Statute prohibiting tobacco sales to minors. Compliance checks consist of a person under the age of 18 entering your establishment and attempting to purchase cigarettes or other tobacco products. There may be multiple compliance inspections conducted throughout the year at any given location. The continued efforts of Saint Paul's licensed vendors to prevent juvenile access to tobacco are appreciated by many.

Effective November 1, 2018, NEW flavored tobacco regulations take effect that prohibit the sale of menthol, mint and wintergreen tobacco products including cigarettes at a vast majority of licensed cigarette/tobacco retail establishments in Saint Paul. Only liquor stores that hold a Cigarette/Tobacco license and tobacco product shops will be allowed to continue selling menthol, mint and wintergreen flavored tobacco products. Tobacco product shops continue to be the only establishments permitted to sell any other flavored tobacco products. It is strongly encouraged that you work with your supplier to verify that products are compliant with the City's flavored tobacco restrictions prior to placing on display or offering for sale.

Please be reminded that single cigars and/or cigars in original packages of three or less must sell at a retail price of not less than $2.60 per cigar before sales tax and cigars in original packages of four or more must sell at a retail price of $10.40 or greater before sales tax.

The City of Saint Paul appreciates your continued cooperation in complying with these and all other federal, state and local laws regulating tobacco and tobacco-related products. Failure to comply with all applicable requirements will result in adverse licensing action. If you have questions regarding cigarette/tobacco retailer requirements, you may contact a DSI Licensing Inspector at 651-266-8989 and/or email DSI-InformationAndComplaints@ci.stpaul.mn.us.

Respectfully,

Barry Brown
DSI Licensing Inspector



EXHIBIT
tabbies
5-27

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

March 2018

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## Cigarettes

### NOT ALLOWED ✗

**Examples of menthol cigarettes: Newport, Marlboro menthol, Kool true menthol, and Camel Crush**

*Menthol cigarettes can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops.*

### ALLOWED ✓

**Examples of non-menthol cigarettes: Marlboro, American Spirit, Pall Mall, and Camel unflavored**

*Cigarettes that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies
5-28

## Cigars and Cigarillos

### NOT ALLOWED

**Examples of flavored cigars and cigarillos: Strawberry, Raspberry Cream, Mango, White Grape, Wintergreen, Arctic Ice, and Grape**

*Menthol, Mint, and Wintergreen flavored cigars and cigarillos can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored cigars and cigarillos can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored cigars and cigarillos: Garcia Vega, Swisher Diamonds, White Owl Silver, and unflavored Black & Mild**

*Cigarillos and cigars that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Smokeless Tobacco and Pouches

### NOT ALLOWED

**Examples of flavored smokeless tobacco: Wintergreen Grizzly, Cherry Skoal, Wintergreen Camel, Camel Snus Winterchill, General Swedish Snus Mint and Camel Snus Mint**

*Menthol, Mint, and Wintergreen flavored smokeless tobacco can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored smokeless tobacco can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored smokeless tobacco: Copenhagen Snuff, Grizzly Premium Straight, Skoal Classic Straight, and Camel Snus Robust**

*Smokeless Tobacco that is not flavored is allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies 5-29

## E-cigarettes and E-juice

### NOT ALLOWED

**Examples of flavored e-cigarettes and e-juice: Peach, Menthol, and Fruit Stripe e-juice; Cherry Crush blu, Cool Menthol NJOY, Menthol Vuse Vibe, Chai Vuse, and Sex on the Beach Starbuzz**

*Menthol, Mint, and Wintergreen flavored e-cigarettes and e-juice can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored e-cigarettes and e-juice can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored e-cigarettes and e-juice: FIN Rich Tobacco, Rich Tobacco NJOY, Original Vuse VIBE, and Classic Tobacco blu**

*E-cigarettes and e-juice that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Tobacco and Hemp Cigar and Blunt Wraps

### NOT ALLOWED

**Examples of flavored wraps: Strawberry, Grape Ape, Blueberry Bomb and Mango/Pineapple hemp wraps, Watermelon, Chicken & Waffles, and Menthol wraps**

*Menthol, Mint, and Wintergreen flavored wraps can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored wraps can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Example of non-flavored wraps: Natural hemp wraps and Double Platinum Zer0 blunt wraps**

*Tobacco and hemp cigar and blunt wraps that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies'
5-30

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

Limit the sale of tobacco products flavored with menthol, mint or wintergreen to adult-only tobacco product shops and liquor stores that are licensed to sell tobacco.

**These changes take effect on November 1, 2018.**

*For more information, please contact DSI Licensing:*
*651-266-8989 or DSIComplaints@ci.stpaul.mn.us*

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

## Frequently Asked Questions

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: cigarettes, e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt and hemp wraps, shisha, and smokeless tobacco.

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco is restricted under the ordinance. Menthol, mint, and wintergreen flavored tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Other flavored tobacco products can only be sold in adult-only tobacco product shops.

**How does the ordinance define a 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 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 shall constitute presumptive evidence that the product or device is a flavored product.

Continued...

## Frequently Asked Questions (continued)

**What if I'm not sure if the product is flavored?**

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.

**What are the penalties?**

The penalties for selling tobacco to people under the age of 18 years are:

*First violation*—$200.00 fine
*Second violation*—$400.00 fine
*Third violation*—$800.00 fine and a 7-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

All other license violations incur the following penalties:

*First violation*—$500.00 fine
*Second violation*—$1,000.00 fine
*Third violation*—$2,000.00 fine and a 10-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

**What are other tobacco ordinance provisions I should remember?**

1. Non-premium cigars, such as little cigars and cigarillos, must be priced at $2.60 each plus sales tax, after coupons and discounts have been applied. A pack of four or more cigars must be sold for at least $10.40 plus sales tax. The minimum price of cigars is as follows:
   - 1 single cigar = $2.60 + sales tax
   - 2-pack = $5.20 + sales tax
   - 3-pack = $7.80 + sales tax
   - 4-pack or larger = $10.40 + sales tax
2. Tobacco product shops are required to prohibit entry to people under 18 years of age.
3. Cigarettes should not be sold in packages fewer than 20.
4. No tobacco or tobacco-related devices should be sold from a vehicle or other movable place of business.
5. Tobacco should not be sold from a vending machine unless the facility does not permit those under 18 to enter at any time.

**Who can I contact for more information?**

For more information, please contact:

Inspector Barry Brown
Barry.Brown@ci.stpaul.mn.us
651-266-9143

License Manager Eric Hudak
Eric.Hudak@ci.stpaul.mn.us
651-266-9132

# St. Paul's New Menthol Sales Requirement

As of November 1, 2018, menthol, mint and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco.

tabbies
EXHIBIT
5-33

## General reminders about the sale of tobacco:

- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco product shops (a store where at least 90 percent of revenue comes from tobacco sales). Menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.

- Cigars must be sold for a minimum price of $2.60 each plus sales tax. The minimum price of cigars is as follows:

    - Single cigar = $2.60 + sales tax
    - 2 Pack = $5.20 + sales tax
    - 3 Pack = $7.80 + sales tax
    - 4 Pack or larger = $10.40 + sales tax

- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless minors under the age of 18 years are prohibited from entering at all times.

- Penalties and adverse actions will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As of November 1, 2018, menthol, mint and wintergreen tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. This restriction includes all tobacco products such as cigarettes, cigars, blunt wraps, e-cigarettes and e-juice, smokeless tobacco products, and shisha. If a tobacco product has a taste or smell of menthol, mint, or wintergreen, these restrictions apply.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department:

651-266-8989 or DSIComplaints@ci.stpaul.mn.us

**Association for Nonsmokers-Minnesota**
**2395 University Avenue West, Suite 310**
**Saint Paul, MN 55114**

NON-PROFIT. O
U.S. POSTAG
PAID
Twin Cities, M
Permit No. 298

tabbies
EXHIBIT
5-34

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT
tabbies
5-35

Stop Sales to Minors
stopsalestominors.org

Training for retailers to prevent tobacco sales to minors.

# MINNESOTA TOBACCO RETAILER TRAINING

The Minnesota tobacco retailer training is designed to help tobacco retailers comply with Minnesota and federal laws that regulate the sale of tobacco, electronic delivery devices, or e-cigarettes, and tobacco-related devices.

## FORMAT

The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.

| Section 1: Tobacco and Health & State and Federal Laws | Section 2: Compliance Checks and Penalties | Section 3: Avoiding Illegal Sales |
|---|---|---|
| 10 minute video | 5 minute video | 15 minute video |
| 10 question quiz | 5 question quiz | 10 question quiz |

Access this ***free*** training at www.stopsalestominors.org

Also available in Somali and Spanish

EXHIBIT
tabbies
5-36

This training was created in 2016 by the Association for Nonsmokers-Minnesota, with assistance from the Public Health Law Center, and made possible with support from the Minnesota Department of Health.

ANSR

MDH Minnesota Department *of* Health

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

2395 University Ave W, Ste 310, St. Paul, MN 55114 | 651-646-3005 | www.ansrmn.org

DEPARTMENT OF PLANNING &
ECONOMIC DEVELOPMENT
*Dr. Bruce Corrie, Director*

CITY OF SAINT PAUL
*Melvin Carter, Mayor*

*25 West Fourth Street, Ste. 1300*
*Saint Paul, MN 55102*

*Telephone: 651-266-6565*

Dear Business Owner,

On November 1, 2017, the Saint Paul City Council adopted ordinance 17-28, limiting the sales of menthol, mint, wintergreen and fruit-flavored tobacco products to adults-only tobacco shops and liquor stores. The ordinance takes effect on November 1, 2018.

We understand this may have a significant impact on your business, and that you may be considering changes to deal with that impact. To assist with this transition, the City of Saint Paul's Business Resource Center has multiple resources available to help. The Business Resource Center can assist with:

- **General Consultation:** Our staff can make personalized recommendations that fit the unique needs of your business plan;
- **Financial Assistance:** The City and State offer multiple low-interest loans and grants for businesses located in Saint Paul interested in expanding or making capital improvements;
- **Connecting with City departments or other agencies:** Our partner agencies can assist with business planning, technical services, skills training, marketing and more.

The Business Resource Center is available Monday through Friday from 8:30 a.m. to 4 p.m. at **651-266-6600**, or online at **stpaul.gov/BusinessResources**. You may also reach out through email at **BusinessResources@ci.stpaul.mn.us**.

City staff from the Department of Safety and Inspection (DSI) and/or from Planning and Economic Development (PED) will be visiting your store in the coming weeks to personally answer questions or address concerns. We look forward to meeting you.

Thank you for doing business in Saint Paul. We are appreciative of your contributions to your community. Please do not hesitate to reach out for assistance.

Thank you,

Martin Schieckel
Director of Economic Development, Department of Planning and Economic Development



EXHIBIT
tabbies
5-37

# CITY OF SAINT PAUL - BUSINESS RESOURCE CENTER

## 651-266-6600

## BusinessResources@ci.stpaul.mn.us

When you contact the business resource center, Economic Development staff can assist you with:

- GENERAL CONSULTATION
- FINANCIAL ASSISTANCE
- CONNECTING WITH CITY DEPTS. OR OTHER AGENCIES

## TECHNICAL SERVICE PROVIDERS

The City of Saint Paul's Department of Planning and Economic Development (PED) staff can help connect you to partner organizations that offer expertise in numerous areas. The following organizations can provide you with resources and information on loans and financial counseling, business planning, general technical information and/or services, skills training and/or workforce development, facade improvements, marketing and/or tax preperation and/or information.

If you have questions, please contact the Business Resource Center at **651-266-6600** or **BusinessResources@ci.stpaul.mn.us.**

| Organization | Contact | Description | Services | Languages |
|---|---|---|---|---|
| African Economic Development Solutions (AEDS) | 651-646-9411 info@aeds-mn.org | Builds wealth within communities of Black heritage through economic development activities | $ | English, Somali, Swahili |
| Asian Economic Development Association | 651-222-7798 info@aeda-mn.org | Expands opportunities for economic success for low-income Asian Americans | $ | English, Hmong, Thai, Vietnamese, Lao, Spanish |
| East Side Neighborhood Development Corporation, Inc. | 651-288-8744 adejoy@esndc.org | Engages with the community to create affordable housing and support affordable housing | $ | English, Somali, Swahili |
| Latino Economic Development Center | 651-724-5332 | Transforms community by creating economic opportunity for Latinos | $ ! | English, Spanish |
| Metropolitan Economic Development Association (MEDA) | 612-332-6332 info@meda.net | Business services for minority entrepreneurs | $ ✓ | English |
| North East Neighborhoods Development Corporation | 612-771-6955 info@nendc.net | Improves economic conditions for area residents and businesses | $ ! | English, Hmong |
| WomenVenture | 612-224-9540 info@womenventure.org | Provides women with tools to achieve economic success through small business ownership | $ ! | English |

$ Loans & financial counseling

Business planning

General technical information/services

Skills training/ workforce development

Facade imiprovements

! Marketing

✓ Tax preperation/ information

stpaul.gov/BusinessResources | @cityofsaintpaul | City of Saint Paul

EXHIBIT tabbies 5-38

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales tax

EXHIBIT
5-39
tabbies

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

STANDARD
MAIL PRSRT
US POSTAGE PAID
MAILED FROM
ZIP CODE 55121
PERMIT #30325

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94-5
tabbies

THIS IS A TOBACCO PRODUCTS SHOP.
YOU MUST BE AT LEAST 18
AGE OF AGE TO ENTER.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

# Tobacco Compliance Education Form

**Case #**_____

Affix Label Here

For Office Use Only
Compliance Check I.D.#_____
Business I.D. #_____
Pre Ordinance_____
Post Ordinance_____

**Business Type:**

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

**Date:** ☐☐ / ☐☐ / ☐☐ **Time:** ☐☐ : ☐☐ a.m. / p.m
MM DD YY

**Was purchase attempted?** ☐Yes ☐No

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

**Inspector** ☐☐☐

**Cigar prices:** **Single** $_____ **Double** $_____ **Triple** $_____ **Quadruple** $_____

**Was educational packet left at location?** Yes or No

**Picture of window signs taken?** Yes or No

**Instructions posted to read read I.D.?** Yes or No

**E-cig packaging report present?** Yes or No

**Clerk Information:** ☐Female ☐Male **Driver's License #** _____

Name of Clerk: _____

Notes / Issues: _____

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**CITY OF SAINT PAUL**
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, flavored tobacco products and cigar pricing requirements*

As of April 13, 2016, Saint Paul prohibits the sale of flavored tobacco products, except for menthol, mint or wintergreen products, in stores with a tobacco license where minors can enter such as gas stations, corner stores, and grocery stores. Tobacco products shops (shops which make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18) are exempted from the flavor restriction. Below are examples of flavored products that can only be sold in tobacco products shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors. Saint Paul also requires a minimum price for cigar products, which is described below.

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Cigars

**Examples: "Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape", "White Grape" and "Wine" cigars and cigarillos**

*Explanation: ""Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape" and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor. These products are NOT allowed by ordinance.*

**Examples: Dutch Masters Palma, Swisher "Diamonds", White Owl "Black", and Black & Mild cigars and cigarillos**

*Explanation: tobacco products that are not flavored are allowed by ordinance.*

EXHIBIT
tabbies
5-43

# NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

# ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

## E-cigarettes and E-juice

**Examples: EZ Cig "Licorice", blu "Cherry Crush" and Shisha Time "Blueberry" e-cigarettes; Haus by Mystic "Berry" e-liquid**

*Explanation: "Licorice" is a candy flavor and "Cherry Crush", "Blueberry" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Vuse "Menthol", NJOY and blu e-cigarettes; Hells Vapors "Menthol" e-liquid**

*Explanation: "Menthol" is a flavor allowed by ordinance; tobacco products that are not flavored are allowed by ordinance.*

## Smokeless Tobacco and Pouches

**Examples: Skoal Pouches "Berry Blend" and Skoal "Berry"**

*Explanation: "Berry Blend" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Copenhagen "Wintergreen" and Camel Snus "Mint"**

*Explanation: "Wintergreen" and "Mint" are flavors allowed by ordinance.*

EXHIBIT
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5-44

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Shisha

**Examples: Al Fakher "Pineapple", Starbuzz "Apple Martini" or Fantasia "Bubble Gum" shisha**

*Explanation: "Pineapple" is a fruit flavor, "Apple Martini" is an alcoholic beverage flavor and or "Bubble Gum" is a candy flavor. These products are NOT allowed by ordinance.*

**Example: Al Fakher "Mint" shisha**

*Explanation: "Mint" is a flavor allowed by ordinance.*

### Cigar wraps/blunt wraps

**Example: Hood Wraps "Da Bomb Blueberry" cigar wraps**

*Explanation: "Da Bomb Blueberry" is a fruit flavor. This product is NOT allowed by ordinance.*

**Example: Zig Zag "Straight Up" cigar wraps**

*Explanation: "Straight Up" is not a flavor. Products that are not flavored are allowed by ordinance.*

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5-45

**CITY OF SAINT PAUL**
**DEPARTMENT OF SAFETY AND INSPECTIONS**

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

1. Set a minimum price of $2.60 per unit up to 4 units for cigar products after coupons and discounts have been applied. This means that all cigar products must be priced as follows:
   - 1 single cigar = at least $2.60 + sales tax
   - 2-pack or "double" pack = at least $5.20 + sales tax
   - 3-pack of cigars = at least $7.80 + sales tax
   - 4 pack of cigars = at least $10.40 + sales tax
   - Pack of 5 or more cigars = at least $10.40 + sales tax
2. Limit the sale of flavored tobacco products (except for menthol, mint or wintergreen ) to adult-only tobacco-only stores.
3. Require tobacco-only stores to prohibit entry to people under 18 years of age.

**These changes take effect on April 13, 2016.**

*For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143.*

## Frequently Asked Questions

**Which cigars must follow this pricing structure?**

All cigar products such as little cigars and cigarillos must be priced at $2.60 each plus sales tax. A pack of four or more cigars must be sold for at least $10.40 plus sales tax.

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt wraps, shisha, and smokeless tobacco. The following is the ordinance language defining each of these products:

> *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.
>
> *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.
>
> *Tobacco or tobacco product* 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 cigarettes, cigars, little 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.. 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.
>
> *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

## Frequently Asked Questions (continued)

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco, menthol, mint or wintergreen is restricted under the ordinance and can only be sold in tobacco-only shops.

**How does the ordinance define a 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, menthol, mint, or wintergreen, 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 chocolate, cocoa, vanilla, honey, 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, menthol, mint, or wintergreen, shall constitute presumptive evidence that the product or device is a flavored product.

**What if I'm not sure if the product is flavored?**

Tobacco products labeled with a flavor other than plain tobacco, menthol, mint, or wintergreen are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored- the City recommends not selling the item. The City will also compile a list of example products; however, with new flavors and products continually entering the market, the list cannot be considered exhaustive. The burden is on the retailer to prove a product is not flavored- therefore we recommend not selling any products you are unsure about.

**What if the product contains mint and another flavor, for example, *Mint Chocolate Chip*?**

If the product contains multiple characterizing flavors, one being mint and another being a restricted flavor, then it is considered a flavored product that cannot be sold by regular tobacco vendors and can only be sold in tobacco-only shops.

**When does this go into effect?**

These changes go into effect April 13, 2016. Inspectors will begin checking and enforcing the ordinance after this date.

**What are the penalties?**

Violation of this ordinance will be treated the same as other tobacco license violations.

> *First violation*—Two hundred dollar ($200.00) fine.
> *Second violation*—Four hundred dollar ($400.00) fine.
> *Third violation*—Eight hundred dollar ($800.00) fine and a 7 day suspension of the license.
> *Fourth violation*—Revocation of the tobacco license.

**Who can I contact for more information?**

For more information, please contact Inspector Barry Brown at *barry.brown@ci.stpaul.mn.us* or 651-266-9143 *Inspector Tom Ferrara at Tom.*Ferrara@ci.stpaul.mn.us or 651-266-9087, or License Manager Eric Hudak at Eric.Hudak@ci.stpaul.mn.us or 651-266-9132.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

February 01, 2016

Dear Licensed Tobacco Vendor,

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014). Child-resistant packaging is required whether or not the e-juice contains nicotine. You should be prepared to provide documentation of child-resistant packaging when requested by the DSI Licensing Inspector. This documentation, called a full protocol testing laboratory report, summarizes the testing that has been conducted to prove a package is child resistant and should be provided by your manufacture or supplier.

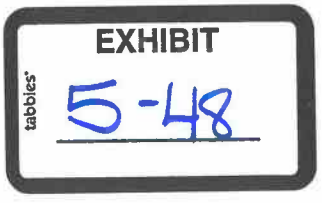
The United States Consumer Products Safety Commission provides a Guide to Child-resistant Packages, including the different types that are available, and a list of companies that manufacture and test child-resistant packaging. You may find it at http://www.cpsc.gov. This is just one resource for your use.

If you fail to comply with this requirement, you may be subject to the administrative penalties found in the St. Paul Licensing Code.

Thank you for complying with this State law. If you have questions, please contact Barry Brown DSI Licensing at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Sincerely,

Barry Brown
Licensing Inspector,
Department of Safety and Inspections
barry.brown@ci.stpaul.mn.us
651-266-9143



# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales to

tabbies
EXHIBIT
64-5

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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ZIP CODE 55121
PERMIT #30325

tabbies
EXHIBIT
5-50

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

tabbies

EXHIBIT

5-51

Association for Nonsmokers- Minnesota
North Suburban Tobacco Compliance Project
2395 University Ave. W., Suite 310
Saint Paul, MN 55114

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in-house training today!
Call 651-646-3005

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15

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

October 15, 2018

Cigarette/Tobacco License Holder,

**Effective November 1, 2018 your place of business may no longer sell, offer for sale or otherwise distribute *any* favored tobacco product to include menthol, mint and/or wintergreen** in accordance with Chapter 324 of the Saint Paul Legislative Code, attached.

Unannounced inspections of your place of business may be conducted at any time to assess compliance with applicable tobacco regulations and may include the use of a minor (person 17 years of age or younger) to attempt the purchase of tobacco products. Violations discovered and/or failure to comply with state and/or city regulations will result in adverse action taken against your license up to and including license revocation.

License Holders who have questions regarding this notice, flavored tobacco or any of the rules governing the sale and distribution of tobacco within the City of Saint Paul are strongly encouraged to contact Joseph Voyda at (651) 266-9014 or Thomas Ferrara at (651) 266-9087.

The City of Saint Paul appreciates your cooperation.

Respectfully,

Eric Hudak,
Licensing Manager, Department of Safety and Inspections

EXHIBIT
tabbies
5-53

Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

**THE COUNCIL OF THE Saint Paul Legislative Code is hereby amended to read as follows:**

*************

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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~~, menthol, mint or wintergreen,~~ 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 ~~menthol, mint or wintergreen~~, shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.



(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.



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tabbies
5-54

(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

**********

SECTION 2

Section 324.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products. ~~This restriction shall not apply to retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time.~~

(g) Sale to minors prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of eighteen (18) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an Off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 of the Saint Paul Legislative Code.

# ADDITIONAL INFORMATION

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## WHAT IF I'M NOT SURE IF THE PRODUCT IS FLAVORED?

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.



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# Saint Paul Police Department
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Address Search: 1541 MARYLAND AV E
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Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 21026555 | 02/08/2021 11:34:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21024162 | 02/05/2021 02:08:26 | 1541 | | ALARMS | ADV |
| 21023897 | 02/04/2021 17:50:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018711 | 01/28/2021 13:31:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018477 | 01/28/2021 03:06:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 21015441 | 01/23/2021 15:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21014392 | 01/21/2021 23:22:05 | 1541 | | ALARMS | ADV |
| 21012617 | 01/19/2021 14:53:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011884 | 01/18/2021 13:38:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 21011172 | 01/17/2021 09:06:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011178 | 01/17/2021 09:02:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011177 | 01/17/2021 09:02:30 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21010901 | 01/16/2021 22:28:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21010899 | 01/16/2021 22:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21008387 | 01/13/2021 08:40:02 | 1541 | | ALARMS | FA |
| 21007862 | 01/12/2021 13:21:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 21007271 | 01/11/2021 16:55:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21004609 | 01/07/2021 17:28:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003921 | 01/06/2021 18:11:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003154 | 01/05/2021 17:50:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001670 | 01/03/2021 18:50:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001139 | 01/02/2021 21:13:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001108 | 01/02/2021 20:30:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20271166 | 12/22/2020 17:10:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269831 | 12/20/2020 20:43:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20269639 | 12/20/2020 16:39:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269467 | 12/20/2020 09:59:49 | 1541 | | ALARMS | FA |
| 20267843 | 12/18/2020 05:41:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20267523 | 12/17/2020 19:37:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265790 | 12/15/2020 17:28:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265029 | 12/14/2020 18:22:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20262773 | 12/11/2020 19:16:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20261876 | 12/10/2020 19:01:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20260979 | 12/09/2020 18:06:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260868 | 12/09/2020 16:43:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260791 | 12/09/2020 15:02:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260178 | 12/08/2020 17:20:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20259487 | 12/07/2020 18:42:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258652 | 12/06/2020 17:01:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258127 | 12/05/2020 20:15:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258120 | 12/05/2020 20:03:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20256624 | 12/03/2020 21:58:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20256151 | 12/03/2020 08:53:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20253589 | 11/28/2020 19:58:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20253454 | 11/28/2020 17:14:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251544 | 11/25/2020 21:26:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20251180 | 11/25/2020 15:23:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251162 | 11/25/2020 14:36:02 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20250630 | 11/24/2020 20:28:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250591 | 11/24/2020 19:18:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250525 | 11/24/2020 17:47:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20250454 | 11/24/2020 16:48:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249836 | 11/23/2020 19:52:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20249782 | 11/23/2020 18:40:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249660 | 11/23/2020 16:36:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246931 | 11/19/2020 18:09:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246115 | 11/18/2020 18:45:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20245156 | 11/17/2020 14:59:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20244937 | 11/17/2020 09:40:14 | 1541 | | ALARMS | ADV |
| 20244406 | 11/16/2020 15:29:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242160 | 11/12/2020 20:33:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242035 | 11/12/2020 16:57:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20240866 | 11/10/2020 18:11:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20239035 | 11/07/2020 20:33:55 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20238976 | 11/07/2020 19:06:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238351 | 11/06/2020 22:36:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238181 | 11/06/2020 18:33:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20237928 | 11/06/2020 13:43:12 | 1541 | | THEFT EXCEPT AUTO THEFT | GOA |

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Incident date from 02/10/2020 to 02/10/2021
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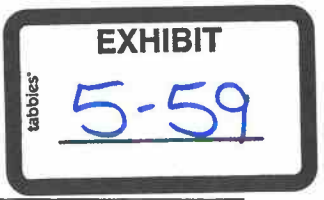
Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20236981 | 11/05/2020 10:43:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236649 | 11/04/2020 20:39:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236517 | 11/04/2020 18:09:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236448 | 11/04/2020 16:48:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20234946 | 11/02/2020 18:08:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20232783 | 10/30/2020 19:22:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231967 | 10/29/2020 17:21:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231297 | 10/28/2020 19:39:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231151 | 10/28/2020 17:05:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20230555 | 10/27/2020 20:36:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20229558 | 10/26/2020 16:12:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20229085 | 10/25/2020 22:30:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228992 | 10/25/2020 19:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228915 | 10/25/2020 17:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228603 | 10/25/2020 00:48:51 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20228145 | 10/24/2020 14:33:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227513 | 10/23/2020 16:40:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227273 | 10/23/2020 10:22:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227247 | 10/23/2020 09:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227001 | 10/22/2020 21:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226779 | 10/22/2020 16:32:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226645 | 10/22/2020 12:47:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226505 | 10/22/2020 08:03:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226078 | 10/21/2020 16:24:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224910 | 10/19/2020 21:48:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224871 | 10/19/2020 20:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224781 | 10/19/2020 18:34:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224740 | 10/19/2020 17:54:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224684 | 10/19/2020 16:57:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224617 | 10/19/2020 15:34:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223438 | 10/17/2020 21:42:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223230 | 10/17/2020 16:32:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20222663 | 10/16/2020 19:53:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221994 | 10/15/2020 21:54:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221980 | 10/15/2020 21:32:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



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Incident date from 02/10/2020 to 02/10/2021
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Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20221875 | 10/15/2020 18:52:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221787 | 10/15/2020 17:41:00 | 1541 | | VEHICLE MAINTENANCE-WASH | RR |
| 20221753 | 10/15/2020 17:12:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221053 | 10/14/2020 18:52:00 | 1541 | | STOLEN PROPERTY-RECEIVING | RR |
| 20220805 | 10/14/2020 14:30:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220476 | 10/14/2020 03:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220434 | 10/14/2020 00:26:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20220289 | 10/13/2020 21:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219708 | 10/13/2020 09:06:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219388 | 10/12/2020 19:59:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219335 | 10/12/2020 18:51:53 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20218444 | 10/11/2020 17:15:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20217917 | 10/10/2020 20:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215422 | 10/07/2020 17:55:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215354 | 10/07/2020 17:07:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20214700 | 10/06/2020 21:04:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213885 | 10/05/2020 21:43:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213840 | 10/05/2020 20:42:05 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20213617 | 10/05/2020 16:38:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20212316 | 10/03/2020 19:23:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211861 | 10/03/2020 00:55:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT RUN | RR |
| 20211650 | 10/02/2020 20:33:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211214 | 10/02/2020 11:12:26 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20210033 | 09/30/2020 19:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20209723 | 09/30/2020 14:45:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208797 | 09/29/2020 15:51:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208742 | 09/29/2020 14:52:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20208646 | 09/29/2020 12:57:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208475 | 09/29/2020 08:20:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20207089 | 09/27/2020 15:47:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206942 | 09/27/2020 11:07:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206542 | 09/26/2020 19:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206333 | 09/26/2020 15:04:35 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20206274 | 09/26/2020 13:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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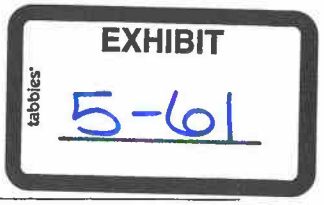
|---|---|---|---|---|---|
| 20205650 | 09/25/2020 18:11:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205539 | 09/25/2020 16:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205484 | 09/25/2020 15:37:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205470 | 09/25/2020 15:23:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204842 | 09/24/2020 21:29:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204636 | 09/24/2020 17:57:12 | 1541 | | THEFT EXCEPT AUTO THEFT | ADV |
| 20204483 | 09/24/2020 15:21:28 | 1541 | | THEFT-FROM AUTO | ADV |
| 20203918 | 09/23/2020 20:18:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203740 | 09/23/2020 17:34:00 | 1541 | | ASS-OOC ASSIST | RR |
| 20203680 | 09/23/2020 16:59:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203589 | 09/23/2020 15:44:40 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20202547 | 09/22/2020 13:34:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20202386 | 09/22/2020 10:31:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201689 | 09/21/2020 17:01:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201596 | 09/21/2020 15:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20201502 | 09/21/2020 13:34:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20200819 | 09/20/2020 17:55:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200734 | 09/20/2020 16:36:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200718 | 09/20/2020 16:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200659 | 09/20/2020 14:23:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200471 | 09/20/2020 07:42:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200174 | 09/19/2020 21:29:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199872 | 09/19/2020 16:42:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20199556 | 09/19/2020 10:14:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199522 | 09/19/2020 08:59:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198631 | 09/18/2020 13:45:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198431 | 09/18/2020 09:54:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198351 | 09/18/2020 08:47:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197985 | 09/17/2020 19:27:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197578 | 09/17/2020 12:51:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196819 | 09/16/2020 14:56:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196726 | 09/16/2020 13:05:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196073 | 09/15/2020 18:55:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195319 | 09/14/2020 20:49:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195263 | 09/14/2020 19:50:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



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Address Search: 1541 MARYLAND AV E
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Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20195250 | 09/14/2020 19:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195198 | 09/14/2020 18:43:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194963 | 09/14/2020 15:33:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194813 | 09/14/2020 12:34:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194220 | 09/13/2020 18:06:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194185 | 09/13/2020 17:22:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20194032 | 09/13/2020 13:41:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194001 | 09/13/2020 12:58:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20193978 | 09/13/2020 12:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193935 | 09/13/2020 10:51:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193562 | 09/12/2020 21:19:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193450 | 09/12/2020 18:53:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193405 | 09/12/2020 18:04:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193370 | 09/12/2020 17:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193246 | 09/12/2020 15:27:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193205 | 09/12/2020 14:34:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193107 | 09/12/2020 12:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192694 | 09/11/2020 21:06:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192626 | 09/11/2020 19:54:36 | 1541 | | 911 HANGUP | SNR |
| 20192589 | 09/11/2020 19:11:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192418 | 09/11/2020 16:29:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192400 | 09/11/2020 16:07:04 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20192237 | 09/11/2020 11:17:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192148 | 09/11/2020 08:43:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20191824 | 09/10/2020 21:44:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20190701 | 09/09/2020 16:30:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190615 | 09/09/2020 14:35:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190612 | 09/09/2020 14:31:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190575 | 09/09/2020 13:42:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190310 | 09/09/2020 05:31:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190230 | 09/09/2020 00:28:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189827 | 09/08/2020 15:57:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189594 | 09/08/2020 10:17:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189186 | 09/07/2020 19:33:36 | 1541 | | CRIMINAL DAMAGE TO PROPERTY | ADV |
| 20189060 | 09/07/2020 17:09:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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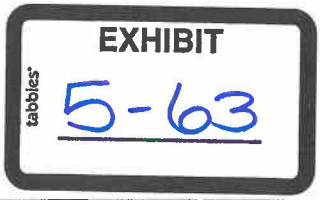
|---|---|---|---|---|---|
| 20189040 | 09/07/2020 16:54:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189027 | 09/07/2020 16:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188956 | 09/07/2020 14:27:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188494 | 09/06/2020 19:58:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20188159 | 09/06/2020 11:52:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187706 | 09/05/2020 21:50:15 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20187551 | 09/05/2020 19:01:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187432 | 09/05/2020 16:49:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20186769 | 09/04/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20186207 | 09/04/2020 08:05:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20185873 | 09/03/2020 21:18:00 | 1541 | | AUTO THEFT-AUTOMOBILE | RR |
| 20185862 | 09/03/2020 20:53:57 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20185697 | 09/03/2020 18:37:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20185676 | 09/03/2020 18:23:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20184910 | 09/02/2020 21:42:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20183851 | 09/01/2020 17:37:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20183158 | 08/31/2020 21:20:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183099 | 08/31/2020 20:07:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183096 | 08/31/2020 20:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183014 | 08/31/2020 18:35:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182720 | 08/31/2020 13:58:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182704 | 08/31/2020 13:44:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20182625 | 08/31/2020 12:23:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20182549 | 08/31/2020 11:02:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182454 | 08/31/2020 08:43:24 | 1541 | | MISSING PERSONS | GOA |
| 20182067 | 08/30/2020 18:44:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182025 | 08/30/2020 17:43:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181787 | 08/30/2020 12:08:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181251 | 08/29/2020 18:12:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181058 | 08/29/2020 14:16:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180994 | 08/29/2020 12:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180992 | 08/29/2020 12:34:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180977 | 08/29/2020 12:21:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180923 | 08/29/2020 10:50:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |



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|---|---|---|---|---|---|
| 20180882 | 08/29/2020 09:33:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180840 | 08/29/2020 07:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20180424 | 08/28/2020 19:49:22 | 1541 | | OTHER ASSAULTS | ADV |
| 20180422 | 08/28/2020 19:48:20 | 1541 | | PREVIOUS CN | PCN |
| 20180416 | 08/28/2020 19:40:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20180129 | 08/28/2020 14:33:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180088 | 08/28/2020 13:45:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180056 | 08/28/2020 13:11:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20179578 | 08/27/2020 21:48:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179435 | 08/27/2020 19:20:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179165 | 08/27/2020 14:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178706 | 08/26/2020 21:13:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178584 | 08/26/2020 18:39:16 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178157 | 08/26/2020 11:14:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178091 | 08/26/2020 09:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177719 | 08/25/2020 21:02:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177401 | 08/25/2020 15:49:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177290 | 08/25/2020 12:59:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176695 | 08/24/2020 18:29:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176691 | 08/24/2020 18:20:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176631 | 08/24/2020 17:26:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176528 | 08/24/2020 15:52:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176462 | 08/24/2020 14:20:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176389 | 08/24/2020 12:52:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176369 | 08/24/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176339 | 08/24/2020 11:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176270 | 08/24/2020 10:02:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175933 | 08/23/2020 20:21:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175916 | 08/23/2020 19:43:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175886 | 08/23/2020 19:06:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175789 | 08/23/2020 16:59:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175717 | 08/23/2020 14:31:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175630 | 08/23/2020 11:21:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20175241 | 08/22/2020 20:09:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175091 | 08/22/2020 16:57:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

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|---|---|---|---|---|---|
| 20174464 | 08/21/2020 19:58:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174316 | 08/21/2020 17:17:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20174199 | 08/21/2020 14:44:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174168 | 08/21/2020 14:03:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174103 | 08/21/2020 12:28:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174030 | 08/21/2020 10:36:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20173253 | 08/20/2020 12:59:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20173241 | 08/20/2020 12:38:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20172410 | 08/19/2020 14:16:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172236 | 08/19/2020 10:08:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172145 | 08/19/2020 07:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20171790 | 08/18/2020 19:22:57 | 1541 | | OTHER ASSAULTS | SNR |
| 20171719 | 08/18/2020 18:16:44 | 1541 | | PREVIOUS CN | PCN |
| 20170815 | 08/17/2020 20:16:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170628 | 08/17/2020 17:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170608 | 08/17/2020 16:52:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170377 | 08/17/2020 12:31:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170365 | 08/17/2020 12:09:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170346 | 08/17/2020 11:52:36 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20170278 | 08/17/2020 10:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170211 | 08/17/2020 09:03:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169985 | 08/16/2020 22:48:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169722 | 08/16/2020 17:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20169581 | 08/16/2020 14:08:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20169430 | 08/16/2020 10:14:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169042 | 08/15/2020 19:43:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168961 | 08/15/2020 18:15:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168949 | 08/15/2020 18:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168860 | 08/15/2020 16:30:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168736 | 08/15/2020 13:21:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168705 | 08/15/2020 12:37:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168655 | 08/15/2020 10:56:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168651 | 08/15/2020 10:53:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168330 | 08/14/2020 21:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168297 | 08/14/2020 20:55:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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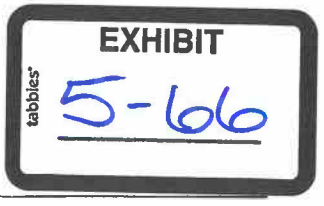
|---|---|---|---|---|---|
| 20168249 | 08/14/2020 20:02:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20168233 | 08/14/2020 19:36:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168148 | 08/14/2020 17:38:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168054 | 08/14/2020 15:58:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167955 | 08/14/2020 13:38:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167902 | 08/14/2020 12:26:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167836 | 08/14/2020 11:03:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20167456 | 08/13/2020 22:06:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167307 | 08/13/2020 18:37:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167198 | 08/13/2020 16:53:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166896 | 08/13/2020 09:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166607 | 08/12/2020 21:53:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166548 | 08/12/2020 20:33:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166333 | 08/12/2020 17:11:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166325 | 08/12/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166121 | 08/12/2020 12:41:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165911 | 08/12/2020 07:25:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165637 | 08/11/2020 21:52:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165547 | 08/11/2020 19:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165514 | 08/11/2020 18:46:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165355 | 08/11/2020 16:28:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165282 | 08/11/2020 14:39:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165226 | 08/11/2020 13:19:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165217 | 08/11/2020 13:12:37 | 1541 | 21 | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164999 | 08/11/2020 07:59:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164756 | 08/10/2020 22:05:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164453 | 08/10/2020 17:15:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164438 | 08/10/2020 16:56:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164307 | 08/10/2020 14:57:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164259 | 08/10/2020 13:42:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164205 | 08/10/2020 12:30:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163781 | 08/09/2020 19:39:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163684 | 08/09/2020 17:28:00 | 1541 | | WARRANT ARREST-WHERE NO CN IS REF ON WARRANT | RR |
| 20163521 | 08/09/2020 12:52:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |



# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20163512 | 08/09/2020 12:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163501 | 08/09/2020 12:02:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163477 | 08/09/2020 10:30:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163422 | 08/09/2020 08:34:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162881 | 08/08/2020 17:10:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162598 | 08/08/2020 10:33:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162150 | 08/07/2020 20:18:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161975 | 08/07/2020 17:46:10 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161938 | 08/07/2020 17:16:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161910 | 08/07/2020 17:00:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161823 | 08/07/2020 15:18:21 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20161670 | 08/07/2020 12:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161567 | 08/07/2020 11:02:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161351 | 08/07/2020 04:50:52 | 1541 | | ALARMS | ADV |
| 20161058 | 08/06/2020 19:03:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20160972 | 08/06/2020 17:51:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160888 | 08/06/2020 16:55:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160810 | 08/06/2020 15:14:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160515 | 08/06/2020 10:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160486 | 08/06/2020 09:34:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160235 | 08/05/2020 23:22:26 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20160105 | 08/05/2020 20:28:53 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20159827 | 08/05/2020 16:26:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20159745 | 08/05/2020 15:06:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20159066 | 08/04/2020 21:31:49 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20158979 | 08/04/2020 20:04:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158912 | 08/04/2020 18:52:06 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20158791 | 08/04/2020 17:30:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158780 | 08/04/2020 17:23:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158663 | 08/04/2020 15:34:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158661 | 08/04/2020 15:31:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158558 | 08/04/2020 12:47:03 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |

# Saint Paul Police Department
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|---|---|---|---|---|---|
| 20158440 | 08/04/2020 09:06:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158401 | 08/04/2020 08:19:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157935 | 08/03/2020 18:54:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157821 | 08/03/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157784 | 08/03/2020 17:11:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157606 | 08/03/2020 14:02:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157516 | 08/03/2020 12:31:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157494 | 08/03/2020 11:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157374 | 08/03/2020 09:10:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157075 | 08/02/2020 22:07:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157018 | 08/02/2020 20:49:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156967 | 08/02/2020 19:41:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156851 | 08/02/2020 17:19:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156821 | 08/02/2020 17:04:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156791 | 08/02/2020 16:43:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156774 | 08/02/2020 16:29:11 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156719 | 08/02/2020 15:14:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156614 | 08/02/2020 12:58:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156497 | 08/02/2020 09:57:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156484 | 08/02/2020 09:39:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156142 | 08/01/2020 22:09:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156129 | 08/01/2020 21:52:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156053 | 08/01/2020 20:40:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156026 | 08/01/2020 20:24:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155963 | 08/01/2020 18:59:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155922 | 08/01/2020 18:07:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155911 | 08/01/2020 17:53:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155864 | 08/01/2020 17:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155813 | 08/01/2020 16:38:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155675 | 08/01/2020 13:13:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155478 | 08/01/2020 09:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155216 | 07/31/2020 23:29:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155115 | 07/31/2020 21:34:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154945 | 07/31/2020 18:42:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154764 | 07/31/2020 16:42:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20154635 | 07/31/2020 14:19:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154622 | 07/31/2020 13:51:12 | 1541 | | PERSON IN CRISIS | GOA |
| 20154541 | 07/31/2020 12:34:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20154470 | 07/31/2020 10:51:09 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20153934 | 07/30/2020 18:47:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153848 | 07/30/2020 17:44:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153288 | 07/30/2020 01:12:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153106 | 07/29/2020 20:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153097 | 07/29/2020 20:37:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152984 | 07/29/2020 18:31:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152950 | 07/29/2020 18:07:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152927 | 07/29/2020 17:51:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152885 | 07/29/2020 17:19:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152543 | 07/29/2020 10:17:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152009 | 07/28/2020 17:39:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151983 | 07/28/2020 17:12:55 | 1541 | | THEFT EXCEPT AUTO THEFT | SNR |
| 20151946 | 07/28/2020 16:47:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151943 | 07/28/2020 16:43:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151595 | 07/28/2020 09:04:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151389 | 07/28/2020 00:15:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151156 | 07/27/2020 19:02:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151143 | 07/27/2020 18:50:46 | 1541 | | PREVIOUS CN | PCN |
| 20151134 | 07/27/2020 18:39:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151099 | 07/27/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151001 | 07/27/2020 16:25:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150972 | 07/27/2020 15:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150822 | 07/27/2020 11:40:52 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20150819 | 07/27/2020 11:36:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150653 | 07/27/2020 07:29:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150423 | 07/26/2020 21:43:45 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20150411 | 07/26/2020 21:19:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150317 | 07/26/2020 19:18:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150313 | 07/26/2020 19:15:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150282 | 07/26/2020 18:44:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150230 | 07/26/2020 17:53:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

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Incident date from 02/10/2020 to 02/10/2021
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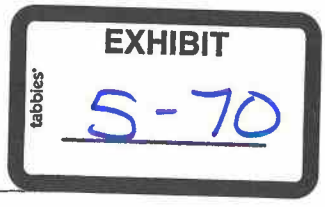
| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20150208 | 07/26/2020 17:33:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150172 | 07/26/2020 17:02:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150161 | 07/26/2020 16:51:51 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150031 | 07/26/2020 12:54:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150029 | 07/26/2020 12:47:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149640 | 07/25/2020 21:17:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149445 | 07/25/2020 17:22:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149419 | 07/25/2020 17:01:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149392 | 07/25/2020 16:45:22 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149221 | 07/25/2020 11:31:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148531 | 07/24/2020 17:23:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148513 | 07/24/2020 17:03:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20148183 | 07/24/2020 10:35:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20147748 | 07/23/2020 19:38:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146950 | 07/22/2020 21:13:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146827 | 07/22/2020 18:41:31 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146815 | 07/22/2020 18:30:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146763 | 07/22/2020 17:37:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146728 | 07/22/2020 17:08:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146692 | 07/22/2020 16:42:44 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146365 | 07/22/2020 09:11:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146041 | 07/21/2020 21:04:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145886 | 07/21/2020 18:04:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145757 | 07/21/2020 16:19:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145164 | 07/20/2020 21:55:23 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145081 | 07/20/2020 20:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145047 | 07/20/2020 19:27:00 | 1541 | | DISTURBANCE-DISORDERLY CONDUCT | RR |
| 20145043 | 07/20/2020 19:22:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144927 | 07/20/2020 17:29:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144885 | 07/20/2020 16:58:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144866 | 07/20/2020 16:46:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144707 | 07/20/2020 13:30:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144657 | 07/20/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144655 | 07/20/2020 12:16:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144580 | 07/20/2020 10:00:00 | 1541 | | ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD | RR |



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|---|---|---|---|---|---|
| 20144295 | 07/19/2020 23:11:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144169 | 07/19/2020 20:12:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144132 | 07/19/2020 19:20:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144129 | 07/19/2020 19:06:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144095 | 07/19/2020 18:12:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143948 | 07/19/2020 14:03:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143872 | 07/19/2020 11:05:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143772 | 07/19/2020 07:34:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143433 | 07/18/2020 20:10:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143146 | 07/18/2020 15:39:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143031 | 07/18/2020 12:49:29 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20143027 | 07/18/2020 12:46:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143020 | 07/18/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142285 | 07/17/2020 17:00:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142274 | 07/17/2020 16:52:29 | 1541 | | PREVIOUS CN | PCN |
| 20142087 | 07/17/2020 12:25:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20141606 | 07/16/2020 21:04:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20141447 | 07/16/2020 18:35:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20140964 | 07/16/2020 08:38:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140832 | 07/16/2020 01:02:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140563 | 07/15/2020 17:05:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139967 | 07/14/2020 21:47:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139829 | 07/14/2020 18:42:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139350 | 07/14/2020 08:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20139086 | 07/13/2020 22:19:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138252 | 07/12/2020 21:44:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138154 | 07/12/2020 19:30:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138102 | 07/12/2020 18:13:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137988 | 07/12/2020 15:52:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137849 | 07/12/2020 11:05:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137190 | 07/11/2020 17:36:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137111 | 07/11/2020 16:17:55 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136981 | 07/11/2020 12:13:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136972 | 07/11/2020 11:57:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136922 | 07/11/2020 10:14:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20136491 | 07/10/2020 21:13:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136453 | 07/10/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136351 | 07/10/2020 18:39:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136300 | 07/10/2020 17:56:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136231 | 07/10/2020 16:49:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136218 | 07/10/2020 16:33:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136090 | 07/10/2020 13:25:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136043 | 07/10/2020 12:19:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135545 | 07/09/2020 20:18:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135509 | 07/09/2020 19:37:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135500 | 07/09/2020 19:30:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20135425 | 07/09/2020 18:26:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135416 | 07/09/2020 18:20:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135282 | 07/09/2020 16:49:01 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20135234 | 07/09/2020 16:05:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134645 | 07/08/2020 20:59:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134617 | 07/08/2020 20:16:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134416 | 07/08/2020 16:28:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134371 | 07/08/2020 15:15:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134360 | 07/08/2020 15:00:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134201 | 07/08/2020 10:14:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20133381 | 07/07/2020 09:10:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20133140 | 07/06/2020 22:52:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132802 | 07/06/2020 16:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132655 | 07/06/2020 12:19:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132509 | 07/06/2020 09:04:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131775 | 07/05/2020 09:09:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131146 | 07/04/2020 18:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20131114 | 07/04/2020 18:02:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20130946 | 07/04/2020 12:21:18 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20130415 | 07/03/2020 18:33:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129756 | 07/02/2020 21:02:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129691 | 07/02/2020 19:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129557 | 07/02/2020 16:52:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129539 | 07/02/2020 16:35:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20129028 | 07/01/2020 22:34:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128809 | 07/01/2020 17:32:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128709 | 07/01/2020 15:32:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128585 | 07/01/2020 12:23:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20128267 | 06/30/2020 23:37:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128174 | 06/30/2020 21:36:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128054 | 06/30/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127979 | 06/30/2020 17:23:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127686 | 06/30/2020 08:52:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20127324 | 06/29/2020 19:37:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127275 | 06/29/2020 18:28:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127202 | 06/29/2020 17:16:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127096 | 06/29/2020 14:32:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127054 | 06/29/2020 13:21:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127009 | 06/29/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127006 | 06/29/2020 12:11:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126913 | 06/29/2020 08:57:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20126571 | 06/28/2020 19:10:25 | 1541 | | ASS-ASSIST FIRE/AMBULANCE | ADV |
| 20126427 | 06/28/2020 14:48:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126341 | 06/28/2020 12:21:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125894 | 06/27/2020 20:57:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125771 | 06/27/2020 18:34:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125668 | 06/27/2020 16:45:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125572 | 06/27/2020 13:42:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125387 | 06/27/2020 05:25:02 | 1541 | | ALARMS | FA |
| 20125262 | 06/27/2020 00:19:04 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20125092 | 06/26/2020 20:50:05 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20125014 | 06/26/2020 20:16:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124963 | 06/26/2020 19:13:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124949 | 06/26/2020 19:01:07 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | ADV |
| 20124940 | 06/26/2020 18:48:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124910 | 06/26/2020 18:15:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124621 | 06/26/2020 13:02:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124576 | 06/26/2020 12:19:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124536 | 06/26/2020 11:32:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20124479 | 06/26/2020 10:17:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124465 | 06/26/2020 09:58:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123894 | 06/25/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123851 | 06/25/2020 17:21:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123748 | 06/25/2020 15:10:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123527 | 06/25/2020 09:26:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123306 | 06/24/2020 23:10:04 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20123305 | 06/24/2020 23:09:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123271 | 06/24/2020 22:36:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123179 | 06/24/2020 20:48:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123104 | 06/24/2020 18:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123038 | 06/24/2020 17:19:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123035 | 06/24/2020 17:16:22 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20122895 | 06/24/2020 13:00:08 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20122542 | 06/23/2020 22:07:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122524 | 06/23/2020 21:36:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122464 | 06/23/2020 20:02:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122356 | 06/23/2020 17:51:07 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122310 | 06/23/2020 16:57:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122263 | 06/23/2020 16:03:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122067 | 06/23/2020 10:46:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122049 | 06/23/2020 10:14:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121728 | 06/22/2020 22:27:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121649 | 06/22/2020 20:38:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121574 | 06/22/2020 18:50:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121558 | 06/22/2020 18:33:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121533 | 06/22/2020 18:08:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121465 | 06/22/2020 16:52:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121455 | 06/22/2020 16:34:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121383 | 06/22/2020 14:49:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121212 | 06/22/2020 10:31:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121084 | 06/22/2020 07:37:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120837 | 06/21/2020 21:49:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120826 | 06/21/2020 21:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120706 | 06/21/2020 18:26:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20120654 | 06/21/2020 17:08:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20120589 | 06/21/2020 15:14:00 | 1541 | | WEAPONS-RECKLESS DISCHARG OF FIREARM | RR |
| 20119971 | 06/20/2020 19:38:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119966 | 06/20/2020 19:34:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119823 | 06/20/2020 17:15:39 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20119730 | 06/20/2020 14:48:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119717 | 06/20/2020 14:13:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119650 | 06/20/2020 12:29:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119643 | 06/20/2020 12:19:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119141 | 06/19/2020 20:21:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119042 | 06/19/2020 18:32:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20119009 | 06/19/2020 18:01:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118866 | 06/19/2020 14:47:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20118850 | 06/19/2020 14:27:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118847 | 06/19/2020 14:21:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118756 | 06/19/2020 11:12:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117774 | 06/17/2020 21:48:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117614 | 06/17/2020 16:57:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117539 | 06/17/2020 15:16:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117524 | 06/17/2020 14:44:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117344 | 06/17/2020 00:00:00 | 1541 | | PREDATORY OFFENDER | RR |
| 20116947 | 06/16/2020 17:32:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20116288 | 06/15/2020 17:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116148 | 06/15/2020 13:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116101 | 06/15/2020 12:34:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116100 | 06/15/2020 12:33:49 | 1541 | | OFF DUTY EMPLOYMENT | ADV |
| 20116081 | 06/15/2020 12:02:00 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20115725 | 06/14/2020 20:03:05 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20115644 | 06/14/2020 16:40:00 | 1541 | | FAMILY/CHILDREN-VIOLATION OF RESTRAINING ORDER | RR |
| 20114451 | 06/12/2020 20:23:25 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20113620 | 06/11/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20113480 | 06/11/2020 13:08:24 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20113294 | 06/11/2020 04:36:34 | 1541 | | PREVIOUS CN | PCN |

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|---|---|---|---|---|---|
| 20113064 | 06/10/2020 19:26:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20112992 | 06/10/2020 17:12:00 | 1541 | | ROBBERY-HIGHWAY,STRONG ARM | RR |
| 20112798 | 06/10/2020 12:18:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20112366 | 06/09/2020 17:39:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111605 | 06/08/2020 15:46:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111581 | 06/01/2020 21:27:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20111031 | 06/07/2020 17:09:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20110961 | 06/07/2020 15:30:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110950 | 06/07/2020 14:43:45 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | Unfou |
| 20110389 | 06/06/2020 15:36:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110282 | 06/06/2020 11:09:54 | 1541 | | PREVIOUS CN | PCN |
| 20110021 | 06/05/2020 21:52:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20109975 | 06/05/2020 20:35:41 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20109199 | 06/04/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20108130 | 06/03/2020 11:38:44 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20106546 | 06/01/2020 21:44:21 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20106541 | 06/01/2020 19:55:11 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | CAN |
| 20104381 | 05/31/2020 15:16:46 | 1541 | | INVESTIGATE-AND ALL OTHER | Unfou |
| 20104237 | 05/31/2020 09:02:04 | 1541 | | PREVIOUS CN | PCN |
| 20103566 | 05/30/2020 21:00:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20103452 | 05/30/2020 18:52:45 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20101550 | 05/28/2020 16:58:48 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20100730 | 05/26/2020 16:30:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN | RR |
| 20100343 | 05/26/2020 20:08:44 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN | CAN |
| 20100303 | 05/26/2020 19:38:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100271 | 05/26/2020 17:00:00 | 1541 | | DRUGS-POSS OF MARIJUANA | RR |
| 20100201 | 05/26/2020 17:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100193 | 05/26/2020 17:35:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100069 | 05/26/2020 15:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099810 | 05/26/2020 10:11:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099803 | 05/26/2020 10:00:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |

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|---|---|---|---|---|---|
| 20099457 | 05/25/2020 21:35:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099369 | 05/25/2020 20:13:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099189 | 05/25/2020 16:44:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099124 | 05/25/2020 15:11:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099030 | 05/25/2020 13:07:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098893 | 05/25/2020 10:01:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098546 | 05/24/2020 21:34:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098375 | 05/24/2020 18:15:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098279 | 05/24/2020 16:57:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098260 | 05/24/2020 16:44:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098098 | 05/24/2020 11:50:55 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20097520 | 05/23/2020 18:09:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20097433 | 05/23/2020 16:56:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20096748 | 05/22/2020 20:35:57 | 1541 | | DISTURBANCE-FIGHTS | ADV |
| 20096544 | 05/22/2020 17:01:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20096478 | 05/22/2020 15:30:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095920 | 05/21/2020 20:32:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095809 | 05/21/2020 18:06:51 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20095800 | 05/21/2020 17:55:30 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20095742 | 05/21/2020 16:59:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095725 | 05/21/2020 16:35:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094981 | 05/20/2020 17:29:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20094953 | 05/20/2020 17:08:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094857 | 05/20/2020 15:29:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094730 | 05/20/2020 12:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094224 | 05/19/2020 19:11:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094141 | 05/19/2020 17:40:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094043 | 05/19/2020 16:07:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093417 | 05/18/2020 20:28:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093221 | 05/18/2020 16:43:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093088 | 05/18/2020 13:22:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20092941 | 05/18/2020 09:29:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091219 | 05/15/2020 16:53:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091149 | 05/15/2020 15:19:11 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20089871 | 05/13/2020 16:21:15 | 1541 | | DISTURBANCE-DISORDERLY | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| | | | | BOYS,GIRLS,PERSONS | |
| 20086225 | 05/07/2020 22:21:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086212 | 05/07/2020 22:01:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086019 | 05/07/2020 16:53:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20085993 | 05/07/2020 16:26:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20084080 | 05/04/2020 19:20:30 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20083431 | 05/03/2020 19:32:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20081239 | 04/30/2020 19:23:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20081128 | 04/30/2020 17:03:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20080635 | 04/29/2020 21:00:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20080522 | 04/29/2020 17:22:56 | 1541 | | PREVIOUS CN | PCN |
| 20079021 | 04/27/2020 12:12:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20079012 | 04/27/2020 11:44:16 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20078450 | 04/26/2020 14:24:00 | 1541 | | TRAFFIC VIOLATION-DRIVING AFTER REVOCATION | RR |
| 20077709 | 04/25/2020 13:12:45 | 1541 | | TRAFFIC VIOLATION-DANGEROUS CONDITIONS | GOA |
| 20077188 | 04/24/2020 18:42:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077165 | 04/24/2020 18:08:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077157 | 04/24/2020 18:00:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076625 | 04/23/2020 21:05:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076611 | 04/23/2020 20:39:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076587 | 04/23/2020 20:02:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076456 | 04/23/2020 15:56:00 | 1541 | | WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS | R |
| 20074088 | 04/19/2020 14:47:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20072950 | 04/17/2020 17:29:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20069618 | 04/11/2020 16:00:20 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20069142 | 04/10/2020 17:45:38 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20067853 | 04/08/2020 10:31:00 | 1541 | | ANIMAL CALLS-COMPLAINTS,NOT ANIMAL BITES | ADV |
| 20067636 | 04/07/2020 22:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20067424 | 04/07/2020 16:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20064894 | 04/03/2020 14:09:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |

EXHIBIT
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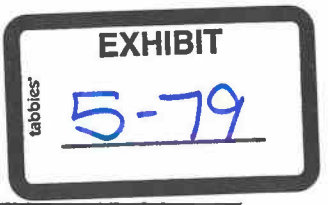
# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20062710 | 03/30/2020 17:09:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20062358 | 03/30/2020 01:43:25 | 1541 | | ALARMS | FA |
| 20062353 | 03/30/2020 01:32:52 | 1541 | | ALARMS | FA |
| 20062147 | 03/29/2020 17:52:39 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061599 | 03/28/2020 14:08:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061053 | 03/27/2020 15:10:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20060568 | 03/26/2020 18:17:00 | 1541 | | INVESTIGATE-AND ALL OTHER | RR |
| 20060529 | 03/26/2020 17:14:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20059263 | 03/24/2020 12:41:28 | 1541 | | DISTURBANCE-FIGHTS | Unfou |
| 20057559 | 03/21/2020 03:50:37 | 1541 | | ALARMS | ADV |
| 20057310 | 03/20/2020 18:03:07 | 1541 | | ASS-ASSIST OTHER AGENCY | ADV |
| 20053196 | 03/05/2020 09:59:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20051608 | 03/11/2020 19:13:27 | 1541 | | INVESTIGATE-AND ALL OTHER | GOA |
| 20051403 | 03/11/2020 14:25:00 | 1541 | | CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER $500) | RR |
| 20051237 | 03/11/2020 10:25:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20050048 | 03/09/2020 16:53:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20049380 | 03/08/2020 17:17:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20048712 | 03/07/2020 18:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20048116 | 03/06/2020 20:53:43 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20048012 | 03/06/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20047335 | 03/05/2020 21:47:00 | 1541 | | OBSTRUCTING-FLEEING A POLICE OFFICER | RR |
| 20046623 | 03/04/2020 22:01:26 | 1541 | | CHECK WELFARE | GOA |
| 20046523 | 03/04/2020 19:16:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20044443 | 03/02/2020 07:47:35 | 1541 | | ALARMS | FA |
| 20044008 | 03/01/2020 16:58:54 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20041830 | 02/27/2020 17:40:30 | 1541 | | FRAUD | ADV |
| 20041608 | 02/27/2020 12:47:31 | 1541 | | CHECK WELFARE | ADV |
| 20041288 | 02/26/2020 22:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20039523 | 02/24/2020 15:26:00 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20038755 | 02/23/2020 13:08:45 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20038007 | 02/22/2020 11:38:30 | 1541 | | ASS-ASSIST OTHER AGENCY | GOA |



# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20037969 | 02/22/2020 10:03:10 | 1541 | | FRAUD | ADV |
| 20037777 | 02/22/2020 01:08:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20036977 | 02/21/2020 00:19:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20036974 | 02/21/2020 00:05:03 | 1541 | | ALARMS | FA |
| 20036734 | 02/20/2020 17:33:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-026555

| | | | | | |
|---|---|---|---|---|---|
| **Incident:** | 70 INVESTIGATE-AND ALL OTHER | | | | |
| **Location:** | 1541 MARYLAND AV E | | | | |
| **Locale:** | Sam's Dairy [1541] | **Sector/Grid:** | 3 38 | | |
| **Call Date:** | 02/08/2021 11:34:24 | **Disposition:** | Advise/Assist | | |
| **Occur Date:** | 02/08/2021 | **Priority:** | 2A | **Time Received:** | 11:34:24 |
| **OccurTime:** | 11:34:24 | **Source:** | Officer | **Time Sent:** | 11:34:24 |
| **Caller information** | | **Fire/Amb:** | | **Time Arrived:** | 11:34:24 |
| **Name:** | | **EDP:** | | **Time Cleared:** | 11:49:00 |
| **Address:** | | **Alarm:** | | **ECC Console:** | 03 |
| **Phone:** | | | | | |

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Linssen, John R
*District:*
*Site:*
*BodyCam?* Yes *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106
*Date & time of occurrence:* 02/08/2021 11:34:00 *to*
02/08/2021 11:49:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## NAMES

**Other**

Abukhudeer, Zakariya
520 LAKE ELMO AV N
LAKE ELMO, MN 55042

*Nicknames or Aliases*

*Nick Name:*
*Alias:*
*AKA First Name:*
*AKA Last Name:*

*Details*

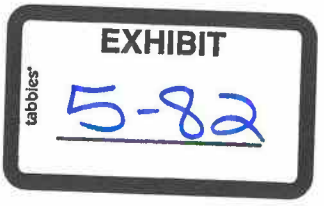
*Sex:* Male *Race:* Other *DOB:* 10/12/1996 *Resident Status:*
*Hispanic:* *Age:* 24 *from* *to*

*Phones*

*Home:* 612-212-8558 *Cell:* *Contact:* 612-212-8558
*Work:* 651-771-4999 *Fax:* *Pager:*

*Employment*

*Occupation:* Licensee *Employer:* The One Stop Market LLC



Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

**Identification**

SSN: | License or ID#: | License State:

**Physical Description**

| | | | | | |
|---|---|---|---|---|---|
| US: | | Metric: | | | |
| Height: | to | Build: | Hair Length: | Hair Color: | |
| Weight: | to | Skin: | Facial Hair: | Hair Type: | |
| Teeth: | | Eye Color: | Blood Type: | | |

**Other**

The One Stop Market
1541 MARYLAND AV E
ST PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: | AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: | Employer:

**Identification**

SSN: | License or ID#: | License State:

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*

*Photos Taken:* *Stolen Property Traceable:*

*Evidence Turned In:* *Property Turned In:*

*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*

*Narcotic Analysis:* *Items Fingerprinted:*

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>LAKE ELMO, MN 55042 | 612-212-8558 |
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST PAUL, MN 55106 | |

## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I review police reports and complaints that involve nuisance related activity that negatively effects the quality of life of neighboring residents and citizens in the city of St. Paul. I also assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions that they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

Recently, Adverse Action had been taken by the Department of Safety & Inspection (DSI) against the One Stop Market, 1541 Maryland Ave E. for licensing violations conditions #2 & #3 and also included the alleged sales of single menthol cigarettes at the business. These violations were documented under SPPD CN's 20-076-456, 20-062-710, 20-144-580. A notice of violation letter was sent out on 9-10-20, by the City Attorney's Office recommending an upward departure two boxes on the matrix penalty scale to a $2,000 fine and a 10-day suspension of the cigarette/tobacco license.

In addition, on 1-18-21, St. Paul Police responded to the business on a report of a shooting under CN 21-011-884, in which one person sustained injury. As a result of this incident, a video request letter was mailed out on 1-21-21 and additional licensing violations, specifically related to license condition #2 was documented under CN 21-026-681. Also several flavored tobacco products were captured being sold to customers and noted by DSI Inspector Joe Voyda.

It should be noted that in the past one year period between (02/09/20 & 02/09/21), this property has generated

EXHIBIT tabbies 5-84

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

(786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

On 2-8-20 at 1134 hrs, I assisted DSI Licensing Inspector Voyda with a follow up inspection regarding a licensing complaint. During our visit I was wearing my SPPD issued Body Worn Camera (BWC), which captured the inspection. Upon entry, Inspector Voyda and I made contact with the (2) employees working behind the front counter and identified ourselves. One of the employees verbally identified himself as (ABUKHUDEER, ZAKARIYA), who is the licensee holder. ABUKHUDEER was then informed of the purpose of our visit and that it was in reference to a complaint received. Inspector Voyda added that the purpose was to ensure that the business was remaining compliant with City ordinance 324.07 (f). I stood by while Inspector Voyda spoke to ABUKHUDEER and began his inspection.

During the inspection, I observed Inspector Voyda locate and photograph multiple flavored tobacco products that were displayed in open view behind the sales counter. in the sales area. Inspector Voyda checked several other areas within the store and advised his inspection was complete. Inspector Voyda then advised ABUKHUDEER the business was not authorized to sell these items and to remove all flavored products from behind the sales area and off the premise. ABUKHUDEER complied with the orders and Inspector Voyda and I escorted AUKHUDEER out of the store and to his vehicle, where he secured the flavored tobacco products. Contact information was left with ALRUBAYE and we cleared from the scene.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference CN* | *Date and Time of Report* |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

On 2-8-21, at 1134 hrs, St. Paul Police assisted the Department of Safety & Inspection with conducting an inspection at The One Stop Market, 1541 Maryland Ave E. This inspection was in reference to a previous complaint received by DSI of cigarette/tobacco license violations. During the inspection, on 2-8-20, licensing violations were observed by both the DSI Licensing inspector and a St. Paul, Police Sergeant. The violations witnessed included the presence of flavored tobacco products that were behind the front counter in the sales area. The business is currently not authorized to sell flavored tobacco products. Incident documented on Body Worn Camera and photos taken by Licensing Inspector.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Graupman, Charles A
*District:* East District
*Site:*
*BodyCam?* No *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106
*Date & time of occurrence:* 02/10/2021 15:10:00 *to*
02/10/2021 15:10:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## SOLVABILITY FACTORS

*Suspect can be Identified:*
*By:*
*Photos Taken:*
*Stolen Property Traceable:*
*Evidence Turned In:*
*Property Turned In:*
*Related Incident:*

*Lab*

*Biological Analysis:*
*Fingerprints Taken:*
*Narcotic Analysis:*
*Items Fingerprinted:*
*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|

## NARRATIVE

On 2/10/21, I received this case on transfer for review and investigation due to the documented code and life safety concerns related to the property. I then began by reviewing all of the included reports and information, as well as any pictures if applicable. The reports on all parties involved were reviewed to determine the course

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference CN* | *Date and Time of Report* |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

of investigation, as well as the level and probability of solvability. This is all done for information gathering purposes, as well as possible future criminal charges.

The original report along with the associated reports noted with the case file have been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Case will be noted.

**PUBLIC NARRATIVE**

Last page of the report

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-026681

| | | | | | |
|---|---|---|---|---|---|
| **Incident:** | 74 INVESTIGATE-CODE ENFORCEMENT | | | | |
| **Location:** | 375 JACKSON ST | | | | |
| **Locale:** | ST PAUL SAFETY AND INSPECTION | **Sector/Grid:** | 2 153 | | |
| **Call Date:** | 02/08/2021 15:30:44 | **Disposition:** | Records received | | |
| **Occur Date:** | 01/21/2021 | **Priority:** | 4 | **Time Received:** | 15:30:44 |
| **OccurTime:** | 15:30:00 | **Source:** | Phone | **Time Sent:** | 15:30:44 |
| **Caller information** | | **Fire/Amb:** | | **Time Arrived:** | 15:30:44 |
| **Name:** | | **EDP:** | | **Time Cleared:** | 15:31:10 |
| **Address:** | | **Alarm:** | | **ECC Console:** | 31 |
| **Phone:** | | | | | |

### BUSINESSES

1541 MARYLAND AV E, ST. PAUL, MN 55106

EXHIBIT
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5-89

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Mcquay, Jeremiah J
*District:* Central District
*Site:*
*BodyCam?* No *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 375 JACKSON ST
ST PAUL, MN 55101
*Date & time of occurrence:* 01/21/2021 15:30:00 *to* 02/08/2021 15:41:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## NAMES

**Other**

Abukhudeer, Zakariya
520 LAKE ELMO AV N
ST. PAUL, MN 55042

*Nicknames or Aliases*

*Nick Name:*
*Alias:*
*AKA First Name:*
*AKA Last Name:*

*Details*

*Sex:* Male *Race:* Other *DOB:* *Resident Status:*
*Hispanic:* *Age:* *from* *to*

*Phones*

*Home:* 612-212-8558 *Cell:* *Contact:* 612-212-8558
*Work:* *Fax:* *Pager:*

*Employment*

*Occupation:* Licensee *Employer:* One Stop Market

EXHIBIT
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5-90

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Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

**Identification**

SSN: | License or ID#: | License State:

**Physical Description**

| | | | | |
|---|---|---|---|---|
| US: | | Metric: | | |
| Height: | to | Build: | Hair Length: | Hair Color: |
| Weight: | to | Skin: | Facial Hair: | Hair Type: |
| Teeth: | | Eye Color: | Blood Type: | |

**Other**

1541 MARYLAND AV E
ST. PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: | AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: | Employer:

**Identification**

SSN: | License or ID#: | License State:

EXHIBIT
tabbies
591

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*

*Photos Taken:* *Stolen Property Traceable:*

*Evidence Turned In:* *Property Turned In:*

*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*

*Narcotic Analysis:* *Items Fingerprinted:*

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>ST. PAUL, MN 55042 | 612-212-8558 |
| Other | Twins Market & Meat | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

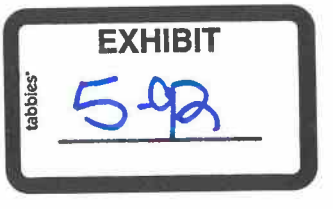
## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 1-19-21, I was made aware of an incident that occurred on 1-18-21 at 1338 hrs, where St. Paul Police responded to The One Stop Market, 1541 Maryland Ave E. for a report of a person who had been shot in the parking lot under SPPD CN (21-011-884). The victim was taken to Regions Hospital by private vehicle. The victim was later interviewed by police and had non-life threatening injuries. Responding officers recovered (6) 9mm casings near the scene. Officers also spoke with employees at the business who advised a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer. This is an ongoing investigation.

In the past one year period between (02/09/20 & 02/09/21), this property has generated (786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

In addition, this property has a current & open Department of Safety & Inspection Adverse Action case for multiple licensing violations. Specifically, violations of conditions #2, & #3 of the license requirements and also the unauthorized sale of menthol flavored cigarettes.



Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

---

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 1/21/21 at 1300 hrs., DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video of the business. The requested video was noted in the letter and coincided with the above SPPD CN referenced. The time period of the request was for the time period starting on: Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. on Monday January 18, 2021.

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, January 25, 2021. Two copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

The second copy I hand delivered to the business at 1330 hrs. on 1-21-21. I made contact with a male employee working the front counter and advised him to deliver the letter, which was sealed in an envelope to the manager on duty.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference CN* | *Date and Time of Report* |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

DSI Investigation.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Graupman, Charles A
District: East District
Site:
BodyCam? No Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 375 JACKSON ST
ST. PAUL, MN 55106
Date & time of occurrence: 01/25/2021 15:45:00 to
02/10/2021 10:38:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

**Other**

The One Stop Market
1541 MARYLAND AV E
ST. PAUL, MN 55106

*Nicknames or Aliases*

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

*Details*

Sex: Race: DOB: Resident Status:
Hispanic: Age: from to

*Phones*

Home: Cell: Contact: 651-771-4999
Work: 651-771-4999 Fax: Pager:

*Employment*

Occupation: Employer:

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

*Identification*

*SSN:* *License or ID#:* *License State:*

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*

*Photos Taken:* *Stolen Property Traceable:*

*Evidence Turned In:* *Property Turned In:*

*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*

*Narcotic Analysis:* *Items Fingerprinted:*

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

## NARRATIVE

On 1/25/21, at 1545 hrs., I received the requested video that was turned into DSI front counter staff from The One Stop Market, 1541 Maryland Ave E. The requested video was contained on (1) flash drive. Prior to viewing the video, I noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This was also documented in a supplemental under SPPD (CN 21-011-884), by Video Management Technician Richard Bertholf, who had recovered a separate video from the business for the same date and similar time period. I then began to review the video using my office computer and noted the following:

While viewing camera #10, which covers the exterior parking lot and faces S/W towards the intersection of Maryland/Hazelwood, I made several observations prior to the shooting that occurred.

At 12:19 hrs., I observed 2 vehicles, #1 black Chevrolet SUV, #2 black Dodge Caliber arrive. Both vehicles eventually park in the parking lot near the S/W corner of the lot. The vehicles remain in the parking lot for an extended period of time.

At 12:50 hrs, A black Hyundai sedan arrives and backs into a parking space in the parking lot near the S/W corner of the lot, next to the first two mentioned vehicles. From this period of time until the shooting at 13:31 hrs, the occupants of these vehicles enter and exit their vehicles multiple times and also the Hyundai. The occupants also are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business. There are multiple interactions between the occupants of the said vehicles with customers

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

arriving and exiting the store & parking parking lot. It is unclear based on the quality of video if items are exchanged during these interactions, but based on my training and experience this type of behavior can be indicative of narcotics transactions.

It should be noted that at no point, did I observe any of the employees perform a walk thru of the parking lot or monitor this activity. It should also be noted that this suspicious behavior could be deemed loitering on it's own right, but no request for a police response was made by the business.

At 12:31 hrs, the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood. The male then enters the crosswalk, and begins walking N/B into the intersection. The male then stands in the crosswalk near the middle of the street and raises a gun and fires towards the said black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking spot and exits the parking lot turning S/B on Hazelwood and then W/B on Maryland Ave W.

Moments later, a store employee is seen exiting the store and checking the front of the business for damage from the shooting. Officers arrive soon after and recovered (6) 9 mm casings at the scene.

I spoke with DSI Licensing Manager Eric Hudak regarding the nuisance/loitering behavior in the parking lot prior to the shooting. I then turned over the requested video footage to DSI Licensing Inspector Joe Voyda to review the interior footage to ensure the business was complying with the conditions set fourth of their cigarette/tobacco license. Inspector Voyda later informed me that during his review, he noted multiple unauthorized single cigarette sales, flavored tobacco sales and menthol cigarette sales violations.

This report has been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

**PUBLIC NARRATIVE**

Last page of the report

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-011884

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 410 AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | | | | |
| Location: | 1541 MARYLAND AV E | | | | |
| Locale: | | Sector/Grid: | 3 38 | | |
| Call Date: | 01/18/2021 13:39:52 | Disposition: | Records received | | |
| Occur Date: | 01/18/2021 | Priority: | 2 | Time Received: | 13:39:52 |
| OccurTime: | 13:38:00 | Source: | Phone | Time Sent: | 13:40:06 |
| Caller information | | Fire/Amb: | | Time Arrived: | 13:43:22 |
| Name: | | EDP: | | Time Cleared: | 17:59:57 |
| Address: | | Alarm: | | ECC Console: | 31 |
| Phone: | | | | | |

### BUSINESSES

SPPD , ST. PAUL, MN 55101

Saint Paul Police Department

**PUBLIC**

# ORIGINAL OFFENSE / INCIDENT REPORT

*Complaint Number* 21011884

*Reference C.N.*

*Date and Time of Report* 01/18/2021 16:56:34

*Primary offense*

AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

*Primary Reporting Officer:* Arntzen, Matthew J

*Primary squad:*

*Secondary reporting officer:* Arntzen, Matthew J

*District:* East District

*Site:*

*Secondary offense:*

*Pursuit engaged*

*Name of location/business:*

*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106

*Date & time of occurrence:* 01/18/2021 13:38:00 *to* 01/18/2021 14:09:00

*Arrest made?*

*Resistance encountered*

| *Weapons Used by Police* | *Weapons Used by Suspect at Time of Arrest* |
|---|---|
| (none) | (none) |

**ARRESTS** (None)

**NAMES**

**Owner**

**Victim**

**PUBLIC NARRATIVE**

On 01/18/2021 at 1338 hours police were sent to Maryland / Hazelwood for a person who had been shot. The victim was taken to Regions Hospital by private vehicle. The victim has non-life threatening injuries.

# City of Saint Paul

## Signature Copy

### Resolution-Public Hearing: RES PH 23-10

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

**File Number: RES PH 23-10**

Considering and adopting the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge concerning the cigarette/tobacco license held by Zakariya Abukhudeer, d/b/a The One Stop Market, LLC at 1541 Maryland Avenue East.

WHEREAS, Zakariya Abukhudeer, d/b/a The One Stop Market, LLC ("Licensee"), holds a cigarette/tobacco license under License ID #20190001624 ("License") for the premises located at 1541 Maryland Avenue East in Saint Paul ("Licensed Premises"); and

WHEREAS, on September 10, 2020, the City, by and through its Department of Safety and Inspections, sent a Notice of Violation ("Notice") to the Licensee; and

WHEREAS, the Notice alleged that the Licensee sold single cigarettes and flavored tobacco products in violation of sections 324.07(a) and (f) of the Saint Paul Legislative Code; and

WHEREAS, the Notice further alleged that the Licensee allowed patrons to smoke cigarettes inside of the Licensed Premises in violation of the Minnesota Clean Indoor Air Act and section 310.06(b)(6)(a) of the Saint Paul Legislative Code; and

WHEREAS, the Notice further alleged that the Licensee violated License condition #3 and section 310.06(b)(6) of the Saint Paul Legislative Code by failing to properly maintain his surveillance equipment and by failing to provide a copy of surveillance video footage as requested by the City; and

WHEREAS, the Notice further alleged that the Licensee violated License condition #2 and sections 310.06(b)(5)-(8) of the Saint Paul Legislative Code based on the following incidents which occurred on and near the Licensed Premises:

| | |
|---|---|
| March 30, 2020 | Assault and shots fired in parking lot |
| June 1, 2020 | Crowd of individuals fighting in store |
| July 20, 2020 | Large group of males gambling outside store; and |

WHEREAS, the Notice stated that the City was taking adverse action against the License based on the aforementioned allegations and indicated that it would seek a double upward departure from the presumptive penalty to a $2,000.00 fine and a 10-day suspension of the License; and

WHEREAS, on March 2, 2021, an amended Notice was sent to the Licensee stating that the City intended to seek a greater-than-double upward departure from the presumptive penalty to revocation



EXHIBIT tabbies 6-1

of the License based on evidence of additional incidents of sales of single cigarettes and flavored tobacco products identified in the videos already provided to the Licensee; and

WHEREAS, the Licensee responded to the amended Notice with a request for a hearing before an Administrative Law Judge; and

WHEREAS, the matter was assigned to Administrative Law Judge James E. LaFave ("Judge LaFave"); and

WHEREAS, on April 26, 2021, the City filed a Motion for Summary Disposition ("Motion"), seeking summary disposition on all the violations alleged in the amended Notice; and

WHEREAS, a hearing was held on the Motion before Judge LaFave on May 28, 2021; and

WHEREAS, on September 7, 2021, Judge LaFave issued a Recommendation and Order on Motion for Summary Disposition ("Recommendation"); and

WHEREAS, within his Recommendation and Order on Motion for Summary Disposition, Judge LaFave found that there was sufficient proof that the Licensee had violated sections 310.06(b)(6)(a), 324.07(a), and 324.07(f) of the Saint Paul Legislative Code and the Minnesota Clean Indoor Air Act, but denied summary disposition on the remaining allegations and recommended that violations of Saint Paul Legislative Code sections 310.06(b)(5)-(8) and licensing condition #2 relating to the Licensee's conduct on March 30, 2020, June 1, 2020, and July 20, 2020 be continued to an evidentiary hearing; and

WHEREAS, Judge LaFave found that these violations were the Licensee's first violations of the Saint Paul Legislative Code; and

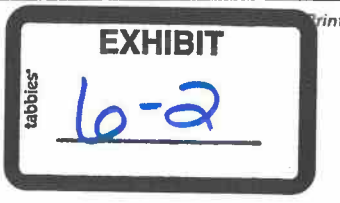
WHEREAS, the relevant sections of Saint Paul Legislative Code that were in effect at the time of the September 10, 2020 Notice are included as attachments to this resolution; and

WHEREAS, under the penalty matrix contained in section 310.05(m) of the Saint Paul Legislative Code, the presumptive penalty for a first violation of the Legislative Code is a fine of $500.00; and

WHEREAS, section 310.05(m) of the Saint Paul Legislative Code provides that the City Council "may deviate [from a presumptive penalty] in an individual case where [it] finds and determines that there exist substantial and compelling reasons making it more appropriate to do so"; and

WHEREAS, within his Recommendation, Judge LaFave observed that "[t]he requirement that the City Council have 'substantial and compelling reasons' to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires 'substantial and compelling circumstances' to depart from the presumptive sentence for criminal convictions"; and





WHEREAS, Judge LaFave further observed that the Minnesota Supreme Court has required "severe, aggravating, and factually atypical circumstances" to warrant a greater-than-double upward departure from the presumptive sentence contained in the Minnesota Sentencing Guidelines; and

WHEREAS, based on the foregoing analysis and the record before him, Judge LaFave recommended that "an upward departure to the second penalty box, a $1,000.00 fine, be imposed"; and

WHEREAS, Judge LaFave explained his recommendation for an upward departure, concluding that the Licensee's "multiple sales of single cigarettes and flavored tobacco products" and "allowing patrons to smoke cigarettes while inside the store" provided the "substantial and compelling reasons" for an upward departure beyond the presumptive penalty of $500.00; and

WHEREAS, Judge LaFave further explained that a greater-than-double upward departure to a penalty of revocation was inappropriate based on these violations because they did not constitute the "severe, aggravating, and atypical circumstances" that were required to support revocation; and

WHEREAS, Judge LaFave also indicated that the remaining allegations, even if proven at an evidentiary hearing, would not support revocation of the License; and

WHEREAS, at a public hearing to consider the Recommendation and Order on Motion for Summary Disposition, on November 17, 2021, the City Council, under RES PH 21-300, considered all the evidence contained in the record, including Judge LaFave's Recommendation and Order on Motion for Summary Disposition, and the oral arguments presented before the City Council; and

WHEREAS, at the same hearing, after considering all the evidence contained in the record and the oral arguments presented before it, the City Council rejected the Department's recommendation and requested that the Department try the remaining allegations at an evidentiary hearing to be scheduled before Judge LaFave; and

WHEREAS, a prehearing conference was held by telephone on December 7, 2021 to review the status of the case and Judge LaFave requested that the City Council issue a formal order remanding the case back to him; and

WHEREAS, under RES 21-1813, the City Council formally requested that Judge LaFave schedule an evidentiary hearing on the allegations on which he denied summary disposition and give the parties adequate opportunity to develop the record with respect to those allegations; and

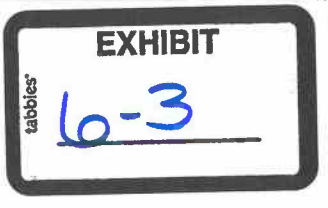
WHEREAS, a copy of RES 21-1813 was sent by first class mail to Judge LaFave and the Licensee; and

WHEREAS, the matter was reassigned to Judge LauraSue Schlatter ("Judge Schlatter") and on July 25, 26 and 27, 2022 an administrative hearing was held on the remaining questions:

- Whether One Stop Market violated licensing condition 3 and Saint Paul Legislative Code §310.06(b)(5) relating to the alleged failure to maintain video surveillance equipment and to provide a copy of surveillance as requested by the City; and

- Whether One Stop Market violated licensing condition 2 and Saint Paul Legislative Code §310.06(b)(5)- (8) relating to One Stop Market's conduct on March 30, 2020, June 1, 2020





and July 20, 2020 in allegedly permitting dangerous behavior and loitering on or near the licensed premises; and

WHEREAS, on December 6, 2022, Judge Schlatter issued her Findings of Fact, Conclusions of Law and Recommendation, finding that the City failed to demonstrate by a preponderance of the evidence that Licensee:

- Failed to properly maintain his surveillance equipment;
- Failed to provide a copy of his surveillance footage;
- Permitted dangerous behavior and loitering on or near its licensed premises; and

WHEREAS, Judge Schlatter's Findings of Fact, Conclusions of Law and Recommendation support the original recommendations of Judge LaFave for an upward departure and imposition of a $1,000 matrix penalty; and

WHEREAS, the City Council agrees that the Licensee's repeated sales of single cigarettes and flavored tobacco products, as well as his allowance of patrons to smoke cigarettes while inside the Licensed Premises, are substantial and compelling reasons to depart upward from the presumptive penalty of a $500.00 fine and to impose a $1,000.00 fine; now, therefore, be it

RESOLVED, that the City Council issues this decision based upon consideration of the record of the entire proceedings herein, including the oral argument from the Licensee and his attorney from the November 17, 2021 public hearing and the January 18, 2023 public hearing; and be it

FURTHER RESOLVED, that the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021 under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022 under OAH 80-6020-37157 in the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul, are hereby adopted as the Findings of the City Council in this matter; and be it

FURTHER RESOLVED, that a fine of $1,000.00 is hereby imposed against the cigarette/tobacco license held by the Licensee for the premises located at 1541 Maryland Avenue East in Saint Paul.

A copy of this resolution, as adopted, shall be sent by first class mail to Judge LaFave and the Licensee.

At a meeting of the City Council on 1/18/2023, this Resolution-Public Hearing was Passed.

**Yea:** 7 Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang, and Councilmember Balenger

**Nay:** 0

**Vote Attested by Council Secretary** Shari Moore

**Date** 1/18/2023



EXHIBIT tabbies 6-4

**Approved by the Mayor** Melvin Carter III **Date** 1/19/2023

**Clerk** Shari Moore **Date**

Shari Moore

**Test Signature** Shari Moore **Date**

Shari Moore



EXHIBIT tabbies 6-5

SAINT PAUL POLICE
Trusted service with respect

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Incident Overview

| | | | | | |
|---|---|---|---|---|---|
| Case Status | : | **Closed** | Occ Date From | : | **01/21/2021, 15:30** |
| Case Number | : | **21-026681** | Occ Date To | : | **02/08/2021, 15:41** |
| Reported Date | : | **02/08/2021, 15:30:44** | Bias Motivation | : | |
| Location | : | **375 Jackson Street, St Paul, MN 55101** | Arrest | : | |
| | | | Resistance Encountered | : | **No** |
| Offenses | : | **Investigate-Code Enforcement** | | | |

### Incident Summary

Created by: **02/09/2021, 14:31**

DSI Investigation.

CASE NUMBER: 21-026681

Printed by: 237725

EXHIBIT
7-1
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Staff Involved

| Officer | Type | BWC | ICC | Resistance Encounter | Force Used | Vehicle Pursuit |
|---|---|---|---|---|---|---|
| Graupman, Charles | Submitter, Primary | No | | No | No | No |

### Narratives

**Narrative 1** Created by: **GRAUPMAN, CHARLES** **02/09/2021, 14:31**

**Synopsis :**

DSI Investigation.

**Narrative :**

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 1-19-21, I was made aware of an incident that occurred on 1-18-21 at 1338 hrs, where St. Paul Police responded to The One Stop Market, 1541 Maryland Ave E. for a report of a person who had been shot in the parking lot under SPPD CN (21-011-884). The victim was taken to Regions Hospital by private vehicle. The victim was later interviewed by police and had non-life threatening injuries. Responding officers recovered (6) 9mm casings near the scene. Officers also spoke with employees at the business who advised a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer. This is an ongoing investigation.

In the past one year period between (02/09/20 & 02/09/21), this property has generated (786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

In addition, this property has a current & open Department of Safety & Inspection Adverse Action case for multiple licensing violations. Specifically, violations of conditions #2, & #3 of the license requirements and also the unauthorized sale of menthol flavored cigarettes.

Listed below are the current licensing conditions of The One Stop Market:

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.

CASE NUMBER: 21-026681

Printed by: 237725

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

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 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 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.

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 place in front of the window.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 1/21/21 at 1300 hrs., DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video of the business. The requested video was noted in the letter and coincided with the above SPPD CN referenced. The time period of the request was for the time period starting on: Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. on Monday January 18, 2021.

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, January 25, 2021. Two copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

The second copy I hand delivered to the business at 1330 hrs. on 1-21-21. I made contact with a male employee working the front counter and advised him to deliver the letter, which was sealed in an envelope to the manager on duty.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

**Narrative 2** Created by: **GRAUPMAN, CHARLES** **02/10/2021, 12:48**

**Synopsis :**

**Narrative :**

EXHIBIT
7-3
6/14/2023



CASE NUMBER: 21-026681 Printed by: 237725

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

On 1/25/21, at 1545 hrs., I received the requested video that was turned into DSI front counter staff from The One Stop Market, 1541 Maryland Ave E. The requested video was contained on (1) flash drive. Prior to viewing the video, I noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This was also documented in a supplemental under SPPD (CN 21-011-884), by Video Management Technician Richard Bertholf, who had recovered a separate video from the business for the same date and similar time period. I then began to review the video using my office computer and noted the following:

While viewing camera #10, which covers the exterior parking lot and faces S/W towards the intersection of Maryland/Hazelwood, I made several observations prior to the shooting that occurred.

At 12:19 hrs., I observed 2 vehicles, #1 black Chevrolet SUV, #2 black Dodge Caliber arrive. Both vehicles eventually park in the parking lot near the S/W corner of the lot. The vehicles remain in the parking lot for an extended period of time.

At 12:50 hrs, A black Hyundai sedan arrives and backs into a parking space in the parking lot near the S/W corner of the lot, next to the first two mentioned vehicles. From this period of time until the shooting at 13:31 hrs, the occupants of these vehicles enter and exit their vehicles multiple times and also the Hyundai. The occupants also are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business. There are multiple interactions between the occupants of the said vehicles with customers arriving and exiting the store & parking parking lot. It is unclear based on the quality of video if items are exchanged during these interactions, but based on my training and experience this type of behavior can be indicative of narcotics transactions.

It should be noted that at no point, did I observe any of the employees perform a walk thru of the parking lot or monitor this activity. It should also be noted that this suspicious behavior could be deemed loitering on it's own right, but no request for a police response was made by the business.

At 12:31 hrs, the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood. The male then enters the crosswalk, and begins walking N/B into the intersection. The male then stands in the crosswalk near the middle of the street and raises a gun and fires towards the said black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking spot and exits the parking lot turning S/B on Hazelwood and then W/B on Maryland Ave W.

Moments later, a store employee is seen exiting the store and checking the front of the business for damage from the shooting. Officers arrive soon after and recovered (6) 9 mm casings at the scene.

I spoke with DSI Licensing Manager Eric Hudak regarding the nuisance/loitering behavior in the parking lot prior to the shooting. I then turned over the requested video footage to DSI Licensing Inspector Joe Voyda to review the interior footage to ensure the business was complying with the conditions set fourth of their cigarette/tobacco license. Inspector Voyda later informed me that during his review, he noted multiple unauthorized single cigarette sales, flavored tobacco sales and menthol cigarette sales violations.

EXHIBIT
M-4
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

This report has been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

**Narrative 3** Created by: **GRAUPMAN, CHARLES** **03/09/2021, 11:26**

**Synopsis :**

**Narrative :**

It should be noted that in my original police report I made a clerical error on page 3. Under the participants tab, I listed 1541 Maryland Ave E. St. Paul, MN 55106, as the Twins Market & Meat. This should read The One Stop Market, 1541 Maryland Ave E. St. Paul, MN 55106.

**Narrative 4** Created by: **GRAUPMAN, CHARLES** **03/10/2021, 10:25**

**Synopsis :**

**Narrative :**

It should be noted that in my original report on page 3, I made a clerical error under the participants tab. I listed 1541 Maryland Ave E. St. Paul, MN 55106 as Twins Market & Meat. The correct labeling should be, The One Stop Market, 1541 Maryland Ave E. St. Paul, MN 55106.

**Narrative 5** Created by: **GRAUPMAN, CHARLES** **03/09/2023, 13:16**

**Synopsis :**

**Narrative :**

It should be noted that in my first supplemental report under paragraph #6, I made a clerical error regarding the video surveillance time.

The first sentence reads, "At 12:31 hrs. the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood".

The sentence should read, "At 13:31 hrs. the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood."

**Narrative 6** Created by: **GRAUPMAN, CHARLES**

EXHIBIT
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6/14/2023



CASE NUMBER: 21-026681

Printed by: 237725

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

**Synopsis :**

**Narrative :**

On 06/09/2023, I reviewed security camera video footage dated (1-18-2021), from the One Stop Market, located at 1541 Maryland Ave E. St. Paul, MN. 55106. The video footage was contained on a flash driven and was given to me by Assistant City Attorney Therese Skarda. I was asked to review the video, and make any notations regarding any similarities or differences in the original footage that I had viewed on (1-25-21), which was delivered to DSI from the One Stop Market through a formal video request.

Upon opening the flash drive, I noted it contained video footage from cameras (1,2,3,6,7,8,9,10,11). While viewing the footage (Camera 10), I noted that the footage began at 1238 hours, and did not contain the arrival of the black SUV and dodge caliber arriving in the parking lot at 1219 hours, that I had noted in my previous report, when watching the footage on (1-25-21). However, the video footage did contain the above said vehicles in the lot and additional events, I had detailed including the shooting, in my original report. The times  times of those noted events were the same on this footage as in the previous footage I viewed on (1-25-21).

Notably:

1250 hours, black Hyundai arriving and parking

1331 hours, B/M suspect emerging into view and the shooting occurring.

I later advised Assistant CAO Skarda of these findings and forwarded her a copy of this report for Adverse Action.

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**Narrative 7** Created by: **GRAUPMAN, CHARLES** **06/14/2023, 11:44**

**Synopsis :**

**Narrative :**

I was recently contacted by Assistant City Attorney Therese Skarda regarding an issue of missing camera footage (Camera 10) from the original flash drive footage (1-18-21), that was turned over from The One Stop Market, 1541 Maryland Ave E. to DSI via DSI Video Request made on (1-21-21) and received on (1-25-21). It should be noted that the footage was fully intact on the flash drive when I watched it on (1-25-21), and made my observations that I noted in my original report, prior to turning it over to the CAO Office.

I informed CAO Skarda that there was additional video of the incident on (1-18-21), (CN 21-011-884, Agg Assault), that had been recovered by the St. Paul Police Department from The One Stop Marked. I was advised by CAO Skarda, that she had also received a discovery request for the store

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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

video related to (CN 21-011-884) and was directed to retrieve (2) copies of the SPPD video footage recovered by SPPD from the One Stop Market, review it and turn it over to the CAO office.

On 05/11/2023, I contacted SPPD video evidence technician William Conroy and ordered (2) copies of the One Stop Market Video Footage (1-18-21), ref (CN 21-011-884).

On 05/18/2021, I recovered the (2) copies and reviewed the video which contained footage from only (Camera 10), and was placed on a CD / DVD disk. The footage matched my recollection of events, I had noted in my previous report on (2-10-21). The only slight difference I noted was the start time of the video began at 1238 hours, and did not capture the arrival of the black suv and dodge caliber. However, the time difference does not change the conclusions that I arrived at regarding the license violations I observed.

I advised CAO Skarda of my findings and turned the (2) copies over to CAO Legal Assistant Julie Kraus for the Adverse Action case.

It should be noted that the video footage contained on the flash drive that I had watched on (06/09/23), (referenced in above report), contained the (Camera 10), footage recovered by SPPD from the incident on 1-18-21 under CN 21-011-884).

CASE NUMBER: 21-026681



EXHIBIT
7-7
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Offenses

#### Offense 1 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

#### Offense 2 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

#### Offense 3 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

EXHIBIT
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6/14/2023

CASE NUMBER: 21-026681

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Offense 4 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

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EXHIBIT
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6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Participants / Persons

**Person 1**

**Zakariya Abukhudeer**
**520 Lake Elmo Avenue N, St. Paul, MN 55042**
**Phone: 612-212-8558**

| Info | | |
|---|---|---|
| Participant Type | : | **Other** |
| Age | : | |
| Gender | : | **Male** |
| Race | : | **Other** |
| Hispanic | : | |
| Business Name | : | |

| Phones | | |
|---|---|---|
| Cell Phone | : | |
| Home Phone | : | **612-212-8558** |
| Work Phone | : | |
| Email Address | : | |
| Social Media | : | |

| Physical Description | | |
|---|---|---|
| Height | : | |
| Weight | : | |
| Eye Color | : | |
| Hair Color | : | |
| Build | : | |

| Attributes | | |
|---|---|---|
| School Name | : | |
| Employer Name | : | **One Stop Market** |
| Occupation | : | **Licensee** |
| Requested Non Public | : | |
| License / ID Number | : | |
| Limited English / Language | : | |

| Employment | | |
|---|---|---|
| Employer | : | **One Stop Market** |
| Type | : | |
| Occupation | : | **Licensee** |
| Address | : | **1541 Maryland Avenue E, St. Paul The One Stop Market, MN** |

| Injuries | | |
|---|---|---|
| Type of Injury | : | |

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6/14/2023

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Printed by: 237725

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Arrest Detail

## Person 2

**Twins Market & Meat (Business)**
**1541 Maryland Avenue E, St. Paul, MN 55106**
**Phone: 651-771-4999**

### Info

| | | |
|---|---|---|
| Participant Type | : | **Other** |
| Age | : | |
| Gender | : | |
| Race | : | |
| Hispanic | : | |
| Business Name | : | **Twins Market & Meat** |

### Phones

| | | |
|---|---|---|
| Cell Phone | : | |
| Home Phone | : | |
| Work Phone | : | **651-771-4999** |
| Email Address | : | |
| Social Media | : | |

### Physical Description

| | |
|---|---|
| Height | : |
| Weight | : |
| Eye Color | : |
| Hair Color | : |
| Build | : |

### Attributes

| | |
|---|---|
| School Name | : |
| Employer Name | : |
| Occupation | : |
| Requested Non Public | : |
| License / ID Number | : |
| Limited English / Language | : |

### Employment

| | |
|---|---|
| Employer | : |
| Type | : |
| Occupation | : |
| Address | : |

### Injuries

| | |
|---|---|
| Type of Injury | : |

EXHIBIT
7-11
6/14/2023



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Printed by: 237725

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Arrest Detail

## Person 3

**The One Stop Market (Business)**
**1541 Maryland Avenue E, St. Paul, MN 55106**
**Phone: 651-771-4999**

### Info

| | | |
|---|---|---|
| Participant Type | : | **Other** |
| Age | : | |
| Gender | : | |
| Race | : | |
| Hispanic | : | |
| Business Name | : | **The One Stop Market** |

### Phones

| | | |
|---|---|---|
| Cell Phone | : | |
| Home Phone | : | |
| Work Phone | : | **651-771-4999** |
| Email Address | : | |
| Social Media | : | |

### Physical Description

| | | |
|---|---|---|
| Height | : | |
| Weight | : | |
| Eye Color | : | |
| Hair Color | : | |
| Build | : | |

### Attributes

| | | |
|---|---|---|
| School Name | : | |
| Employer Name | : | |
| Occupation | : | |
| Requested Non Public | : | |
| License / ID Number | : | |
| Limited English / Language | : | |

### Employment

### Injuries

| | | |
|---|---|---|
| Type of Injury | : | |

EXHIBIT
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6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

| | |
|---|---|
| Employer | : |
| Type | : |
| Occupation | : |
| Address | : |

**Arrest Detail**

CASE NUMBER: 21-026681

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EXHIBIT
7-13
6/14/2023

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Businesses

### Business 1

**Twins Market & Meat**
**1541 Maryland Avenue E, St. Paul, MN 55106**

| | | | | | |
|---|---|---|---|---|---|
| Role Type | : | **Other** | Cell Phone | : | |
| Name | : | **Twins Market & Meat** | Contact Phone | : | **651-771-4999** |
| Type | : | **Gas Station/Conv. Store** | Home Phone | : | |
| Description | : | | Work Phone | : | **651-771-4999** |
| | | | Email Address | : | |
| | | | Fax | : | |

### Business 2

**The One Stop Market**
**1541 Maryland Avenue E, St. Paul, MN 55106**

| | | | | | |
|---|---|---|---|---|---|
| Role Type | : | **Other** | Cell Phone | : | |
| Name | : | **The One Stop Market** | Contact Phone | : | **651-771-4999** |
| Type | : | **Commercial** | Home Phone | : | |
| Description | : | | Work Phone | : | **651-771-4999** |
| | | | Email Address | : | |
| | | | Fax | : | |





EXHIBIT
7-14
6/14/2023

SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 21-026681

06/14/2023, 11:47

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## CAD Information

### CAD Info 1

#### Info

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Location | : | **375 Jackson Street** | Sector | : | **2** | Time Received | : **15:30** |
| Locale | : | **ST PAUL SAFETY AND INSPECTION** | Grid | : | **153** | Time Sent | : **15:30** |
| Call Date | : | | Disposition | : | **Records received** | Time Arrived | : **15:30** |
| Occur Date | : | **01/21/2021** | Priority | : | **4** | Time Cleared | : **15:31** |
| Caller Information | : | | Source | : | **Phone** | Reopen Time | : |
| Address | : | | Fire/Amb | : | | Citation # | : |
| Phone | : | | EDP | : | | | |
| | | | Alarm | : | | | |
| | | | ECC Console | : | **31** | | |

#### Employees

| Officer | Squad | Type | Beat | Received | Sent | Arrived | Cleared |
|---|---|---|---|---|---|---|---|
| GRAUPMAN, CHARLES | 854 | 1 | CN2 | 15:30 | 15:30 | 15:30 | 15:31 |

#### CAD Comments

Master Incident Number: 20210208-0071440 CAD Address: 375 Jackson St, Lat/Lon: 44948431 / 93090113 02/08/2021 15:30:45JWS [1] Automatic Case Number(s) issued for Incident # [20210208-0071440], Jurisdiction: SPPD. Case Number(s): SP210208026681. requested by 854. 02/08/2021 15:30:44JWS [2] ONGOING DSI INVESTIGATION COD

EXHIBIT
7-15
6/14/2023

CASE NUMBER: 21-026681
Printed by: 237725

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah
PH (651) 361-7900

September 7, 2021

**VIA EMAIL ONLY**
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400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul***
***License ID # 20190001624***
**OAH 60-6020-37157**

Dear Counsel:

Enclosed and served upon you please find the **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

EXHIBIT
tabbies
8-1

OAH 60-6020-37157

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul

**RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION**

License ID # 20190001624

This matter is pending before Administrative Law Judge James E. LaFave on the City of St. Paul's Motion for Summary Disposition (Motion).[1]

Therese Skarda, Assistant St. Paul Attorney, represents the City of St. Paul (City). Mark K. Thompson, MKT Law PLC, represents Zakariya Abukhudeer d/b/a The One Stop Market, LLC (Respondent).

The City filed its Motion on April 26, 2021. Respondent requested and was granted until May 26, 2021, to respond. Oral argument on the Motion was heard on May 28, 2021. Thereafter, the Administrative Law Judge granted Respondent until June 7, 2021, to supplement his response in opposition to the Motion to address the City's requested deviation from the presumptive penalty. Respondent filed a supplemental memorandum addressing the issue of penalty on June 7, 2021, and the Motion record closed on that date.

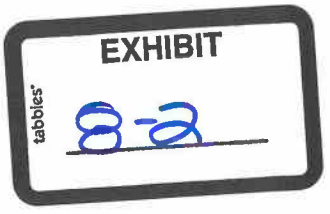
Based upon the parties' arguments and the record, and for the reasons explained in the accompanying Memorandum,

**IT IS HEREBY RECOMMENDED THAT:**

1. The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violations of St. Paul Legislative Code § 324.07(a) and (f) relating to Respondent's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020. The City may take disciplinary action against Respondent's license for these violations.

2. The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to

[1] This adverse licensing action was initiated by and through the City's Department of Safety and Inspections (DSI).



Respondent allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act. The City may take disciplinary action against Respondent's license for this violation.

**IT IS HEREBY ORDERED THAT:**

1. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #3 and Saint Paul Legislative Code § 310.06(b)(5) relating to the failure to provide a copy of surveillance video as requested by the City.

2. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violations of Saint Paul Legislative Code § 310.06(b)(5)-(8) and licensing condition #2 relating to Respondent's conduct on March 30, 2020, June 1, 2020, and July 20, 2020. These claims will proceed to an evidentiary hearing if necessary.

3. A prehearing conference will be held by telephone on **September 27, 2021**, at **11:00 a.m.**, to review the status of the case and to discuss whether the Respondent will seek to have the Administrative Law Judge certify the Motion to the St. Paul City Council pursuant to Minn. R. 1400.7600 (2021). At that time, please call **1-888-742-5095** and, when prompted, enter conference code **454 161 2416#**.

Dated: September 7, 2021

JAMES E. LAFAVE
Administrative Law Judge

## MEMORANDUM

### I. Background and Procedural History

Respondent is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul. One Stop is located next to and in the same building as a laundromat. One Stop and the laundromat share the building's parking lot.

The City granted Respondent a Cigarette/Tobacco license subject to the following conditions:

(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.



EXHIBIT
tabbies
8-3

(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 Saint Paul Police Department (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 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.

(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 place in the area between four (4) and seven (7) feet above the adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[2]

On September 10, 2020, the City issued a Notice of Violation to Respondent alleging violations of license conditions and city ordinances related to the operation of Respondent's business.[3] The City cited Respondent with violating license conditions #2 and #3 by failing to take reasonable steps to discourage loitering and by failing to provide a copy of surveillance footage as requested.[4] The City also cited Respondent with violating city ordinances by selling single cigarettes and flavored tobacco products, and by operating the business in a manner that creates a serious danger to public health or safety, or permits conditions that unreasonably annoy the comfort or repose of the public.[5] The City requested an upward departure from the penalty matrix to a $2,000 fine and a 10-day suspension of all licenses with imposition of additional conditions.[6]

On October 21, 2020, the City issued a Notice of Prehearing Telephone Conference to consider whether adverse action should be taken against Respondent's license for the alleged violations.[7] The prehearing conference was held on December 9, 2020, and an order setting a schedule for discovery and the filing of dispositive motions issued on December 22, 2020.[8]

---

[2] Exhibit (Ex.) 1-14.
[3] Ex. 1-1.
[4] *Id.*
[5] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[6] *Id. See* St. Paul Legis. Code § 310.05(m) (penalty matrix).
[7] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[8] *Id.*

On April 8, 2021, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice).[9] The City stated that further review of surveillance footage resulted in the identification of additional incidents of sales of single or flavored cigarettes, as well as incidents of patrons and employees smoking within the licensed premises.[10] Based on the newly identified licensing violations, the City revised its penalty recommendation to request revocation of Respondent's license.[11]

## II. Summary Disposition Standard

Summary disposition is the administrative equivalent of summary judgment.[12] The Office of Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition.[13] A motion for summary disposition may be granted when no genuine issue of material fact exists.[14] A genuine issue is one that is not a sham or frivolous, and a fact is material if resolving it will affect the result or outcome of the case.[15]

The moving party must initially show the absence of a genuine issue of material fact.[16] To successfully resist a motion for summary disposition, the responding party must show that there are specific facts in dispute which have a bearing on the outcome of the case.[17] Facts at issue must be established by substantial evidence, and the parties may not rest upon general averments or denials.[18] Evidence offered to support or defeat summary judgment must be such evidence as would be admissible at trial,[19] though the evidence presented need not be in a form that would be admissible.[20] "Speculation, general assertions, and promises to produce evidence at trial are not sufficient to create a genuine issue of material fact for trial."[21]

When considering a motion for summary disposition, the evidence must be viewed in the light most favorable to the nonmoving party, and doubts and factual inferences must be resolved against the moving party.[22] The trial court's function is not to decide the facts at issue, but to determine whether a genuine dispute of fact exists.[23]

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[9] Amended Notice (Apr. 8, 2021). The Amended Notice was filed with the Office of Administrative Hearings on April 8, 2021, but is dated March 2, 2021.
[10] *Id.*
[11] *Id.*
[12] *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); *see also* Minn. R. 1400.5500(K) (2021).
[13] *See* Minn. R. 1400.6600 (2021); Minn. R. Civ. P. 56.
[14] *In re Gillette Children's Specialty Healthcare*, 883 N.W.2d 778, 785 (Minn. 2016).
[15] *Highland Chateau, Inc. v. Minn. Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984), *review denied* (Minn. Feb. 6, 1985).
[16] Minn. R. Civ. P. 56.01; *Anderson v. Dep't of Natural Res.*, 693 N.W.2d 181, 191 (Minn. 2005).
[17] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69 (Minn. 1997).
[18] *Id.* at 70-71.
[19] *Hopkins v. Empire Fire & Marine Ins., Co.*, 474 N.W.2d 209, 212 (Minn. Ct. App. 1991).
[20] *Carlisle v. City of Minneapolis*, 437 N.W.2d 712, 715 (Minn. Ct. App. 1989).
[21] *Nicollet Restoration, Inc. v. City of St. Paul*, 533 N.W.2d 845, 848 (Minn. 1995).
[22] *Rochester City Lines, Co. v. City of Rochester*, 868 N.W.2d 655, 661 (Minn. 2015).
[23] *See id.* at 664 (citing *DLH*, 566 N.W.2d at 70).



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## III. Alleged Violations and Argument

Under the Saint Paul Legislative Code, the city council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[24] The City alleges Respondent violated the following ordinances governing its license:

(1) Saint Paul Legislative Code § 324.07(a) prohibits the sale of a cigarette outside of its original packaging containing health warnings satisfying the requirements of federal law. No cigarette shall be sold in packages of fewer than 20 cigarettes.

(2) Saint Paul Legislative Code § 324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored tobacco products.

(3) Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee fails to comply with any condition of the license.

(4) Saint Paul Legislative Code 310.06(b)(6)(a) supports adverse action where a licensee, or any person whose conduct may by law be imputed to the licensee, has violated . . . any statute, ordinance, or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection with such activity.

(5) Saint Paul Legislative Code § 310.06(b)(6)(c) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or 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.

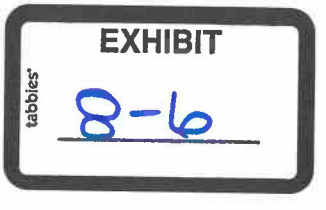
(6) Saint Paul Legislative Code § 310.06(b)(7) supports adverse action when the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare.

(7) Saint Paul Legislative Code § 310.06(b)(8) supports adverse action when the way in which a licensed 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.

The City maintains that it is entitled to judgment as a matter of law on the license violations it cited. The City asserts that undisputed facts in the record support finding Respondent: (1) repeatedly sold single cigarettes and flavored tobacco products; (2) allowed patrons and employees to smoke cigarettes within the licensed premises; (3) permitted uncontrolled and dangerous behavior both inside and outside of the licensed premises; (4) failed to take reasonable steps to discourage loitering in front of the licensed premises; and (5) failed to maintain video surveillance cameras and failed to comply with

[24] St. Paul Legis. Code §§ 310.05(m), 310.06(a), (b)(6)(a).





the DSI's request for copies of surveillance footage. Each alleged violation will be discussed below.

### A. Sale of Single Cigarettes and Flavored Tobacco

The City contends Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products. The City maintains that surveillance video footage from June 1, 2020, demonstrates that between approximately 8:10 p.m. and 10:00 p.m. One Stop employees repeatedly sold single cigarettes and flavored tobacco products to patrons.[25] According to the City, DSI Licensing Manager Eric Hudak's review of the June 1, 2020, footage revealed approximately nine transactions involving the sale of single cigarettes and approximately 23 transactions involving the sale of flavored tobacco products.[26] In addition, during that same period of time, the City states there were four separate instances where either a One Stop employee or a customer was smoking a cigarette within the licensed premises.[27]

On June 17, 2020, DSI Licensing Manager Hudak and representatives from SPPD met with Respondent to discuss the sales of single cigarette and flavored tobacco products shown on the June 1, 2020, video footage.[28] The City states that it arranged the meeting with Respondent to provide Respondent a chance to comply with licensing regulations.[29]

The City asserts that approximately one month after the meeting, on July 20, 2020, officers from SPPD used a confidential reliable informant (CRI) to successfully purchase two Newport menthol-flavored cigarettes from a One Stop employee.[30] The City maintains that the officers pat-searched the CRI before he entered the One Stop to make sure he did not have any cigarettes or money on his person.[31] According to the police report, the officers then gave the CRI an undisclosed amount of money and observed him from the time he left their custody until the time he returned from the One Stop with two single cigarettes.[32] The police report indicates that the CRI told the officers he was able to purchase two Newport menthol cigarettes from Respondent's employee.[33]

The City argues it is entitled to summary disposition on Respondent's alleged sales of single cigarettes and flavored tobacco products that occurred on June 1 and July 20, 2020. The City contends that the video evidence of the sales on June 1, 2020, and the SPPD report regarding the alleged July 20, 2020, sale, render the material facts undisputed and establish the violations. Moreover, the City asserts that it is Respondent's responsibility to know which tobacco products may be sold and which are prohibited.

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[25] Exs. 1-13; 2-42 – 2-43.
[26] Exs. 6-18 – 6-24; 2-42 – 2-43.
[27] Exs. 6-15 – 6-16; 2-13 – 2-18.
[28] Amended Notice at 3; Ex. 1-11.
[29] City's Motion at 12; Ex. 1-11.
[30] Exs. 2-110 – 2-111.
[31] Exs. 2-110 – 2-111.
[32] Exs. 2-110 – 2-111.
[33] Exs. 2-110 – 2-111.

Respondent asserts that it was under the understanding that the sales of single cigarettes and flavored tobacco products observed on the June 1, 2020, video footage were discussed and fully addressed during the June 17, 2020, meeting with DSI staff. Respondent also argues that the ordinance prohibiting the sale of flavored tobacco products is unconstitutionally vague because the similar packaging of allowable and prohibited products makes it difficult for the average person to discern what is unlawful conduct.[34] Respondent further maintains that the blurry nature of the video footage and screen shots submitted by the City do not adequately demonstrate the alleged violations.

Respondent also disputes the alleged sale of flavored tobacco to the CRI on July 20, 2020. Respondent argues that the only evidence submitted in support of this claim is a police report that misidentifies the name of the store and fails to identify the amount of money allegedly paid for the cigarettes. Respondent argues that this evidence is insufficient to support the allegation that single or flavored cigarettes were sold by a One Stop employee on July 20, 2020.

The City has sufficiently demonstrated that it is entitled to summary disposition with respect to Respondent's sale of single cigarettes and flavored tobacco products on June 1 and July 20, 2020. The City has established through the video footage that Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products on June 1, 2020.[35] The video footage and screen shots clearly demonstrate that Respondent's employees engaged in numerous sales of single cigarettes and flavored tobacco products between a two-hour period on June 1, 2020.[36] The Administrative Law Judge also finds that the police report and supporting affidavit are sufficient to establish that Respondent sold single cigarettes to a CRI on July 20, 2020. The fact that the police report incorrectly refers to the One Stop as the "Sana's Market," which was the former name of the business, is not enough to raise a genuine issue of material fact requiring an evidentiary hearing on this claim.[37]

Therefore, as further discussed in the Penalty section below, the City may take disciplinary action against Respondent's license for the violations of Saint Paul Legislative Code § 324.07(a) and (f) that took place on June 1 and July 20, 2020. Respondent's argument that the ordinance banning flavored tobacco products is unconstitutionally vague is noted and preserved. Administrative law judges, however, are without authority to declare a law or ordinance unconstitutional on its face. Such a power is within the exclusive province of the judicial branch.[38]

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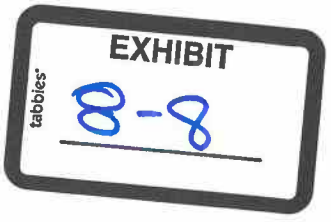
[34] *See* Amended Declaration (Decl.) of Zakariya Abukhudeer at ¶ 5.
[35] Exs. 1-13; 2-45 – 2-97.
[36] *Id.*; Exs. 2-45 – 2-97.
[37] *See* Ex. 6-26 (Affidavit of Eric Hudak).
[38] *See, e.g., In the Matter of Rochester Ambulance Service*, 500 N.W.2d 495, 499-500 (Minn. Ct. App. 1993) ("In this case, however, neither the ALJ nor the Commissioner had the power to declare Minn. Stat. § 144.802 unconstitutional. Thus, the issue could not have been addressed in the proceedings below.").





### B. Allowing Employees and Patrons to Smoke Cigarettes Within Licensed Premises in Violation of the Clean Indoor Air Act

The City asserts that DSI Licensing Inspector Eric Hudak's review of the surveillance footage from June 1, 2020, shows four separate instances where One Stop employees either smoked cigarettes inside the licensed premises themselves or permitted patrons to smoke cigarettes inside the licensed premises.[39] St. Paul Legislative Code § 310.06(b)(6)(a) supports adverse action where a licensee has violated "any statute reasonably related to the licensed activity." The Clean Indoor Air Act prohibits smoking in public places or places of employment.[40] The City argues that, by allowing employees and patrons to smoke within the licensed premises, Respondent violated the Clean Indoor Air Act and, therefore, violated section 310.06(b)(6)(a).

Respondent maintains that the surveillance footage and screen shots are too blurry to establish that patrons or employees were smoking within the One Stop on June 1, 2020, as alleged. Respondent contends that the images at best show something white in individuals' hands and at worse show nothing.

The Administrative Law Judge agrees with Respondent that two images relied on by the City to support its allegation are not sufficiently definitive to support finding a violation. The surveillance video footage and screen shots of the video from June 1, 2020, however, clearly demonstrate two instances of patrons smoking cigarettes within the store.[41] On one occasion Respondent's employee lights a patron's cigarette and allows the patron to remain in the store smoking.[42] Therefore, the City has demonstrated it is entitled to summary disposition on the allegation that Respondent allowed patrons to smoke cigarettes within the One Stop premises and thereby violated section 310.06(b)(6)(a) and the Clean Indoor Air Act.[43] The City may take disciplinary action against Respondent's license for this violation.

### C. Permitting Dangerous Behavior and Loitering

The City asserts that on March 30, June 1, and July 20, 2020, Respondent violated license condition #2 by failing to discourage loitering. The City further contends that on these dates, Respondent likewise violated St. Paul Legislative Code § 310.06(b)(5)-(8), by operating the business in a manner that threatens public safety, health, or welfare. The City argues that by operating the business in a manner that routinely allowed violent conduct to occur on its premises, Respondent seriously endangered the public.

Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee fails to comply with any condition of the license. Section 310.06(b)(6) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or failed to comply with laws reasonably related to the licensed activity or from

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[39] Exs. 1-13; 2-13, 2-16, 2-17, 2-18.
[40] *See* Minn. Stat. § 144.414 (2020).
[41] Exs. 1-13; 2-13, 2-18.
[42] Exs. 1-13 (camera 1 at 21:02);. 2-13.
[43] *See* Ex. 1-13 (camera 1 at 21:02).



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which an inference of lack of fitness or good character may be drawn. Section 310.06(b)(7) supports adverse action when the licensee's activity creates serious danger to public health, safety or welfare. And Section 310.06(b)(8) supports adverse action when the way in which the licensed 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 the public.

### i. March 30, 2020

The City maintains that surveillance footage of the licensed premises taken on March 30, 2020, shows that between 4:46 p.m. and 4:51 p.m. several males were loitering outside the door of the One Stop while several other males were sitting inside of an SUV in the parking lot. The City contends that Respondent's store manager, who was standing nearby, made no effort to address either group of individuals or to discourage them from loitering.[44] The City further contends that at 4:53 p.m. two additional vehicles enter the One Stop parking lot and the passengers in these vehicles engage in a dispute with the passengers in the SUV.[45] While the dispute unfolds, a crowd begins to gather in the parking lot. At 4:59 p.m., two of the parties to the dispute fire handguns at each other.[46] The entire incident takes place over the course of eight minutes.

The City contends that Respondent's store manager, Abdulhafiz Abukhdeir Mohamad, made no effort to break up the dispute or disperse the crowd "until the dispute had effectively ended."[47] According to the City, Mohamad's failure to intervene when the dispute escalated violated license condition #2 and demonstrates that Respondent operates the business in a manner that endangers the public in violation of Saint Paul Legislative Code § 310.06(b)(5)–(8). The City asserts further that had Respondent's store manager taken action to disperse the individuals on March 30, 2020, the shooting incident "could very well have been avoided."[48]

A review of the video footage from March 30, 2020, does not support the City's description of events.[49] Instead, it appears the altercation between the occupants of two SUVs begins at about 4:54:40 p.m. Respondent's store manager and an individual who appears to be another employee approach the cars at 4:55 p.m. and appear to direct them to move out.[50] One SUV does leave, but then returns at 4:58 p.m. The occupants exit both SUVs cars and start fighting at about 4:59 p.m.[51] Again, Respondent's store manager approaches the individuals and physically intervenes in what appears to be an attempt to break up the fight.[52] When shots are fired, Respondent's store manager runs

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[44] City's Motion at 5 citing Exs. 1-23 – 1-24.
[45] Exs. 1-23 – 1-24.
[46] Exs. 1-23 – 1-24.
[47] City's Motion at 10.
[48] City's Motion at 13.
[49] Ex. 1-21 (parts 1 and 2; cameras 7 and 12).
[50] *Id.*
[51] *Id.*
[52] *Id.*

back into the store and comes out with a handgun. At that point, both SUVs exit the parking lot.[53]

The report of Sergeant Rob Stanway, the SPPD officer assigned to DSI who viewed the video footage, likewise states that Respondent's store manager comes out of the store at 4:55 p.m. and walks towards the crowd as some cars leave.[54] After shots are fired at 4:59 p.m., Stanway reports that Mohamad retrieves his handgun from the store and comes back out of the store holding it in his right hand.[55] Stanway states that the remaining individuals then get in their vehicles and leave the premises.[56]

The City has failed to show it is entitled to summary disposition on its claim that Respondent violated license conditions and City ordinances by not dispersing loitering and by operating the business in an unsafe manner on March 30, 2020. Instead, the evidence demonstrates disputed factual issues as to what occurred at the One Stop on March 30, 2020, and what reasonable action was required on the part of Respondent in the eight minutes at issue. The disputed facts preclude granting judgment in favor of the City as a matter of law. Therefore, the City's claim that Respondent violated licensing conditions and city ordinances with respect to the March 30, 2020, incident will proceed to an evidentiary hearing if necessary.

**ii. June 1, 2020**

The City argues that Respondent likewise failed to take reasonable steps to intervene when a large group of people began fighting within the licensed premises on June 1, 2020.[57] Based on surveillance video, the City asserts that Respondent's employees failed to attempt to break up the fighting or to remove those fighting from the premises. In addition, the City contends that the video demonstrates multiple instances where firearms were openly transferred between patrons and employees.[58]

Respondent argues that the June 1, 2020, video footage does not reflect numerous fights or unsafe handling of firearms within the licensed premises.[59] Respondent also notes that June 1, 2020, was a night of great unrest throughout both the cities of St. Paul and Minneapolis in response to the killing of George Floyd. Respondent urges this tribunal to review the evidence in that context.

The City has failed to demonstrate that it is entitled to summary disposition on this claim. Material issues of fact exist as to whether Respondent took reasonable steps to address the fighting within the licensed premises on June 1, 2020. While the video footage of the chaotic fighting that broke out within the store is disturbing, Respondent's employees appear to have made attempts to remove people and to break up the fighting

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[53] *Id.*
[54] Ex. 1-4.
[55] *Id.*
[56] *Id.*
[57] Exs. 6-16 – 6-17; 2-19 – 2-28.
[58] Exs. 6-16 – 6-17; 2-19 – 2-28.
[59] Decl. of Z. Abukhudeer at ¶¶ 8-12, 21-37.



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at various points. There are material issues of fact that preclude granting summary disposition on this claim. Instead, Respondent should be allowed to address the alleged violations at an evidentiary hearing if necessary.

**iii. July 20, 2020**

The City asserts that on July 20, 2020, SPPD officers observed a large group of males gambling and shooting dice on the west side of the property of the licensed premises in broad daylight.[60] The officers noted that these males could be easily viewed by Respondent's employees by "simply looking out a window."[61]

Respondent argues that, contrary to the City's claim and the affidavit of the SPPD officer, there are no windows on the west side of the building that a One Stop employee could have looked out of to view activity on the premises. Respondent submitted two photographs of the building that appear to support his claim.

Respondent has demonstrated that material issues of fact are in disputes with respect to the City's claim that Respondent failed to take appropriate action to disperse loitering and operated the business in an unsafe manner on July 20, 2020. The City is therefore not entitled to summary disposition on this claim. This alleged violation will proceed to an evidentiary hearing if necessary.

**D. Failing to Comply with Requests for Surveillance Video**

The City contends that on April 27, 2020, the DSI sent a letter to Respondent requesting copies of all video footage of the licensed premises from March 30, 2020, starting at 4:30 p.m. and ending at 5:30 p.m. DSI gave Respondent seven days, until May 4, 2020, to fulfill the request. The City maintains that on May 4, 2020, Respondent notified the DSI by email that the requested footage was not available due to "mistreatment" of Respondent's surveillance equipment by an SPPD employee on April 24, 2020. The City notes that it is a condition of Respondent's license that Respondent maintain the surveillance equipment and provide requested video. The City also notes that Respondent did not complain of or report any mistreatment of its surveillance equipment until after the footage was requested. The City argues that Respondent's failure to provide the video and to maintain the surveillance equipment in working order violated Respondent's license condition #3. The City asserts that it is entitled to summary disposition on this claim.

Respondent asserts that he timely responded to the City's request for the surveillance footage by email on May 4, 2020.[62] Respondent explained in his email that he was unable to provide the video because his surveillance equipment had been mistreated by an SPPD employee on April 24, 2020, resulting in both of his hard drives failing.[63] Respondent states that the mistreatment of the equipment happened when the

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[60] Exs. 2-105; 11-1-2.
[61] Ex. 2-105.
[62] Decl. of Z. Abukhudeer at ¶ 12, Ex. E.
[63] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F.

SPPD employee came to the store to retrieve surveillance video from a different incident.[64] Respondent asserts that he replaced the hard drives the next day, but that, thereafter, it was unable to produce copies of videos prior to April 24, 2020.[65] Respondent advised the City in its email that the SPPD had a copy of the requested March 30 video footage, and suggested the City could obtain a copy from it.[66]

Respondent also points out that the City was able to obtain a copy of the requested surveillance video from the SPPD by April 15, 2020, at least 12 days before DSI formally requested a copy from Respondent. Respondent notes that SPPD Sergeant Robert Stanway, who was assigned to the DSI, states in a report dated April 15, 2020, that he reviewed the video after obtaining a copy from the SPPD.[67] Because Respondent provided the March 30 video to the SPPD and the City was able to ultimately obtain a copy of the footage from the SPPD, Respondent contends it did not violate license condition #3 by failing to provide the video as requested.[68]

In its submission in support of the motion, the City filed an Incident Report of City employee James Legierski.[69] In his report, Legierski states that he went to the One Stop on April 24, 2020, to collect surveillance video at the request of an SPPD officer.[70] Legierski asserts that the DVR was located approximately 16 feet up in the ceiling rafters and that while standing on a ladder, he pulled it down from the rafter causing it to hang by attached cables.[71] Legierski was able to copy the video he needed but states he was unable to push the DVR back up onto the rafter. Instead, he left it hanging and states that he notified the store manager who told him that he would take care of it.[72] Legierski's description of events on April 24, 2020, matches the photograph of the DVR submitted by Respondent.[73]

The City has failed to demonstrate it is entitled to summary disposition on its claim that Respondent violated conditions of its license by failing to provide a copy of surveillance video and failing to maintain surveillance equipment. Instead, Respondent has raised sufficient issues of disputed material facts that preclude finding a violation of license condition #3 as a matter of law. Viewing the facts in the light most favorable to Respondent, it appears Respondent's surveillance equipment was damaged on April 24, 2020, causing it to be unable to produce the requested video. Respondent asserts that it immediately brought the equipment in for repair but that it is now unable to produce video footage prior to April 24, 2020. Respondent timely advised the City of that fact and suggested it obtain a copy of the footage from the SPPD. Based on this record, the City has not shown as a matter of law that Respondent failed to properly maintain its

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[64] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F. *See also*, Ex. 1-17 (Supplemental Offense/Incident Report of Sgt. Tina Kill).
[65] Decl. of Z. Abukhudeer at ¶ 13.
[66] *Id.* at ¶¶ 12, 13; Ex. E.
[67] Ex. 10-1-2.
[68] *Id.*
[69] Ex. 1-17.
[70] *Id.*
[71] *Id.*
[72] *Id.*
[73] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F.



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surveillance equipment or that it failed to provide a copy of requested video footage. This claim will proceed to an evidentiary hearing if necessary.

## IV. Penalty

These are Respondent's first violations of the Saint Paul Legislative Code and under the City's penalty matrix, the presumptive penalty is a fine of $500.[74] The Saint Paul Legislative Code provides that the city council may deviate from the presumptive penalty in the matrix where it determines there are "substantial and compelling reasons" to do so.[75] The Code also provides that the occurrence of multiple violations shall be grounds for departure from the presumptive penalties at the city council's discretion.[76]

The requirement that the city council have "substantial and compelling reasons" to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires "substantial and compelling circumstances" to depart from the presumptive sentence for criminal convictions.[77]

The Minnesota Court of Appeals noted that the City's ordinances "provides a penalty matrix for licensing violations that is akin to the presumptive sentences provided in the Minnesota Sentencing Guidelines."[78] While the Administrative Law Judge recognizes the significant differences between imposing a criminal sentence and imposing an administrative penalty for a municipal code violation, the concepts underpinning the legal standard of review are analogous and, therefore, instructive.

Minnesota courts have held that the presumptive sentence should only be exceeded if the enhanced penalty is deemed to be "more appropriate, reasonable or equitable than the presumptive [penalty]."[79] The decision maker should impose the presumptive penalty unless "'substantial and compelling circumstances' based on aggravating factors warrant an upward departure."[80] To properly impose a penalty that is an upward departure from the presumptive penalty in the sentencing guidelines, then, the decision maker must have a specific factual basis.[81] "Substantial and compelling circumstances" are "factual circumstances that distinguish the case, making it atypical."[82]

The Minnesota Supreme Court has also held that "generally in a case in which an upward departure in sentence length is justified, the upper limit will be double the

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[74] St. Paul, Minn. Legis. Code § 310.05(m)(2).
[75] St. Paul, Minn. Legis. Code § 310.05(m).
[76] *Id.*
[77] Minn. Sent. Guidelines II.D (2019).
[78] *In the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* 2021 WL 562416, at FN #1.
[79] *Dillion v. State,* 781 N.W.2d 588, 595 (Minn. Ct. App. 2010) (citing *State v. Bingham,* 406 N.W.2d 567, 570 (Minn. Ct. App. 1987).
[80] *Id.*
[81] St. Paul, Minn. Legis. Code § 310.05(m)(ii).
[82] *Dillion,* 781 N.W. 2d. at 595.

presumptive sentence length."[83] The Court wrote: "Only in cases of 'severe aggravating circumstances' may the district court impose a greater-than-double departure from the presumptive sentence. Such cases, we have stated, are 'extremely rare'"[84]

Here, the City seeks to revoke the Respondent's licenses. Revocation is a greater-than-double upward departure from the presumptive $500 fine for a first violation provided in the penalty matrix. Therefore, following the guidance of Minnesota Supreme Court, the City must show that severe, aggravating, and factually atypical circumstances warrant such an upward departure from the presumptive penalty.

This tribunal applied this legal analysis in a recent case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota.[85] The city council "unanimously adopted the findings of fact, conclusions of law and recommendation of the administrative law judge."[86] In that case the city council found, based on the administrative law judge's report, "that 'severe aggravating circumstance support[ed] a greater-than-double upward departure from the presumptive penalty.'"[87] Those severe, aggravating circumstances included:

- gunfire,[88]
- shots fired from the gas station parking lot into neighboring buildings on multiple occasions,[89]
- neighbors who feared for their safety,[90]
- large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana,[91]
- drug deals in the parking lot,[92]
- physical assaults,[93]
- and ultimately a homicide.[94]

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[83] *State v. Evans,* 311 N.W.2d 481, 483 (Minn. 1981).
[84] *State. v. Shattuck,* 704 N.W.2d 131, 140 (Minn. 2005) (citing *State v. Spain,* 590 N.W.2d 85, 89 (Minn. 1999)).
[85] *See In re the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION (Minn. Office of Admin. Hearings Mar. 9, 2020).
[86] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *1.
[87] *Id.* at *4.
[88] *Id.*
[89] Findings of Fact, Conclusions of Law and Recommendation at p. 14.
[90] *Id.* at p. 13.
[91] *Id.* at p. 6.
[92] *Id.*
[93] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *4.
[94] *Id.*

In that case, the "licensee fostered this criminal actively by selling single cigarettes and drug kits."[95] "Between late April 2019 and the end of June 2019, the SPPD received more than 100 calls for service to the gas station."[96]

The city council found these events amounted to one of those rare instances where the "severe, aggravating and **factually atypical** circumstances . . . supported a [greater-than-double upward] departure from the presumptive penalty."[97] The Minnesota Court of Appeals affirmed the city council's revocation of the cigarette/tobacco and gas station licenses.[98]

In this case, Respondent violated Saint Paul's legislative code by selling single cigarettes, selling flavored tobacco products, and allowing patrons to smoke within the licensed premise in violation of Minnesota's Clean Air Act. These multiple violations support an upward departure on the City's penalty matrix.[99] But, while these violations are concerning, they are not the "severe, aggravating and atypical circumstances" that are required to support the revocation of Respondent's licenses.

Moreover, the remaining allegations, while more troubling, even if established at hearing, would not support revocation. The violations here are not as persistent, pervasive, or dangerous as those in the Midway Amoco BP case. This recommendation should not be taken as condoning the actions of Respondent, but rather a reasoned judgment that the violations established together with the violations alleged, are not so severe, aggravating, atypical, and rare as to meet the high legal standard necessary for a greater-than-double upward departure in the City's penalty matrix.

It is recommended that an upward departure to the second penalty box, a $1,000 fine, be imposed for Respondent's multiple sales of single cigarettes and flavored tobacco products, and for allowing patrons to smoke cigarettes while inside the store. This matter will proceed to a prehearing conference as indicated in the Order to discuss the remaining violations and whether an evidentiary hearing is necessary.

J. E. L.

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[95] *Id.*
[96] *Id.* at FN #4.
[97] *Id.* at *4 (emphasis added).
[98] *Id.*
[99] St. Paul, Minn. Legis. Code § 310.05(m).

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah
PH (651) 361-7900

December 6, 2022

**VIA EFILING ONLY**
Shari Moore
City Clerk
City of St. Paul
310 City Hall
15 W Kellogg Blvd
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul***
***License ID # 20190001624***
**OAH 80-6020-37157**

Dear City Clerk Moore:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter. A compiled record to date, along with the hearing audio, was submitted to your office on October 8, 2021. Documents filed after that date are enclosed with the Judge's Findings of Fact, Conclusions of Law, and Recommendation, including the audio from the July 25, 26, and 27, hearing. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7943, dara.xiong@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

DARA XIONG
Legal Assistant

Enclosure
cc: Docket Coordinator
Therese Skarda
Mark K. Thompson

EXHIBIT
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OAH 80-6020-37157

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

License ID # 20190001624

This matter came before Administrative Law Judge LauraSue Schlatter for a hearing on July 25, 26, and 27, 2022.[1] The record closed on September 16, 2022, when the Licensee filed his responsive closing statement.[2]

Stephen Earnest, and Therese A. Skarda, Assistant St. Paul Attorneys, appeared on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law PLC, appeared on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Licensee).

## STATEMENT OF THE ISSUES

Did the City demonstrate by a preponderance of the evidence that Licensee:

1) Failed to properly maintain its surveillance equipment,
2) Failed to provide a copy of its video surveillance footage, and
3) Permitted dangerous behavior and loitering on or near its licensed premises,

all in violation of the conditions attached to the licensed premises; and, if so, whether these violations constitute substantial and compelling reasons for an upward departure from the penalties applicable at Saint Paul Legislative Code § 310.05, to revocation.

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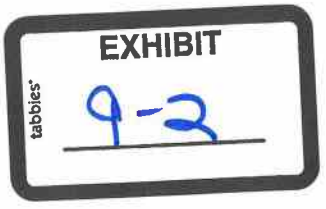
[1] See letter from Chief Judge Jenny Starr to Stephen Earnest, Assistant City Attorney and Mark K. Thompson, MKT Law, PLC (Feb. 3, 2022) notifying the parties of reassignment of case to Administrative Law Judge LauraSue Schlatter.

[2] Written closing arguments were originally due August 12, 2022. On that date, after Licensee had submitted his closing argument, the City requested a continuance. Following a telephone conference on August 17,2022, the City was granted until September 6, 2022, and the Licensee provided an opportunity to file a responsive argument on September 16, 2022. *See* Order for Post-Hearing Briefing Continuance (Aug. 24, 2022) and City's Closing Memorandum, Affidavit of Therese Skarda and attachments (Sep. 6, 2022).



## SUMMARY OF RECOMMENDATION

The Administrative Law Judge respectfully recommends that the City impose a penalty of $1,000, double the presumptive penalty under the penalty matrix.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

## FINDINGS OF FACT

### I. Procedural Background

1. Licensee Zakariya Abukhudeer (Zak)[3] is the owner and operator of The One Stop Market, LLC (OSM or Licensee), a convenience store located at 1541 Maryland Avenue East in Saint Paul. He purchased the OSM in June or July 2019, after working in similar businesses owned and run by members of his family.[4]

2. The City granted Licensee a Cigarette/Tobacco license for OSM subject to the following conditions:

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

c. The license holder shall maintain video surveillance cameras inside and outside the establishment in accordance with Saint Paul Police Department (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 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.

d. Signage placed on the inside and/or outside of the window shall not take up more than 30 percent of the window space and shall not be place in the area between four (4) and seven (7) feet above the

[3] Because several of the witnesses are related and share the last name Abudkhudeer, they will be referred to by their first names in this report.

[4] Testimony (Test.) of Zakariya Abudkhudeer. There is a second Zakariya Abudkhudeer who works at the OSM – he will be referred to as Zakariya.



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adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[5]

3. On September 10, 2020, the City issued a Notice of Violation to Licensee alleging violations of license conditions and city ordinances related to the operation of Licensee's business.[6] The City cited Licensee with violating license conditions 2 and 3 by failing to take reasonable steps to discourage loitering and by failing to provide a copy of surveillance footage as requested.[7]

4. The City also cited Licensee with violating city ordinances by selling single cigarettes and flavored tobacco products, and by operating the business in a manner that creates a serious danger to public health or safety, or permits conditions that unreasonably annoy the comfort or repose of the public.[8] The City initially requested an upward departure from the penalty matrix to a $2,000 fine and a 10-day suspension of all licenses with imposition of additional conditions.[9]

5. On April 8, 2021, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice).[10] The City stated that further review of surveillance footage resulted in the identification of additional incidents of sales of single or flavored cigarettes, as well as incidents of patrons and employees smoking within the licensed premises.[11] Based on the newly identified licensing violations, the City revised its penalty recommendation to request revocation of Licensee's license.[12]

6. On April 26, 2021, the City filed a Motion for Summary Disposition. Licensee filed his Response on May 26, 2021, and oral argument was heard on May 28, 2021. Licensee was given additional time to supplement his response opposing the City's requested deviation from the presumptive licensing violation penalty.[13]

7. On September 7, 2021, Administrative Law Judge James LaFave issued a thoughtful, well-reasoned, Recommendation and Order in which he recommended that the St. Paul City Council grant the City's motion for summary disposition with respect to Licensee's alleged violations of Saint Paul Legislative Code § 324.07(a) and (f) relating to Licensee's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020; and with respect to alleged violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to Licensee allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act.[14] The Order denied the City's motion for summary disposition with respect to Licensee's alleged violation of licensing

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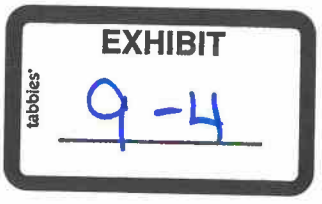
[5] Exhibit (Ex.) 1-14.
[6] Ex. 1-1.
[7] *Id.*
[8] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[9] *Id. See* St. Paul Legis. Code § 310.05(m) (penalty matrix).
[10] Amended Notice (Apr. 8, 2021). The Amended Notice was filed with the Office of Administrative Hearings on April 8, 2021, but is dated March 2, 2021.
[11] *Id.*
[12] *Id.*
[13] Ex. 3-10 – 3-11.
[14] Recommendation and Order on Motion for Summary Disposition at 2 (Sept. 7, 2021).





condition 3 and Saint Paul Legislative Code § 310.06(b)(5) relating to the failure to provide a copy of surveillance video as requested by the City; and with respect to the alleged violations of Saint Paul Legislative Code § 310.06(b)(5)-(8) and licensing condition 2 relating to Licensee's conduct on March 30, 2020, June 1, 2020, and July 20, 2020.

8. Thereafter, the City requested that its Motion for Summary Disposition be certified, pursuant to Minn. R. 1400.7600 (2021), to the Saint Paul City Council (City Council). The Licensee did not object to the request for certification, and on October 8, 2021, Judge LaFave issued an Order certifying the City's Motion for Summary Disposition to the City Council and staying all further proceedings at the Office of Administrative Hearings pending further decision by the City Council.[15]

9. On December 28, 2021, the City Council and Mayor Melvin Carter issued Resolution 21-1813

> Remanding the matter of the cigarette/tobacco license held by Zakariya Abukhudeer, d/b/a The One Stop Market LLC . . . back to the Administrative Law Judge so that an evidentiary hearing may be held on the allegations on which the Administrative Law Judge denied summary disposition.[16]

10. The Resolution further stated:

> [A]t a public hearing on November 17, 2021, the Department recommended that the City Council adopt Judge LaFave's order and recommendation, impose a $1,000.00 fine against the License, and dismiss the remaining allegations; . . .
>
> [At] the same hearing, after considering all the evidence contained in the record and the oral arguments presented before it, the City Council rejected the Department's recommendation and requested that the Department try the remaining allegations at an evidentiary hearing. . ."

11. Based on the City Council's Resolution, the Administrative Law Judge identified the issues to be addressed at the evidentiary hearing as:[17]

a. Whether One Stop Market violated licensing condition 3 and the Saint Paul Legislative Code § 310.06(b)(5) relating to the alleged failure to maintain video surveillance equipment and to provide a copy of surveillance video as requested by the City; and

b. Whether One Stop Market violated licensing condition 2 and the Saint Paul Legislative Code § 310.06(b)(5)-(8) relating to One Stop Market's conduct on March 30, 2020, June 1, 2020, and July 20,

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[15] Order on Certification (Oct. 8, 2021).
[16] City of St. Paul Resolution, RES 21-1813 at 1 (Dec. 22, 2021).
[17] Order for Continuance (May 31, 2022).

2020, in allegedly permitting dangerous behavior and loitering on or near the licensed premises.

12. In a Motion in Limine filed on July 24, 2022, the Licensee moved to prohibit the City, its counsel and witnesses "from directly or indirectly introducing or presenting any evidence, testimony, questions, arguments, and from referring or alluding to the charges already decided by this Court, [including;]"

1) violations of Saint Paul Legislative Code § 324.07(a) and (f) relating to Licensee's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020; and

2) violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to Licensee allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act.[18]

13. Following a prehearing argument on Licensee's motion, the Administrative Law Judge granted Licensee's motion, with the limitation that the City could refer to the established cigarette and tobacco violations in argument regarding penalties.[19]

## II. One Stop Market

14. OSM is located in a challenging area, surrounded by low-income housing. It is an area where, historically, there are problems with gangs, drugs, and gun violence, some of which became worse with the March 2020, COVID-19 lockdown.[20] Many area stores closed during the early days of the COVID-19 lockdown, but OSM remained open.[21]

15. Trouble around the store got really bad starting in about 2018 or 2019. At first, OSM hired off-duty police officers to help with security a few hours a day. They had trouble affording it once they were unable to sell menthol cigarettes.[22] In addition, OSM primarily relied on the off-duty officers to help trespass people who were causing trouble or loitering. It was a frustrating process, because people would get trespassed, but then would come right back. They were not jailed.[23]

16. Before it was known became the One Stop Market convenience store, the building housed a grocery store called Sam's Dairy. It was run for a time by others in the Abukhudeer family. Some people still call the store Sam's Dairy.[24]

17. Because of its challenging location, and the dearth of options for shopping, the OSM is needed in the neighborhood. Police involved in fighting drugs and gang

[18] Licensee's Motion in Limine (July 24, 2022).
[19] Hearing Digital Recording (on file with the Minn. Office Admin. Hearings).
[20] Test. of Sgt. Stanway, Sgt. Dunaski, Maan A., Faris A., Mohamed A., Zak A.
[21] Test. of Faris A.
[22] Test. of Zak A.
[23] Test. of Maan A.
[24] Test. of Zak A., Maan A.

violence in the area have found Zak and others working at the OSM to be helpful, and "part of the solution."[25] OSM provides the police with the videos they need when there is a problem.[26]

18. Police officers differed significantly in their understandings of how long a person or vehicle can remain on store property before they are "loitering" there. Loitering is not defined. Sergeant (Sgt.) Robert Stanway, the liaison officer between the St. Paul Police Department (SPPD) and the Office of Safety and Inspections (OSI) believes that a person who remains on the property of a business for about five minutes without doing business there is loitering.[27]

19. Sgt. Mike Dunaski, an SPPD officer whose district includes the area where OSM is located, and who regularly deals with illegal drug dealing, gang and other violence, homicides, robberies, etc., defines loitering differently. Sgt. Dunaski generally does not have concerns about loitering in the context of a business premises like OSM for about 15 minutes or so, even if the person or persons are not doing business there.

20. Sgt. Dunaski stated that, whether someone is loitering depends on why they are there – a person may be waiting for someone, to give them a ride, get a ride, or to go to the store. A person might be going to the laundromat. They might be looking for someone just to talk to, or for help finding work. They might be waiting for a bus. There are public sidewalks and a transit stop right there, too. Sgt. Dunaski looks at what people are doing – are there transactions? Are people handing things in and out of the car, changing money for things? Is the behavior consistent with drug transactions, or gang activity? Sgt. Dunaski sees a corner store as a place to hang out. He was not aware of OSM failing to prevent loitering.

21. Maan Abukhudeer and Zak are cousins. Maan opened a cell phone store in the corner of Sam's Dairy in 2014. He kept the business in the store after Zak bought the store.[28] Maan has had a conceal and carry permit throughout the time he has had his store at the Maryland Avenue location, but never had to pull his gun out. In 2020, with the advent of COVID-19 and the murder of George Floyd, things became much more violent everywhere in Minnesota, including the area around the OSM.[29]

22. The Abukhudeers intend to stay in the neighborhood to stay and want to protect the store, the neighborhood, and the people in it.[30]

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[25] Test. of Sgt. Mike Dunaski. Ex. 101.
[26] Test. of Dunaski.
[27] Test. of Sgt. Robert Stanway.
[28] Test. of Maan A.
[29] *Id.*
[30] Test. of Maan A.

## III. Video Equipment and Provision of Video

23. James Legierski is a data release technician for the SPPD. His duties include collecting and releasing video for the SPPD for all types of incidents, from residential package theft to homicide.[31]

24. On April 24, 2022, SPPD officer Tina Kill asked Legierski to go to the OSM to collect video for an incident that had occurred there the previous day. Legierski acknowledged he was not very good at estimating, but guessed that the DVR (digital video recorder) "was approximately 16 feet up in the ceiling."[32] Legierski had been to OSM ten or fifteen times before, but the DVR had been behind the store counter in the past.[33] A store employee provided Legierski with a ladder that was about five feet tall, which was not tall enough to enable Legierski to put his flash drive into the DVR's USB slot without pulling the DVR down from the rafter it was sitting on.[34] Legierski pulled on one of the cables to get the DVR down so he could reach it. He thought the cables attached to the DVR were primarily coaxial cables.[35]

25. Legierski retrieved the video he needed but was unable to reach high enough to replace the DVR on its shelf. He tried repeatedly to push it back onto the shelf, but each time he would try, the DVR would fall back down. He asked an employee for help replacing the DVR on the shelf. The employee told him not to worry about it, that the employee would take care of it. After checking to make sure that all twelve cameras connected to the DVR were still recording live, Legierski left the premises. Legierski did not check the hard drives after he retrieved the data he needed.[36] When he left OSM, the DVR remained hanging from the ceiling by a number of cables.[37]

26. The DVR was on a high shelf in the back room of the OSM on April 24, 2020, and is still stored on that shelf. The ceiling in the OSM building does not exceed twelve feet, but the floor of the back room is raised about a foot or a foot and a half, so the DVR is not more than 10 or 10-1/2 feet from the floor. A stepladder was kept handy for SPPD or Department personnel to access the DVR on request. Since the April 2020, incident with Legierski, Licensee has run a connecting cable and access drive to counter height, to allow a person to download video without having to access the DVR itself.[38]

27. None of Licensee's security systems are connected using coaxial cables. They are all connected using ethernet cables.[39] Ethernet cables connect using a lightweight plastic connector that snaps into place, like an old-fashioned telephone line connector. Only a few of the 12 cameras in the security system are connected directly to the DVR. The remainder of the cameras are connected to the server via switch box using

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[31] Testimony (Test.) of James Legierski.
[32] *Id.* Exhibit (Ex.) 1-17.
[33] Test. of J. Legierski.
[34] *Id.* Ex.1-17.
[35] Test. of J. Legierski.
[36] Test. of J. Legierski.
[37] *Id.* Ex. 104.
[38] Test. of Zak A.
[39] *Id.*

a "splitter system," which are in turn connected to the DVR. This configuration permits the cameras to be connected to the internet so they can be viewed online.[40]

28. Zak was ill with COVID-19 on April 24, 2020, so he was not present when Legierski came to collect the video. Zak waited until after store hours when no one would be there so he could check the DVR system without fear of infecting others. When he arrived at the store, he found the DVR system had fallen to the floor. The ethernet cables had broken off.[41]

29. Zak tested the system immediately and got a message that the hard drive had failed. He was able to purchase a replacement hard drive from the One Stop Wireless store located within OSM and complete the repair that night. The repaired system was up and running the next day.[42]

30. In a letter dated April 27, 2020, the City requested "a copy of all interior video cameras surveillance for . . . March 30, 2020 from 1630 (4:30 PM) to 1730 (5:30 PM) [.]"[43] The letter requested that the recording be provided to the Department of Safety and Inspections "no later than 4:30 PM on May 4, 2020."[44] According to the carbon copy indication on the face of the letter, it was sent to Zak at his home address.[45]

31. Zak received the letter on May 1, 2020.[46]

32. At 12:48 p.m. on May 4, 2020, Zak sent an email to the DSI, stating, in relevant part:

> [U]nfortunately, these tapes are not available on my system hard drive. I do not have any surveillance prior to April 24th when a SPPD officer was at the business retrieving surveillance for a different incident. Due to the mistreatment of my surveillance equipment, my DVR system fell to the floor causing both of my hard drives to fail. From my knowledge, SPPD already has a copy of the incident on March 30th which may be of help to you.[47]

33. Licensee has been requested to provide video to the SPPD or DSI over 50 times since opening OSM. The only time Licensee was unable to produce footage was in response to the Department's April 27, 2020, request for footage from March 30, 2020.

34. Sgt. Robert Stanway was assigned to the Department as a police liaison between the SPPD and DSI. As a police liaison, he would assist or supplement the work of the city inspectors. He often accompanied inspectors to help them ensure that facilities were compliant with licensing requirements, but he never personally accompanied the

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[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] Ex. 1-15.
[44] *Id.*
[45] *Id.*
[46] Test. of Zak A.
[47] *Id.* Ex. 1-16.

Department to OSM. Early in his career, when the store was known as Sam's Dairy, he visited the premises.[48]

35. Sgt. Stanway became involved with the March 30, 2020, incident at OSM after being told that there was an aggravated assault there. He reviewed the file and later the video regarding the assault to determine whether there were any violations of the license conditions in connection with the aggravated assault. The video copies he reviewed were ones he received from the SPPD that were collected at the time of the incident. Following his review of the videos, Sgt. Stanway wrote a Supplemental Report dated April 15, 2020, regarding the March 30, 2020, incident.[49]

36. Sgt. Stanway's Supplemental Report, based on the video he received from the SPPD, was dated more than ten days before the DSI requested the video from Licensee.[50]

37. The April 27, 2020 DSI request was for "all interior tapes" from the OSM for March 30, 2020, from 4:30 p.m. to 5:30 p.m. Because the tapes provided to the SPPD only provided one camera angle (camera 7) which included the interior of the store, OSM's inability to provide the requested tapes meant that DSI was unable to access all the video footage it had requested.[51]

38. According to DSI, damage to equipment could only be excused by an "act of God, or natural disaster."[52] Therefore, the City deemed OSM's failure to provide the requested video to be a violation of license condition 3.[53]

## IV. Permitting Dangerous Behavior and Loitering In Front Of or On the Property of the Licensed Business.

### A. March 30, 2020, Incident

39. Mohamed A. was working at the OSM on March 30, 2020.[54] At 4:46 p.m. on that date, Mohamed was standing outside the store, near the door.[55] A person called "Fresh" was working security for the store that day. Fresh was sitting outside, just west of the front door.[56] A cousin, Faris A., was working inside the store.[57] Maan was also working inside.[58]

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[48] Test. of Robert A. Stanway.
[49] *Id.* Ex. 114. The report was supplemental to a report Sgt. Stanway likely wrote on the day of the incident or possibly the day after, before he viewed the videos. Test. of R. Stanway.
[50] Ex. 114. *See* Ex. 1-15.
[51] Test. of E. Hudak. Ex. 1-13.
[52] Test. of E. Hudak.
[53] *Id.*
[54] Test. of Mohamed A.
[55] *Id.* Ex. 1-13, 16:46:13.
[56] Test. of Mohamed A.
[57] Test. of Faris A.
[58] Test. of Maan A.



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40. DSI determined that Fresh, Maan, and the couple of people they were interacting with in front of the store, were loitering during the first four or so minutes of the video.[59]

41. There are a couple of milk crates just to the west of the door where security or OSM staff may sit. No one else is permitted to sit in front of the store.[60] Store policy is, if you are not buying anything, you may not "hang out" in front of the store. "Hanging out" is if a person walks back and forth, or just stands in front of the door.[61]

42. The business in the eastern part of the building adjoining OSM is a laundromat. Sometimes people who appear to be loitering say that they are just waiting for their laundry to be done. [62]

43. On March 30, 2022, a black Dodge Durango was parked to the west side of the front door. Two people exited the Durango, and walked into the store, returning to the vehicle a moment later with two others. [63] DSI determined that conduct was abnormal, and that OSM employees should have told the Durango occupants to leave the premises.[64]

44. People from the Durango then made purchases in the store. [65] Other people came and went, to and from the store. Several were regulars to the store. Mohamed greeted people as they came and went, "mingling with the customers."[66]

45. Mohamed's younger brother, also named Zakariya, stepped outside the store briefly, to get something from Mohamed's truck.[67]

46. At approximately 4:51 p.m., a black SUV pulled into the parking lot from the west side, drove across the lot, and left to the east.[68] At about 4:53 p.m., a couple of additional cars entered the parking lot from the west. The same black SUV that had driven through two minutes before came through again, this time from east to west, stopping at the west driveway to the parking lot to sit parallel to a dark colored SUV/van that was just pulling in.[69]

47. Fresh rose from the spot where he had been sitting in front of the store, gesturing at, and apparently speaking to, the occupants of the side-by-side vehicles.[70]

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[59] Test. of Eric Hudak. Ex. 1-13, 16:46:13 -16:50.
[60] Test. of Faris A.
[61] Test. of Faris A.
[62] *Id.*
[63] Ex. 1-13, 16:50:50.
[64] *Id.* Test. of E. Hudak.
[65] Test. of Faris A. Ex. 1-13, 16:50:50.
[66] *Id.* Ex. 1-13, 16:46-16:51.
[67] Test. of Faris A.
[68] Ex.1-13, 16:50.
[69] Ex. 1-13, 16:53.
[70] Ex.113, 16:54.



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Mohamed, meanwhile, had gone back into the store as additional customers went inside.[71]

48. In a matter of 60 seconds, the parking lot transformed from quiet to what appeared to be a confrontation among at least six people standing among the four SUVs and vans.[72] During that time, Fresh, Mohamed, and Zakariya,[73] along with four or five other individuals assembled on the sidewalk in front of the OSM.[74] Mohamed and other OSM employees moved toward the western perimeter of the parking lot, and Mohamed approached each of the vehicles, including the Durango, telling the parties involved to leave. Within a minute and a half, everyone was back in their vehicles and all, but the Durango were moving.[75] Just as the other vehicles were moving, a person from the Durango in the bright orange jacket got into the back seat of the white car parked next to the Durango. In the pause before the SUV returned, that person got out of the white car next to the Durango, from rear driver's side door. The person in the orange jacket then went into the store.[76]

49. A minute and a half after leaving, the dark colored SUV/van returned, along with a different white car. A man wearing pants, but no shirt came around the northwest corner of the building, walked into the store, then out again towards the east, and was followed out by the person in the bright orange jacket.[77] A number of people got out of the Durango. All of the people from the vehicles and several who came from around the northwest corner of the building and inside the store streamed toward the eastern part of the parking lot, or beyond, out of camera range.[78] The person in the bright orange coat and the shirtless-man appeared intent on fighting one another.[79]

50. Fresh, Mohamed, Zakariya, and two other individuals stood in front of the store, watching. Mohamed initially thought that the group was leaving the store's property.[80] When the fighting escalated on the property, Mohamed handed his gun to Zakariya, so that Mohamed could approach the melee without concern that someone would take the gun from him.[81]

51. As Mohamed moved toward the conflict, a woman in a yellow shirt went to the dark SUV parked facing east in the middle of the lot and grabbed a crutch from the driver's side. She ran with it to the passenger side of the Durango and began hitting the rear passenger side of the Durango with the crutch. Mohamed moved to the woman who was swinging the crutch at people by then. His goal was to take the crutch so she could

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[71] Test. of Mohamed A.
[72] Ex. 1-13, 16:54:09-16:55:09.
[73] Zakariya is referred to as Zakariya to distinguish him from Zak, the owner of OSM.
[74] *Id.*
[75] *Id.* at 16:56:39.
[76] *Id.* at 16:56:28-16:57:39.
[77] *Id.* at 16:58:01-16:58:24.
[78] *Id.* at 16:58:03.
[79] Ex. 1-13 16:58:34-16:58:44 (Camera 14).
[80] Ex. 1-13, 16:58.
[81] Test. of Mohamed A. Ex. 1-13,16:58:53.



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not hurt anyone with it.[82] The man who apparently needed the crutches took the second crutch from the van. The woman who had taken the first crutch was fighting on the ground with another woman, and someone else grabbed the crutch she had. Mohamed took it, set it against the dark SUV, and moved toward the fighting women. He called to the OSM employees in front of the store, telling them again to call the police. The man holding the crutch swung it, hitting Mohamed with his crutch. About two seconds later, the crowd ducked simultaneously, then everyone scattered. Mohamed headed into the store.[83]

52. While the fight involving the crutches was reaching its climax, three men who had been standing apart, to the east of Mohamed's Chevy Silverado, moved to the front of the Silverado. One of the men, wearing white shoes, a grey hoodie, and a cap, handed a gun to the man wearing athletic pants, but no shirt. A third watched what was happening and stood back, then moved with the shirtless man toward the back of the truck.[84] The shirtless man fired the gun into the air as the two moved back. There was no apparent response from the crowd.[85] While no second shot is visible from the videotape, the crowd ducked and scattered as though they heard a shot, seconds after Mohamed was hit with the crutch.[86]

53. As the crowd dispersed, the shirtless man dashed behind the Silverado toward the Durango, aimed his gun at the passenger side front window, and shot into the Durango. His fire was returned multiple times by someone wearing an orange jacket, holding a gun from the rear passenger window of the Durango, as the shirtless man disappeared out of view to the west of the building.[87] Fresh hurried into the store as the shots were fired.[88]

54. Following the shooting, Mohamed and Fresh came back outside. Mohamed had his gun in hand initially, as he searched to see where the bullets were coming from. When he saw that everybody was running, he put his gun into his back pocket and he and Fresh focused on clearing the cars from the parking lot.[89]

55. Fresh picked up a purse from the lot near where the Durango had been parked.[90]

56. The Durango had just pulled out of the lot, when two people jumped out of it and came running back to the OSM, yelling that someone had been shot, saying "Somebody call an ambulance!"[91]

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[82] *Id.* Ex. 1-13, 16:59.
[83] Ex. 1-13, 16:59:08-16:59:57. Test. of Mohamed A.
[84] Ex. 1-13, 16:59-38-16:59:43.
[85] *Id.*, 16:59:43.
[86] *Id.*,16:69:50.
[87] *Id.*,16:57-17:00.
[88] *Id.*, 16:59:59.
[89] Test. of Mohamed A., Ex. 1-13, 17:00:07-53.
[90] *Id.* Ex. 1-13, 17:00:44.
[91] Test. of Mohamed A. Ex. 1-13, 17:01.



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57. Several people from OSM went to the Durango and suggested that they drive to the emergency room. The Durango passengers piled back in, and it pulled away. Mohamed saw shells on the property and called the police again.[92]

58. The police arrived approximately four and a half minutes after the shooting took place.[93] At least three of the OSM employees, Mohamed, Zakariya and Maan, had called police.[94]

59. Mohamed had never encountered violence of this sort at OSM before, although he had seen a similar situation when he worked as a security guard at a store in downtown Minneapolis.[95] In addition to the March 30, 2020, shooting in their own parking lot, Maan was aware of a recent shooting at a nearby gas station.[96]

60. After reviewing the video of the incident in the parking lot on March 30, 2020, DSI determined that OSM had violated the license condition requiring it to "mitigate or not allow loitering," and that that violation had created a serious danger to public health, safety or welfare. The OSI also concluded that the OSM permitted conditions to exist which unreasonably endangered public safety.[97]

61. Sgt. Dunaski is very familiar with east St. Paul.[98] His grandparents lived there when he was growing up and he is committed to it.[99] He has known the Abukhudeer family for a number of years, going back to John who ran Sam's Dairy.[100] As part of his community policing model, he gets to know store owners, to understand whether they are part of the problem or part of the solution.[101] He sees Zak and Maan as part of the solution.[102] They have been burglarized and had things stolen from them.[103] They have put themselves at risk.[104] But they share information, and help him get a jump on criminal activity.[105] They can text ahead if they hear something or see something, let police know who or how many people they should be looking for.[106] They know the community very well, know people by nicknames the police don't always know.[107] With increasing drug and gang crimes, businesses like OSM who are police-friendly can be very helpful.[108] The difficulty with OSM's location includes its proximity to the bus stop and the laundromat.[109]

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[92] Test. of Mohamed A.
[93] Ex. 1-13, 14:04:31.
[94] Test. of Faris A.
[95] Test. of Mohamed A.
[96] Test. of Maan A.
[97] Test. of A. Hudak. Ex. 1-22-26; S.P. Leg. Code § 310.06(b)(7), (8) (Ex. 3-13).
[98] Test. of Sgt. Dunaski.
[99] *Id.*
[100] *Id.*
[101] *Id.*
[102] *Id.*
[103] *Id.*
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] *Id.*
[108] *Id.*
[109] *Id.*

Between keeping their own business safe and how people may occasionally take advantage of a situation, he does not blame them if occasionally there are problems. Problems can flare up in a matter of seconds, they cannot have people outside every second.[110] In 21 years in that location, he knows that the community needs the store.[111] It provides an important service to the community, and OSM and the Abukhudeer family have helped him as an officer.[112] No one is perfect, but they do a lot in a challenging area.[113] Consistent ownership and employees are helpful to the police.[114]

**B. June 1, 2020, Incident**

62. Faris and Maan were working on June 1, 2020, along with a family friend, Osama, who was helping them out for the day. This was shortly after the May 20, 2020, murder of George Floyd in Minneapolis. There was significant unrest in both Minneapolis and St. Paul. Tensions and violence were heightened in the neighborhood where OSM is located.[115]

63. On June 1, 2020, at the apartments behind OSM, the residents were having a block party. Other neighborhood stores were closed, because many store owners were afraid of the rioting going on.[116] Because they know and are comfortable with the area and the customers around their store, the OSM remained open to serve the neighborhood.[117]

64. At 9:14 p.m., a woman named Dior entered the OSM, followed immediately by a woman in a black Minnie Mouse t-shirt (MM). Dior went to the front register, where Osama was sitting. Dior said "Call the cops, I'm not paying them, call the cops, I'm not paying them."[118] MM claimed that Dior had hit MM's car, and possibly others, while driving past them. MM was telling Dior to go to the ATM so Dior could pay the people whose cars she had hit.[119]

65. Dior and MM were followed into the store by about ten other people. Faris smelled alcohol on everyone's breath, "young and old."[120] In less than one minute of their initial entrance, Dior and MM's argument was escalating.[121] Maan A. immediately moved from his place behind the counter and, within 15 seconds of the time Dior and MM were facing off, Maan stood between them, separating them, and sending everyone out of the

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[110] *Id.*
[111] *Id.*
[112] *Id.*
[113] *Id.*
[114] *Id.*
[115] Test. of Sgt. Stanway, Sgt. Dunaski, Maan A., Faris A., Mohamed A., Zak A.
[116] Test. of Faris A. and Maan A.
[117] Test. of Maan A.
[118] Test. of Faris A. Ex. 1-13, 21:14:48 (pt. 5/56).
[119] Test. of Faris A.
[120] *Id.*
[121] Ex. 1-13, 21:15:33 (pt. 5/56).



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store.[122] Within just over 60 seconds, Maan, Faris and Osama cleared everyone involved in the dispute out of the store, except Dior.[123]

66. Maan wanted Dior to remain in the store, because "all those people were there for her."[124] About 15 to 20 people had followed Dior from the party at the building behind the store and were waiting for her outside. To try to keep her safe, Maan tried to get Dior to leave through the back door, so she could get to her car without the others seeing her, but she would not leave.[125] Maan personally escorted her to the back door multiple times, but she kept coming back into the store.[126]

67. Maan allowed a couple of people back in to try to talk to Dior. He referred to a woman wearing a cap with a stripe on the front as "the peacemaker" because she seemed to know everyone involved and to be trying to calm everyone and resolve things.[127] He also allowed MM's boyfriend, a man in a white t-shirt, who promised Maan he would not lay hands on Dior, but just wanted to try to speak with her.[128]

68. That conversation was not productive, and Maan ushered people out, and looked to see who was still in the store.[129] It was a constant process for Maan, Osama, and Faris as they kept clearing the store to keep fights from breaking out while waiting for police to show up.[130] Soon, people began to stream back in, again.[131] The three met with more resistance from a few individuals. Maan and Faris continued to watch the registers and serve customers while Osama stood at the door, monitoring who was coming and going. A helper began to vacuum the store. About three and a half minutes after the crowd had re-entered the store, it appeared calm once more.[132] Dior yelled at the crowd outside that she was not going to pay anyone any money and everybody could go home. She mostly stayed close to one of the employees.[133]

69. Just after 9:25 p.m., a group of people entered the store and several confronted Dior. They left again, but she appeared upset after they left. MM returned alone and confronted Dior.[134] Osama tried to intervene between MM and Dior, but the argument continued, and more people streamed in, several confronting Dior. During this time, OSM's security person was at the door, but apparently unable to stop the flow of people.[135]

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[122] Ex. 1-13, 21:15:48 (pt. 5/56).
[123] Ex. 1-13, 21:16:50(pt. 5/56).
[124] Test. of Faris A.
[125] *Id.* Test. of Maan A.
[126] Test. of Maan A.
[127] *Id.* Ex. 1-13, 21:17:29 (pt. 5/6).
[128] *Id.* Ex. 1-13, 21:17:31 (pt. 5/6).
[129] Test. of Maan A.
[130] *Id.*
[131] Ex. 1-13, 21:17:11 (pt. 5/56).
[132] Ex. 1-13, 21:20:44(pt. 5/56).
[133] Test. of Faris A.
[134] Ex. 1-13, 21:25:44-26:40(pt. 5/56).
[135] Ex. 1-13, 21:27:03-27:54.

70. Dior had been standing at the break in the counter near the front register. Faris moved onto the floor of the store, among the people arguing with her, apparently trying to protect her or calm the group. While she argued with a man in a white t-shirt, MM, who had stepped away, stepped in close again, and punched Dior.[136] Maan moved in next to Dior as she stepped back, behind the front counter. Dior spit at the man in the white t-shirt. He spit back.[137] Dior then picked up a wastebasket and threw it in the direction of the man in the t-shirt.[138]

71. The crowd on the floor disrupted in chaos, Dior ran toward the back of the store, still behind the counter. One of the women from the crowd got behind the counter immediately and began to attack Dior. They ran out of sight of the camera, with Maan, Faris, and much of the crowd in pursuit.[139]

72. A jumble of people, struggling with one another, returned immediately, still behind the counter, but moving toward the front of the store. Maan tried to hold the counter and the register so they did not crash to the floor. The crowd dispersed as they reached the opening of the counter, taking the fight and Dior outside. Faris and Osama shepherded them out the door.[140] A few regular customers returned to help clean up the mess.[141]

73. Dior returned, went behind the front counter, brandishing a water bottle, and taunting the crowd, yelling "Nobody can touch me!" toward the door, as Faris and Maan tried to calm her. They allowed her behind the counter because they were concerned for her safety.[142] The crowd returned, with a couple of people getting behind the counter and pursuing Dior as she ran toward the back of the store again. Osama followed this time, and Maan blocked others.[143] Osama closed and locked the back-office gate.[144]

74. There was a shotgun kept out of sight in the back office. It was just for show, to scare people in case of an emergency. There were no shells for it in the store. It has never been used.[145] Osama grabbed it from the back office, where it was placed out of sight. Osama re-entered the main part of the store with the shotgun his hands.[146] He brought it to Maan, who was standing at the front door.[147] Almost immediately, Maan returned the shotgun to the back of the store and put it behind the printer, where he felt it was secure. Then he put Fresh, their security person, in charge of it while Maan again

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[136] Ex. 1-13, 21:27:57.
[137] Ex. 1-13, 21:27:57-21:28.
[138] Ex. 1-13, 21:28:06.
[139] Ex. 1-13, 21:28:10.
[140] Ex. 1-13, 21:28:10-29:00. Test. of Maan A.
[141] *Id.*
[142] Test. of Maan A.
[143] Ex. 1-13, 21:29:00-29:53.
[144] Test. of Maan A.
[145] Test. of Faris A. and Maan A.
[146] Ex. 1-13, 21: 30:26.
[147] Ex. 1-13, 21: 31:10.



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tried to secure the store.[148] Fresh passed the shotgun to Faris who was behind the counter.[149]

75. Osama returned from the back of the store as people milled around, some again starting to help clean. Again, Faris and Osama ushered people out.[150]

76. There was also a handgun in a hidden, secured location near the front cash register on the evening of June 1, 2020. Only Faris and the other employees knew the handgun was there.[151] The gun was not loaded.[152]

77. A few agitated people remained. Maan and Fresh together removed them from the store. A woman in a white tank top who had been fighting earlier came out from the back and had a few words with Faris. When Faris walked away from his spot at the counter, the young woman looked at the front counter where he had been sitting and found the gun. She pocketed it. Another person in the store saw her take the gun and alerted Faris, who retrieved the gun from her.[153] She then left the store, followed by Dior.[154]

78. OSM staff called police within four minutes of the time Dior first entered the store. Dior herself called them, too.[155] At that time in 2020, it would usually take from five to 15 minutes for the police to arrive. The police had told OSM employees not to call unless it was an emergency.[156] That night the police arrived 20 minutes after Dior first entered the OSM.[157]

79. Officer Adam Hollander was the first officer to arrive. He told the remaining customers to leave and instructed Maan to finish his business with his cell customers and to close the store.[158]

80. Following the events of June 1, 2020, OSM was called to a meeting with Eric Hudak from OSI and Chief Axtel of the SPPD. Maan and Zak attended. Maan felt that Mr. Hudak did not respect the services provided by OSM and Maan, and was very critical of how they operated. Hudak left the meeting after about 15 minutes.[159] The conversation with the SPPD was cordial and primarily about how Zak and Maan were familiar with the neighborhood and several of the police assigned to the area and that

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[148] Test of Maan.
[149] *Id.*
[150] Ex. 1-13, 21:29:53-30:25.
[151] Test. of Faris A.
[152] Test. of Zak A.
[153] Ex. 1-13, 21: 33:21-:33:42.
[154] Ex. 1-13, 21: 34:10.
[155] Test of Faris A. and Maan A.
[156] Test. of Faris A.
[157] Ex. 1-13, 21:14:44, 21:34:32. Maan testified that it took the police an hour to arrive. While it may have felt like an hour to him, the videotape shows that it was 20 minutes.
[158] Test. of Maan A.
[159] *Id.*

they were working to help clean up the area. They brought information about the SPPD officers they had worked with to the meeting with them.[160]

### C. July 20, 2020, Report

81. Two officers from the SPPD filed a report stating that, on July 20, 2020, they passed OSM on their way to another call for service:

> As we drove by we saw a large group of black males loitering on the west side of the building. The males were gambling and shooting dice with a large pile of us [sic] currency in the middle of them on the ground as the prize for the dice game.
>
> . . . .
>
> As we were already on another call for service we were unable to get out and identify the individuals but did create a call for service and active BWC footage as we drove by.[161]

82. The west side of OSM has no windows. All the windows face the front of the store. A person would have to leave the store and walk over to the west side of the building in order to see what is happening on that side of the building.[162]

83. In the past, people gathered in groups to gamble in the vicinity of OSM. They stayed on the sidewalk, which is city property, so that OSM employees could not force them to move. OSM employees called police on several such occasions.[163]

84. No one from SPPD ever spoke to Zak or any of his employees about concerns regarding people gathering to gamble on the west side of the building before the July 20, 2022, report.[164]

85. Any Conclusion of Law more properly considered a Finding of Fact is adopted herein.

86. Any portion of the Memorandum more properly considered as a Finding of Fact is incorporated herein.

## CONCLUSIONS OF LAW

1. The Administrative Law Judge and the St. Paul City Council have jurisdiction to consider this matter pursuant to Minn. Stat. § 14.55 (2022) and Saint Paul Legislative Code §§ 310.05, .06 (2021).

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[160] Test. of Maan A. Ex. 100.
[161] Ex. 2-105.
[162] Test. of Zak A.
[163] *Id.*
[164] *Id.*



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2. The hearing in this matter was conducted in accordance with the Saint Paul Legislative Code § 310.05 and the contested case procedures of Minn. Stat. §§ 14.57, .62 (2022).

3. The City provided proper notice of the hearing and complied with all relevant procedural requirements of ordinance, rule or law.

4. Because the City is proposing that disciplinary action be taken, it has the burden of proving by a preponderance of the evidence that adverse action is warranted against the licenses held by OSM.[165]

5. Under the Saint Paul Legislative Code, the City Council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[166]

6. Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee has failed to comply with any condition set forth in the license or set for the resolution granting or renewing the license.

7. Saint Paul Legislative Code § 310.06(b)(6)(c) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or 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.

8. Saint Paul Legislative Code § 310.06(b)(7) supports adverse action when the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare.

9. Saint Paul Legislative Code § 310.06(b)(8) supports adverse action when the way in which a licensed 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.

10. The penalty matrix of the Saint Paul Legislative Code includes presumptive penalties for particular code violations.[167]

11. Saint Paul Legislative Code § 310.05(m) provides a matrix of penalties for first, second, third, and fourth appearances before the city council. For a first violation, the matrix penalty is a $500 fine. For a second violation, the penalty is a $1,000 fine. For a third violation, the penalty is a $2,000 fine and a 10-day suspension. For a fourth violation, the penalty is revocation of the license.[168]

12. Saint Paul Legislative Code § 310.05 (m) provides that the matrix penalties are presumed to be appropriate for every case, but also notes that the City Council may

[165] Minn. R. 1400.7300, subp. 5 (2021).
[166] St. Paul Legis. Code §§ 310.05(m); 310.06(a), (b)(6)(a).
[167] St. Paul Legis. Code § 310.05(m).
[168] *Id.*



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deviate in an individual case where the council finds substantial and compelling reasons making it more appropriate to do so. Multiple violations shall be grounds for departure from the presumptive penalties in the council's discretion.[169] If the City Council deviates, it must provide written reasons why the penalty selected was more appropriate than the presumptive penalty.[170]

13. The City failed to demonstrate by a preponderance of the evidence that OSM violated condition 3 of its license by failing to provide requested surveillance video to DSI.

14. The City failed to demonstrate by a preponderance of the evidence that OSM violated the condition 2 of its license by failing to take reasonable steps to discourage loitering on March 30, 2020, June 1, 2020, and July 2020, 2020.

15. The City failed to demonstrate by a preponderance of the evidence that OSM violated the condition 2 of its license by failing to take reasonable steps to discourage loitering on March 30, 2020, June 1, 2020, and July 2020, 2020.

16. The City failed to demonstrate by a preponderance of the evidence any OSM violations that would support adverse action under Saint Paul Legislative Code § 310.06(b)(5)-(8).

17. The City may take appropriate disciplinary licensing action against Respondent's license based on the following violations established by Administrative Law Judge James LaFave's September 7, 2021, undisputed Recommended Order on Summary Disposition:

a. By engaging in sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020, Respondent violated St. Paul Legislative Code § 324.07(a) and (f); and

b. By allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act, Respondent violated St. Paul Legislative Code § 310(b)(6)(a).

18. The City has not shown substantial and compelling reasons to triply upwardly depart from the presumptive penalty and revoke Licensee's cigarette/tobacco and second-hand licenses.

19. The attached Memorandum explains the reasons for these conclusions and is incorporated by reference.

Based on the Conclusions of Law, and for the reasons explained in the attached Memorandum, the Administrative Law Judge makes the following:

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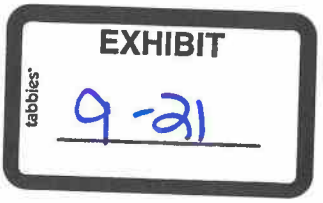
[169] *Id.* at § 310.05(m)(ii).
[170] *Id.* at § 310.05(m); Ex. 3-10.





## RECOMMENDATION

The St. Paul City Council should upwardly depart from the presumptive penalty and impose a penalty of $1,000 on OSM's licenses for the violations of law cited above.

Dated: December 6, 2022

LAURASUE SCHLATTER
Administrative Law Judge

Reported: Digitally recorded; no transcript prepared

## NOTICE

This report is a recommendation, not a final decision. The Saint Paul City Council will make the final decision after reviewing the record and may adopt, reject or modify the Findings of Fact, Conclusions of Law, and Recommendation issued by the Administrative Law Judge. Pursuant to Saint Paul Legislative Code § 310.05, the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. The parties should contact Shari Moore, City Clerk, City of Saint Paul, 290 City Hall, 15 West Kellogg Boulevard, St. Paul, MN 55102, to find out the procedure for filing exceptions and presenting argument.

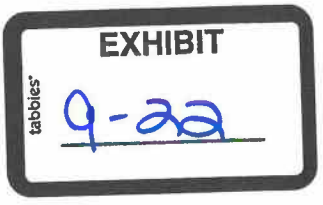
## MEMORANDUM

### I. Background

The Licensee had only owned the OSM for eight or nine months when the March 30, 2020, incident occurred in the parking lot of the OSM. But Zak and his staff were familiar with, and committed to serving, the east St. Paul neighborhood where the store was located. Before it was the One Stop Market, the store was Sam's Dairy, and was owned for a period of years by John, another relative of the Abukhudeers. Zak and Faris had both worked in the store when they were younger, and Maan had owned his cell phone business within the store since 2014. None had seen the kind of violence on the property that they witnessed in the spring of 2020 – the spring of the COVID-19 pandemic lockdown and the widespread civil unrest, including violent uprisings, following the police killing of George Floyd in Minneapolis. Zak and Maan were committed to remaining open to serve the community, even when nearby businesses closed.

OSM employed off-duty St. Paul police for a time, to act as security and to help trespass loiterers. When it became clear that people arrested for trespass were immediately released and showing up back at the store, and the St. Paul police were too expensive for OSM, the store switched to neighborhood people to assist with security.





One of those people, who is known as Fresh, was at the store on March 30, and June 1, 2020. All of the Abukhudeer cousins working at the store on the relevant days - Mohamed, Zak, Maan, and Faris - have conceal/carry gun licenses.

## II. March 30, 2020, Alleged Violations

The City relied on Sgt. Stanway and Mr. Hudak's conclusions following their review of the videotapes of the March 30, 2020, events at the OSM when it determined that the Licensee violated Saint Paul Legislative Code §§310.06(b)(5)-(8) and license condition 2, requiring it to take reasonable steps to discourage loitering in front of or on the property of the licensed business on that date. All of the March 30, 2020, violations related to Licensee's alleged failure to take reasonable steps to discourage loitering.

Hudak, Licensing Manager of the DSI, determined that the OSM had violated the cited ordinances and license condition concerning loitering. Hudak's findings were influenced by Sgt. Stanway's report, which was in turn based on his April 15, 2020, viewing of the video of the March 30 incident. But Hudak did not completely agree with Stanway's report. Hudak originally believed the first shots were fired from the Durango. Even at the hearing, after reviewing the relevant section of Stanway's report and the video, Hudak would only say that he would have to review the video more closely himself to decide whether he agreed with Sgt. Stanway.[171] The City specifically alleged it was OSM's failure to take reasonable steps to discourage the Dodge Durango from loitering on the afternoon of March 30, 2020, that caused the melee, and ultimately the shooting, in the parking lot.

Sgt. Stanway had not been to the OSM for a number of years – and not at all under its current ownership. Mr. Hudak had limited familiarity with the neighborhood and was unaware of problems in the area with gang activity.[172]

When Sgt. Stanway saw the beginning of the March 30, 2020, camera 12 video, and noted three people sitting outside the store, he assumed all three were loiterers. He was unaware that Fresh was employed as a security person by OSM.[173] Sgt. Stanway was not certain that Mohamed was an employee when Mohamed exited the store to stand outside with Fresh and two other people.

Sgt. Stanway testified that he considered "hanging around" with no apparent purpose for five minutes to be loitering. As the minutes passed, and conflict developed among people from various vehicles coming and going in the parking lot, Sgt. Stanway identified Mohamed as a likely staff person, and determined that neither Mohamed nor others he presumed to be staff did anything to prevent the Durango from loitering. Sgt. Stanway concluded that it was the presence of the Durango that caused the fighting

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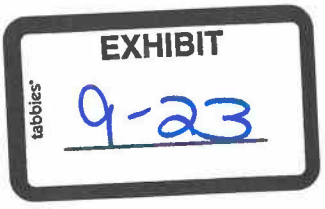
[171] Test. of E. Hudak.
[172] Test. of R. Stanway and E. Hudak.
[173] Ex. 1-13, 16:46:22 (Camera 12).





and that, had the Durango not been in the parking lot, there would have been no shots fired.[174]

Sgt. Stanway was not aware when he wrote his report where the shirtless man who fired the first shots got his weapon.[175] Nor did he comment on whether the shooter appeared to be connected to any of the other parties to the conflict.

The City failed to support its conclusion that OSM failed to take reasonable steps to discourage loitering at the store for several reasons. First, neither the Legislative Code nor the license conditions define "loitering." The basic meaning of the term is not hard to find. The Minnesota Supreme Court considers loitering "a term of common usage with a meaning reasonably understood by persons of common intelligence."[176] Black's Law dictionary defines "loitering" as "remaining in a certain place (such as a public street) for no apparent reason."[177] But neither the case law nor the dictionary specifies how long a person must remain in a certain place for "loitering" to apply. Nor did the City provide any guidance to OSM about how long a person, or a vehicle could remain on licensed premises "for no apparent reason" before it was considered loitering. The occupants of the Durango were not causing any trouble, they did not appear to be dealing drugs or otherwise breaking the law before their antagonists arrived. It is not clear how long they had been at OSM before the video recording begins, but at the very beginning of the video one of the occupants appears to have just made a purchase at the store.

Sgt. Stanway acknowledged that he had never been to the OSM, and that it had been some time since he had been to the east side of St. Paul. Sgt. Stanway drew a rigid five-minute line to define loitering.

But Sgt. Dunaski was very familiar with the area, and with the store. He deals with gangs, drugs, and violent crime in that area daily. He pointed out that, in a location such as the OSM, where there are a bus stop and a laundromat adjacent, and where the store is a kind of neighborhood hub, people linger in parking lots.[178] Sgt. Dunaski stated whether the lingering constitutes loitering depends on why the person is there – they may be waiting for someone, to give them a ride, to get a ride, to go somewhere. They may be looking at Google Maps. A corner store is a place to hang out. To determine whether someone is loitering, Sgt. Dunaski looks at the conduct of the people involved - whether there are transactions, lots of people handing things in and out of the car, whether there is money changing hands. He asks himself whether the behavior he sees is consistent with drug transactions or gang activity. Sgt. Dunaski gets concerned about loitering at about fifteen minutes or more.[179] While it is true that Sgt. Dunaski is concerned about crime while loitering as a license condition does not explicitly address criminal activity,

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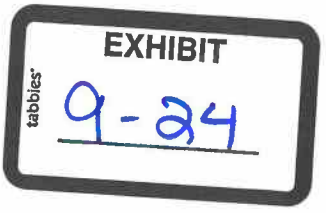
[174] Test. of R. Stanway.
[175] *Id.* Ex. 2-6.
[176] State v. Armstrong, 162 N.W.2d 357, 360 (Minn. 1968).
[177] *Black's Law Dictionary* 1084 (10th ed. 2014).
[178] Test. of R. Dunaski.
[179] *Id.*





the purpose of the license condition is to protect public safety. Therefore, Sgt. Dunaski's opinion concerning timing and loitering is both highly credible and relevant to this case.

DSI may correctly believe that a license holder lacks the expertise to determine whether certain conduct is suspicious. But with no timeline attached to the loitering condition, and the licensee's apparent comfort with the Durango, the City failed to demonstrate by a preponderance of the evidence that OSM failed to take reasonable steps to discourage loitering. Both Mohamed and Maan testified about their habits of making personal contact with customers. Maan emphasized the importance of knowing who their regular customers were, and who was law-abiding to their knowledge. If the Durango customers were familiar to Mohamed, he would have had no real reason to discourage them from remaining where they were.

Second, Sgt. Stanway did not recognize that both Fresh and Mohamed were aware of, and moved to clear, vehicles from the parking lot to avoid problems. Fresh began to address the two window-to-window vehicles while he was still sitting. Then he rose and walked closer to them, motioning to them to leave.[180] He continued to watch them, and was joined by Faris, Mohamed, and Maan.[181] Mohamed first waved the vehicles on, then he, Faris and Maan all walked toward them. Mohamed walked up to each of the vehicles, spoke to the drivers, including speaking to the people in the Durango as he walked past.[182] Mohamed even closed the passenger-side door of the west-facing SUV in the parking lot as he ushered the vehicle out.[183] These were reasonable steps to discourage loitering, taken as soon as it became apparent that something out of the ordinary might be going on.

It is not clear why the Durango did not leave with the other vehicles, but just one and a half minutes after the dark-colored SUV left, it returned. The woman in the yellow shirt exited the SUV, and the conflict began in earnest. Mohamed and Fresh watched for just about a minute, thinking the crowd, which was streaming eastward, was going to continue its fight off the property. When Mohamed realized the group was staying on the premises, he handed his gun to his brother, Zakariya, so that it would not be taken from him, and he moved toward the fighting parties to try to calm them down. In his attempt to intervene in the fight and to keep anyone from getting hurt, Mohamed wound up getting hit in the head with a crutch, and close to the line of gunfire. This attempt to keep the premises safe was, if anything, putting himself too much at risk. The City's claim that OSM failed to take reasonable steps to discourage loitering is not supported by a preponderance of the evidence.

The City asserted that, but for the presence of the Durango, there would not have been a shooting in the parking lot of the OSM on March 30, 2020. There is no evidence to support the City's assertion. The shirtless young man shot once or twice into the air to the east of where the crowd was fighting, then ran through the crowd, pointing his gun

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[180] Ex. 1-13, 16:53.
[181] *Id.* 16:55-16:56:30.
[182] *Id.* 16:56:28
[183] *Id.* 16:55:52.

toward them. He ran toward the Durango, finally shooting into the front passenger window of the Durango, then ran off, along the northwest side of the building.

He first arrived on the scene just before the fight started, and, after a momentary detour into the store, ran to the eastern portion of the parking lot, where he fought with the person in the orange coat from the Durango. He did not arrive with the gun, or with the person who gave him the gun. He also did not arrive in any of the other vehicles. It is unclear whether he was connected to the original antagonists in the fight, or he just showed up and got caught up in, or took advantage of, the height of the moment when he shot into the van. He did not shoot into the back seat, where the person in the orange jacket was sitting. His actions did not appear planned or well-executed.

There is no basis to conclude that, had the Durango not been there, the shooting would not have occurred, because it is not at all clear why the shooting occurred, or what the relationship was between the shooter and the occupants of the Durango. Therefore, the City failed to show by a preponderance of the evidence that, even if OSM failed to take reasonable steps to discourage the Durango from loitering, that that led to the shooting in the parking lot that day.

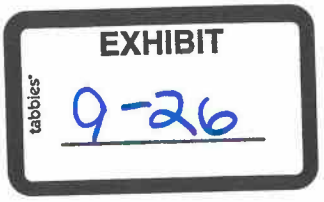
Finally, both Hudak and Stanway concluded that the individuals standing outside the store, including Fresh and Mohamed, were loitering, when they were engaged in conversation. Remaining in a particular place and engaging in conversation is different than remaining in a place for no particular reason. There are good reasons for store employees to engage people outside the store in conversation – to get to know who the neighborhood customers are, for example, especially unfamiliar people. At a neighborhood convenience store in a rough neighborhood, on the first nice spring day, with COVID-19 posing a danger to people in close quarters, it was not unreasonable for Fresh, Mohamed or other employees to chat with people in front of the store, and that conduct should not be considered loitering.

## III. April 27, 2020, Video Request

The City alleges that OSM violated license condition 3. That condition requires in relevant part that the license holder make surveillance videos available for at least 30 days to the SPPD immediately upon request, when it is responding to a crime and, in other circumstances, if the SPPD or the DSI requests copies of surveillance video, the licensee has 48 hours to provide such copies. The City determined that OSM's failure to provide all of the indoor video recordings from March 30, 2020, from 4:30 p.m. to 5:30 p.m. as DSI requested on April 27, 2020, violated license condition 3.

OSM's response to DSI's request was that the recordings were destroyed when the hard drive was damaged on April 24, 2020, after a representative of the SPPD, James Legierski, retrieved video from the store's video recorder and the recorder subsequently fell. Zak's May 4, 2020, email explaining the reason that the video was unavailable characterized Legierski's handling of the recording equipment as "mistreatment." The wording was unfortunate and inaccurate.





Legierski's testimony that, when he left the OSM, the equipment was still hanging from the shelf and all twelve cameras were working was both believable and consistent with Zak's testimony that, when he arrived later that night, the equipment had fallen to the floor and the hard drives were damaged. Legierski explained that the unnamed employee who was present told him not to worry about reinstalling the equipment up on its shelf near the ceiling. The employee was never identified and did not testify. Legierski could not deny the equipment pictured in exhibit 104 was the equipment he handled on April 24, 2020. He would not have seen it again, because the system was rewired so video footage could be retrieved from counter height instead of having to go up to the DVR itself.

Zak stated that all of his security systems are connected using ethernet cables.[184] He does not use coaxial cable. Ethernet cables connect using a lightweight plastic connector that snaps into place, like an old-fashioned telephone line connector. Furthermore, only a few of the 12 cameras in the security system are connected directly to the DVR. The remainder of the cameras are connected to the server via switch box using a "splitter system," which are in turn connected to the DVR. This configuration permits the cameras to be connected to the internet so they can be viewed online.[185] The configuration Zak described is consistent with the photograph at Exhibit 104. It is also consistent with the possibility that sometime between the time when the photograph at Exhibit 104 was taken and Zak arrived at the store later that night, the DVR might have fallen to the floor.

Assuming that is what happened, it did not occur due to Legierski's "mistreatment" of the recorder. It is not clear why the employee who said he would take care of it did not place the DVR back on its shelf. Nonetheless, the preponderance of the evidence supports Zak's statement that the DVR fell, albeit accidentally. The OSM had a perfect record of providing recordings at the request of the SPPD and the DSI. There would have been no reason for the OSM to lie in this instance and withhold a recording, or to destroy one early intentionally.

Hudak testified that only an "act of God or nature" would suffice as an excuse for not producing a video. The City does not include those limitations in condition 3. An accident that damaged a hard drive is a reasonable excuse, especially with a licensee who otherwise has a perfect response record and whose recording system, including the hard drive, was fixed by the next day. Here, while OSM was not able to provide the specific video requested, the most important video of the events of that day was provided to the SPPD which made a copy for the DSI. The DSI has not shown by a preponderance of the evidence that OSM's inability to provide the requested video by May 4 constituted a violation in substance of condition 3. For the City to refuse to excuse a single failure to comply with a request due to an accident, especially when there are no written exceptions for compliance, and the City's representative's testimony would have allowed one only for an "act of God or nature" appears to be an act of the City's whim rather than its

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[184] *Id.*
[185] *Id.*

judgment. This is especially so where the equipment in question involves electronics that can malfunction, sometimes in mysterious circumstances.[186]

## IV. June 1, 2020

The DSI also relied on video of the June 1, 2020, events at the OSM to determine the Licensee violated Saint Paul Legislative Code § 310.06(b)(5)-(8) and license condition 2, requiring it to take reasonable steps to discourage loitering in front of or on the property of the licensed business on that date. The allegations relevant to this proceeding include loitering, allowing an uncontrolled and dangerous environment, which included fighting, and unsecured firearms.

The video and testimony demonstrated, by a preponderance of the evidence, that OSM employees tried repeatedly to clear the store of an angry, drunk crowd that descended on them at about 9:15 p.m. Because they feared for Dior's safety, they tried to protect her by guiding her to a safe exit out the back door. When she would not go, they allowed her to remain in the store, trying to keep the crowd outside while waiting for the police to arrive. During the 20-minute wait, the crowd returned several times. Maan, who primarily took charge, tried to intervene as tempers flared. He tried to selectively allow a couple of people in to talk to Dior, hoping to calm everyone. He was not successful, and finally, he tried to keep everyone except Dior and his telephone customers outside.

When the crowd streamed back in and the fight erupted into chaos, Osama retrieved the rifle that was kept hidden in the back room. The rifle was not loaded, had never been loaded, and there were no shells in the store for it. It was purely for show. Osama, who was not an employee, but a friend helping out on a busy day, apparently thought it would be helpful to bring the rifle out. He brought it to Maan, who quickly brought it back behind the counter, trying to put it out of sight. Initially Maan put it near the cell phone counter, but no one was there to watch it, so he handed it to Fresh, who brought it to where Faris was standing at the front counter. He handed it to Faris, who put it between himself and the front counter. Ideally, the rifle should have been returned to its spot in the back room, but Dior was in the back room at that point. It was reasonable to leave to the unloaded rifle with Faris under the circumstances. It did not pose a danger to anyone at that time.

Faris, who is a licensed gun owner, testified that the handgun was secured next to the front register, inaccessible to the public. He can be seen handling the gun in view of non-employees who are helping to clean the store after the second outbreak of fighting. He puts the gun back under the counter but does not appear to secure it.[187] About two minutes later, a woman in a white tank top picks up the gun and puts it in her waistband or pocket. Another customer watches her do this, and alerts Faris, who goes after her and retrieves the gun from her without incident. The woman was not identified. Zak's testimony that the gun was not loaded was not refuted. While the unsecured gun is

[186] The City, in its post hearing brief, also claims that the OSM's response to the request was late. It was not – the letter requesting the video specifically allowed until the end of business on May 4. Ex. 1-15.
[187] Ex. 1-13, 21:31:27 (June 2, 2020, Camera 1).



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a concern, it did not place the public in danger because it was not loaded. Therefore, there was no violation of Saint Paul Legislative Code § 310.06(b) (6)(a), (7), and (8).

DSI also accurately stated that a customer who purchased cigarettes revealed a handgun for about two seconds as he adjusted it in his waistband after he is handed the cigarettes. Osama handed him the cigarettes and may have seen the gun, although that is not certain. Maan was getting the customer's change and appears to have been looking down in that moment. Again, it is not clear whether he noticed the gun. The customer left after getting his change. Even if Osama and Maan noticed the gun, it is unclear what they could or should have done since the cigarettes had already changed hands. Nor was there any reason to believe the public was ever in danger.

Based on all the evidence in the record, alleged firearms violations, and the alleged loitering violations, including allowing an uncontrolled and dangerous environment, are not supported by a preponderance of the evidence. The evidence shows that the employees of the OSM did all they reasonably could to control an unruly, drunk crowd that invaded the store.

## V. July 20, 2020, Violation

The City alleged that OSM violated license condition 2 requiring it to take reasonable steps to discourage loitering in front of or on the property. Two SPPD officers filed a report stating that, at approximately 7:40 p.m. on July 20, 2020, they passed the One Stop Market on their way to another call for service. Although they did not have time to stop and get out to observe what they saw, they were able to identify "a large group of black males loitering on the west side of the building." According to the report, the group was "gambling and shooting dice with a large pile of us (sic) currency . . . on the ground as the prize . . .." The police report stated that the group engaged in this conduct "in broad daylight on the store property where the employees could view them by looking out a window with ease." The report does not state how long the group on the west side of the building had been there, or what evidence the officers had to support their assumption that the group was there to gamble. The officers involved were not called to testify at the hearing.

The violation was based on this report alone, with no follow-up. OSM demonstrated that its store has no windows facing west and that, in order to see what was happening on the west side of the building, a person would have to leave the store, walk to the west corner of the building, and look around it. Zak testified that, to the extent OSM had witnessed gambling in the area around the store, people were careful to gamble on public sidewalks so store owners could not force them to leave. OSM had called police on several such occasions. The police had never expressed concerns about activities on the west side of the building.

The City failed to prove a violation of license condition 2 by a preponderance of the evidence. It is not reasonable to expect OSM to have an employee permanently stationed outside on a side of the building they cannot observe in any other way. An OSM employee could have checked the west side of the building five minutes before the police



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drove by and found nothing. There was no evidence presented at the hearing regarding this alleged violation at all. Thus, there was no basis to determine that whatever activity may have been occurring on the west side of the building on July 20, 2020, was due to OSM's failure to take reasonable steps to discourage loitering.

## VI. Penalty

Judge LaFave discussed the legal standard for upward departure from the presumptive penalty in a licensing case in his recommendation on motion for summary disposition in this matter. Because no additional violations have been found as a result of this evidentiary hearing, the Administrative Law Judge recommends that the City impose a penalty consistent with Judge LaFave's original recommendation: a $1,000 fine for Licensee's multiple sales of single cigarettes and flavored tobacco products, and for allowing patrons to smoke cigarettes while inside the store.

Judge LaFave reasoned that Minnesota courts have held that the presumptive sentence should only be exceeded if the enhanced penalty is deemed to be "more appropriate, reasonable or equitable than the presumptive [penalty]."[188] In this case, where these are licensee's first violations, the presumptive penalty is $500 under the City's penalty matrix.[189]

The decision maker should impose the presumptive penalty unless "'substantial and compelling circumstances' based on aggravating factors warrant an upward departure."[190] To properly impose a penalty that is an upward departure from the presumptive penalty in the sentencing guidelines, then, the decision maker must have a specific factual basis.[191] "Substantial and compelling circumstances" are "factual circumstances that distinguish the case, making it atypical."[192] The occurrence of multiple violations shall be grounds for departure from presumptive penalties at the city council's discretion.[193]

The Minnesota Supreme Court has also held that "generally in a case in which an upward departure in sentence length is justified, the upper limit will be double the presumptive sentence length."[194] The Court wrote: "Only in cases of 'severe aggravating circumstances' may the district court impose a greater-than-double departure from the presumptive sentence. Such cases, we have stated, are 'extremely rare.'"[195]

Here, the City seeks to revoke the Respondent's licenses. Revocation is a quadruple upward departure from the presumptive $500 fine for a first violation provided

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[188] *Dillion v. State*, 781 N.W.2d 588, 595 (Minn. Ct. App. 2010) (citing *State v. Bingham*, 406 N.W.2d 567, 570 (Minn. Ct. App. 1987).
[189] St. Paul Legis. Code § 310.05(m)(2).
[190] *Id.*
[191] St. Paul Legis. Code § 310.05(m)(ii).
[192] *Dillion*, 781 N.W. 2d. at 595.
[193] St. Paul Legis. Code § 310.05(m).
[194] *State v. Evans*, 311 N.W.2d 481, 483 (Minn. 1981).
[195] *State. v. Shattuck*, 704 N.W.2d 131, 140 (Minn. 2005) (citing *State v. Spain*, 590 N.W.2d 85, 89 (Minn. 1999)).

in the penalty matrix. This case has multiple tobacco-related violations – an upward departure is justified. But unlike the City's case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota, this is not a case involving gunfire from the premises of the gas station into neighboring buildings on multiple occasions, neighbors who feared for their safety, large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana, drug deals in the parking lot, physical assaults, and ultimately, a homicide.[196]

Even if the evidentiary hearing had resulted in findings of fact supporting some of the allegations regarding license condition 2 and permitting dangerous behavior on the licensed premises, that still would not come close to the conditions in the Midway Amoco BP case. But the evidentiary hearing revealed that the City failed to demonstrate by a preponderance of the evidence that the Licensee violated either of the license conditions, or the related provisions of the Saint Paul Legislative Code. Therefore, the recommended penalty is based on the violations as found in the Recommendation on the Motion for Summary Disposition.

**L. S.**

[196] *Midway University & Hamline LLC d/b/a Midway Amoco BP*, 562416 WL 2021, at *4.

# *Chapter 310. Uniform License Procedures*

## Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

*Adverse action* means 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.

*Bond* means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

*Building official* means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

*Chapters* and *these chapters* shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

*Class R licenses* means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class R Licenses | Legislative Code Chapter |
|---|---|
| Animal Foods Manufacturing and Distributing | 316 |
| Amusement Rides | 317 |
| Mechanical Amusement Devices | 318 |
| Bed and Breakfast | 378 |
| Bituminous Contractors | 320 |
| Rooming and Boardinghouses; Dormitories | 321 |
| Christmas Tree Sales | 323 |
| Cigarettes/Tobacco | 324 |
| Commercial Vehicles | 167 |
| Building Contractors | 326 |
| Courtesy Bench | 127 |

| | |
|---|---|
| Dry Cleaning Establishments and Pickup Stations; Laundries | 327 |
| Alarm Devices | 329 |
| Food Protection Standards | 331A |
| Fuel Dealers—Liquid Fuel | 332 |
| Fuel Dealers—Solid Fuel | 333 |
| Pest Control | 334 |
| House Sewer Contractors | 338 |
| Keeping of Animals | 198 |
| Lawn Fertilizer and Pesticide Application | 377 |
| Mercantile Broker | 340 |
| Oil—Bulk Storage | 342 |
| Peddlers | 345 |
| Solicitors | 345 |
| Pet Grooming Facility | 382 |
| Pet Shops | 347 |
| Solid Waste Hauler | 357 |
| Rental of Hospital Equipment | 350 |
| Rental of Kitchenware | 351 |
| Rental of Trailers | 352 |
| Roller Rinks | 353 |
| Sanitary Disposal Vehicle | 354 |
| Secondhand Dealers (Single Location, Multiple Dealers) | 355 |
| Sidewalk Cafe | 106 |
| Sidewalk Contractors | 356 |
| Solid Waste Transfer Station | 357 |
| Sign and Billboard Construction | 66 and 33 |
| Sound Trucks and Broadcasting Vehicles | 359 |
| Public Swimming Pools | 360 |
| Tanning Facility | 380 |
| Wreckers and Tow Trucks | 361 |
| Taxicab Driver | 376 |
| Taxicab Vehicle | 376 |
| Tree Trimming | 362 |
| Food Vending Machines | 363 |
| Veterinary Hospital | 364 |
| Window Cleaning | 365 |
| Block Parties | 366 |
| Wrecking of Buildings | 368 |
| Building Trades Business Licenses | 369 |
| Building Trades Certificates of Competency | 370 |
| Finishing Shop | 371 |
| Tire Recapping Plants | 372 |
| Massage Center | 412 |
| Therapeutic Massage Practitioner | 414 |
| Vehicle Immobilization | 383 |
| Short-term Rental Platform | 379 |
| Short-term Rental Host | 379 |



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11-2

*Class T licenses* means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class T Licenses | Legislative Code Chapter |
|---|---|
| Amusement Rides—Temporary | 317 |
| Close-Out Sales | 325 |
| Transient Merchants | 345 |
| Gambling—Temporary | 402.06 |
| Entertainment—Temporary | 411 |
| Extension of Service Area-Liquor | 409 |
| Soliciting Funds—Tag Days | 391 |
| Temporary On-Sale Malt (3.2) | 410 |
| Temporary Wine, Wine Licenses for Festivals and Liquor | 409 |
| Secondhand Dealer—Exhibition | 355 |
| Temporary World Cup Soccer License | 409, 410 |

*Class N licenses* means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class N Licenses | Legislative Code Chapter |
|---|---|
| Automobile Repair Garage and Body Shop | 423 |
| Pool Hall, Bowling Center | 322 |
| New Motor Vehicle Dealer | 401 |
| Bingo | 402 |
| Bingo Halls | 403 |
| Cabaret | 426 |
| Private Clubs - Liquor | 409 |
| Dance or Rental Halls | 405 |
| Firearms Dealer | 225 |
| Gambling Hall | 278 |
| Game Rooms | 406 |
| Gas Station | 424 |
| Gambling Location | 409 |
| Hotel/Motel | 407 |
| Health/Sports Club | 427 |
| Infectious Waste Processing | 429 |
| Recycling Collection Center/Recycling Processing Center | 408 |
| Second Hand Dealer—Motor Vehicle Parts | 401 |
| Motor Vehicle Salvage Dealer | 422 |
| Intoxicating Liquor—On and Off Sale | 409 |

| | |
|---|---|
| Brewpub/Off-Sale | 409 |
| Off-Sale Brewery | 409 |
| Motorcycle Dealer | 401 |
| Pawn Shop | 344 |
| Nonintoxicating Liquor-On and Off Sale | 410 |
| Entertainment | 411 |
| Conversation/Rap Parlors | 413 |
| Steam Room/Bathouse | 428 |
| Theatres and Movie Theaters | 415 |
| Motion Picture Drive-In Theatres | 416 |
| Second Hand Dealer—Motor Vehicle | 401 |
| Parking Lots and Parking Garages | 417 |
| Scrap and Metal Processor | 420 |
| Liquor Extension of Service Hours | 409 |
| Liquor Outdoor Service Area (Patio) | 409 |
| Currency Exchange | 381 |
| Small Brewer Off-Sale—128 Ounces License | 409 |

*Department* means the department of safety and inspections.

*Director* means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

*Fee* means and includes both the license fee and application fee unless otherwise provided.

*Inspector* as used in these chapters means the director of the department of safety and inspections or his or her designee.

*License* means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

*Person* means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

*Zoning administrator* means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19; Ord 22-35, § 2, 8-3-22)

## Sec. 310.02. Application.

(a) *Form.* All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall

not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.

(b) *Taxes.* No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.

Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:

(1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;

(2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or

(3) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (1) above, the license may be revoked if the licensee defaults upon such agreement.

(c) *Additional information.* The inspector shall prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The inspector shall require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

(d) *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no person may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

(e) *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

(f) *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.

(g) *Waiting period after filing of petition.* Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

(Code 1956, § 510.02; C.F. No. 95-473, § 2, 5-31-95; Ord. 21-26, § 2, 7-28-21)

## Sec. 310.03. Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

## Sec. 310.04. Levels of approval; recommendations.

(a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.

(d) *Class N licenses.*

(1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected

neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal.* The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal.* The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

## Sec. 310.05. Hearing procedures.

(a) *Adverse action; notice and hearing requirements*. In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee shall be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the

inspector, by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.

(b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee shall have been notified in writing that adverse action may be taken against the license or application, and that he or she is entitled to a hearing before action is taken by the council. The notice shall be served or mailed a reasonable time before the hearing date, and shall state the place, date and time of the hearing. The notice shall state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the inspector or by the city attorney.

(c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing shall be held before the council. Otherwise the hearing shall be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee shall be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.

(c-1) *Procedure; hearing examiner.* The hearing examiner shall hear all evidence as may be presented on behalf of the city and the applicant or licensee, and shall present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council shall consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and shall not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council shall provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with such additional arguments presented at the hearing, the council shall determine what, if any, adverse action shall be taken, which action shall be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

(c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein shall prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, shall mean and include a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.

(d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.

(e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.

(g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall be complied with and shall supersede inconsistent provisions of these chapters. This shall include, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.

(h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

(i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.

(j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall be prepared by the license inspector and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.

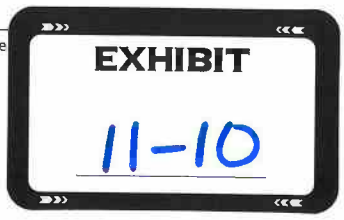
(k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor.

(l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall be controlling.

(m) *Presumptive penalties for certain violations*. The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. 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.

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |
| (1) Violations of conditions placed on the license | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (2) Violation of provisions of the legislative code relating to the licensed activity | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (4) Failure to permit entrance or inspection by DSI inspector or police | 5-day suspension | 10-day suspension | 15-day suspension | Revocation |
| (5) Commission of a crime other than a felony on the premises by a licensee or employee | $700.00 | $1,500.00 | 5-day suspension | Revocation |
| (6) Commission of a felony on the premises by a licensee or employee | $2,000.00 | Revocation | n/a | n/a |





| | | | | |
|---|---|---|---|---|
| (7) Death or great bodily harm in establishment related to violation of law or license conditions | 30-day suspension | 60-day suspension | Revocation | n/a |
| (8) Failure to pay license fees | Suspension | Revocation | | |
| (9) Critical violations under 331A | $250.00 | $500.00 | $1,000.00, 5-day suspension | Revocation |
| (10) Non-critical violation under 331A | $150.00 | $250.00 | $500.00 | $1,000.00 |
| (11) Taxi fail to display driver's license as required by 376.16(f) | $100.00 | $250.00 | $500.00 | Revocation |
| (12) Taxi fail to display number of information and complaint office as required by 376.11(v) | $100.00 | $250.00 | $500.00 | Revocation |
| (13) Violation of restrictions upon sidewalk café license under 106.01(b) | $200.00 | $400.00 | $800.00 | Revocation |

(i) *Fines payable without hearing.*

A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance"

for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

(iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.

(iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.

(v) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.

(6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

## Sec. 310.06. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.

(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;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

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.

(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.

(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.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.

(13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section shall mean and include any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting

security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The inspector may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses. The council may impose such conditions on Class N licenses with the consent of the license holder, or upon any class of license as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the council in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.

(d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

(1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;

(2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

(3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;

(4) The management practices of the licensee or applicant with respect to each of such licenses;

(5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;

(6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and

(7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Code 1956, § 510.06; Ord. No. 17584, § 1, 8-25-88; Ord. No. 17657, § 15, 6-8-89; Ord. No. 17659, § 2, 6-13-89; Ord. No. 17901, §§ 2, 3, 1-14-92; Ord. No. 17917, §§ 2, 3, 3-31-92; Ord. No. 17922, § 1, 4-28-92; C.F. No. 94-500, § 3, 7-6-94; C.F. No. 94-1340, § 3, 10-19-94; C.F. No. 95-473, § 5, 5-31-95; C.F. No. 99-500, § 3, 7-7-99; C.F. No. 06-954, § 2, 11-8-06; C.F. No. 06-1072, § 2, 12-27-06)

## Sec. 310.07. Termination of licenses; surety bonds; insurance contracts.

(a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications shall automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and shall not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § 310.05. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul shall be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, shall first be approved as to form by the city attorney.

(3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.

(4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.

(c) *Termination of bonds and insurance required by city.* Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the requirements of Chapter 8 of the Saint Paul Legislative Code.

(d) *Expiration date to be concurrent with term of license or permit.* The expiration date of all such policies, bonds, guarantees or certifications shall be concurrent with the expiration date of the license or permit.

(Code 1956, § 510.07; Ord 12-74, § 1, 11-28-12)

## Sec. 310.08. Terms of licenses; uniform dates.

(a) All licenses or permits shall be valid for a period of one (1) year from the date of issuance by the inspector, except as otherwise provided herein or in these chapters or in cases of revocation, suspension or termination under section 310.06.

(b) Licensees may continue to operate their business after the expiration date of their license; provided, that the licensee has filed with the inspector on or before the expiration date the appropriate license application, license fees, insurance and bonds. The inspector shall process the renewal application in the manner provided for in this Code.

(c) Whenever any licensee is the holder of the two (2) or more licenses of the City of Saint Paul which expire on different dates, the inspector is authorized, at the request of the licensee, to determine a uniform date for the expiration of all or any number of such licenses, notwithstanding the term and expiration dates of such licenses as originally issued, and notwithstanding any provision as to term of license of any ordinance of the city heretofore or hereafter enacted. The provisions hereof shall govern the issuance of any new license to one already holding a license.

(d) In order to conform to the foregoing provisions, new licenses may be issued for a term of less than one (1) year, and the license fee therefor shall be prorated for the period of issuance.

(Code 1956, § 510.08; Ord. No. 17360, § 1, 6-5-86)

## Sec. 310.09. Fees.

(a) *Exempt organizations.* The Legislative Code exempts certain organizations from paying the customary license or permit fees or establishes a nominal fee of less than seven dollars ($7.00). The terms and conditions of such exemptions are stated within the applicable chapters. Such organizations shall pay a five dollars ($5.00) minimum processing fee for each and every application for a license or permit to be issued by the division manager, director or council of the city.

(b) *Fee schedule.* The council may by ordinance determine and establish one (1) fee schedule for any or all licenses and permits issued pursuant to these chapters, and a separate fee schedule for applications for such licenses and permits, which may include fees to cover costs incurred by reason of the late filing. Such fees, in either schedule, shall be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration shall mean and include, but without limitation by this specification, both direct and indirect costs and expenses, such as salaries, wages, benefits and all personnel costs including training, seminars and schooling, expenses of investigations and inspections, handling of inquiries and requests for assistance, telephone and communications, stationery, postage, paper, reproduction, office capital equipment and all office supplies. Such fee schedules as adopted by ordinance and posted in the office of the inspector shall supersede inconsistent fee provisions in these chapters or in other ordinances or laws.

(c) *Fee for one year; may be prorated.* Unless otherwise specifically provided, the license fee stated is for a period of one (1) year. Such fee may be prorated where a license is issued for a period of less than a year.

(d) *Late fee.* Unless otherwise specifically provided by the particular licensing provisions involved, an applicant for the renewal of a license who makes application for such renewal after the expiration date of such license shall be charged a late fee for each such license. The late fee shall be in addition to any other fee or payment required, and shall be ten (10) percent of the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the expiration date of such license. The late fee shall not exceed fifty (50) percent of the annual license fee. If any provision of these chapters imposes more stringent or additional requirements for the issuance of an original license than would be the case for mere renewal, those requirements must be met when the license has lapsed by reason of expiration.

(e) Environmental change of ownership fee. Unless otherwise stated, the environmental change of ownership fee shall be 25% of the environmental plan review fee for each license type.

(Code 1956, § 510.09; Ord. No. 16884, 2-11-82; Ord. No. 17802, § 1, 1-10-91; C.F. No. 03-893, § 1, 11-5-03)

## Sec. 310.10. Refunds of fees.

(a) *Refund where application withdrawn; service charge.* Unless otherwise specifically provided by the particular licensing provisions involved, where an application for any license is withdrawn, the inspector shall refund to the applicant the license fee submitted less a service charge to recover in part the costs incurred in processing the application in the amount of twenty-five (25) percent of the annual license fee.

(b) *Limitation on refund; other cases.* In all other cases as provided in paragraph (c), the director of the department of safety and inspections, or his designee, may upon receipt of a written request refund the license fee, less a service charge to recover in part the costs incurred in processing the application up to twenty-five (25) percent of the annual licensee fee.

(c) *Bases for refunds.* Refunds under paragraph (b) may be made to the licensee or his estate:

(1) Where the place of business of the licensee or his principal equipment is destroyed or so damaged by fire or any other cause that the licensee ceases for the remainder of the licensed period to engage in the licensed activity or business;

(2) Where the business or licensed activity ceases by reason of the death or illness of the licensee or the sole employee or manager; or

(3) Where it has become unlawful for the licensee to continue in the business or licensed activity other than by cancellation, termination, revocation, suspension, denial or any criminal activity on the part of the licensee.

(Code 1956, § 510.10; C.F. No. 09-516, § 1, 6-10-09; Ord. No. 11-69, § 1, 8-24-11; Ord 12-33, § 1, 6-27-12)

## Sec. 310.11. Transfers; general.

(a) *License a privilege, not property.* All licenses or permits issued by the City of Saint Paul pursuant to these chapters or other ordinances or laws confer a privilege on the licensee to engage in the activity or occupation so licensed, and do not constitute property or property rights or create any such rights in any licensee. No such license or permit may be seized, levied upon, attached, executed upon, assessed or in any manner taken for the purpose of satisfaction of any debt or obligation whatever.

(b) *Licenses not transferable; conditions.* Notwithstanding any other provision of the Saint Paul Legislative Code to the contrary, no licenses issued by the City of Saint Paul shall be transferable.

(c) *Transfer; definition.* "Transferable" means the ability to transfer a license or licenses from one (1) person to another, or from one (1) location to another. "Transfer," as used in these chapters, shall include a transfer from person to person, or from place to place, or a transfer of stock in a corporate licensee, or of shares or interests in a partnership or other legal entity. "Transfer," as used in these chapters, shall not include the instance where a license is held by an individual or partnership and the transfer is by said individual or partnership to a corporation in which the majority of the stock is held by said individual or by the members of said partnership.

(d) *Deceased licensee.* Notwithstanding any other provision of these chapters, in any case where a liquor license is held by a person not incorporated and where the license would, by reason of the death of said licensee, lapse to the city in the absence of this paragraph, the authorized representative of the estate of the deceased licensee may consent to and seek to reissue said license to the beneficiary to the licensed establishment. The reissuance shall be subject to all applicable requirements of these chapters and existing law.

(Code 1956, § 510.11; Ord. No. 16822, 9-3-81; Ord. No. 17551, § 3, 4-19-88; C.F. No. 95-473, § 6, 5-31-95)

## Sec. 310.12. Inspection of premises.

The premises, facilities, place, device or anything named in any license issued pursuant to any provision of the Saint Paul Legislative Code or other law shall at all times while open to the public or while being used or occupied for any purpose be open also to inspection and examination by any police, fire, or health officer or any building inspector of the city, as well as the inspector.

(Code 1956, § 510.12)

## Sec. 310.13. Renewal.

Every license renewal under these chapters may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust, or similar program, established for the benefit of his employees.

(Code 1956, § 510.13)

## Sec. 310.14. Savings clause.

(a) If any provision in these chapters is held unconstitutional or invalid by a court of competent jurisdiction, the invalidity shall extend only to the provision involved and the remainder of these chapters shall remain in force and effect to be construed as a whole.

(b) The repeal of any ordinance by this ordinance (which enacts the Uniform License Ordinance) shall not affect or impair any act done, any rights vested or accrued, or any suit, proceeding or prosecution had or commenced in any matter, prior to the date this ordinance became effective. Every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if the repealed ordinances had themselves remained in force and effect. Every such suit, proceeding or prosecution may be continued after repeal as though the repealed ordinances were fully in effect. A suit, proceeding or prosecution which is based upon an act done, a right vested or accrued, or a violation committed prior to repeal of the repealed ordinances, but which is commenced or instituted subsequent to repeal of the repealed ordinances, shall be brought pursuant to and under the provisions of such repealed ordinances as though they continued to be in full force and effect.

(Code 1956, § 510.14)

## Sec. 310.15. Penalty.

Any person who violates any provision of these chapters, or other ordinances or laws relating to licensing, or who aids, advises, hires, counsels or conspires with or otherwise procures another to violate any provision of these chapters or other ordinances or laws relating to licensing is guilty of a misdemeanor and may be sentenced in accordance with section 1.05 of the Saint Paul Legislative Code. The term "person," in addition to the definition in section 310.01, shall for the purpose of this section include the individual partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof, who shall be responsible for the violation.

(Code 1956, § 510.15)

## Sec. 310.16. Reserved.

Editor's note(s)—Section 310.16, pertaining to license fees and annual increases, and derived from Ord. No. 16885, adopted Feb. 11, 1982; Ord. No. 17059, adopted Oct. 20, 1983; and Ord. No. 17303, adopted Oct. 29, 1985, was repealed by Ord. No. 17884, § 1, adopted Nov. 19, 1991.

## Sec. 310.17. Licensee's responsibility.

Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working for or 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. To the extent this section is in conflict with sections 409.14 and 410.09 of the Legislative Code, this section shall be controlling and prevail; but shall not otherwise amend, alter or affect such sections.

(Ord. No. 17629, § 1, 1-31-89)

## Sec. 310.18. License fee schedule.

Notwithstanding the provision of any other ordinance or law to the contrary, the following fees are hereby provided for all the licenses listed herein. These fees supersede all inconsistent provisions, including, but not limited to, graduated fee provisions, in these chapters and in other ordinances and laws, and include the fee for the license application as part of the license fee; provided, however, that this section does not amend or modify sections 310.09(a) or 310.09(d) of the Legislative Code with respect to exempt organizations or late fees. Pursuant to section 310.09(b) of the Legislative Code, these schedules shall be posted in the office of the director. These fees shall be effective for license renewals and new license applications occurring on and after January 1, 1995, or on the effective date of this section, whichever is later; provided, however, that with respect to all licenses whose renewal dates occur after the effective date of this new schedule, there shall be no increases in, nor offsets or refunds of, the existing fees paid, or due and owing.

(a) ENFORCEMENT LEVEL 1

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 165 | Agricultural Vehicle Parking Permit | $21.00 |
| 316.02 | Animal Foods Manufacturing and Distribution | 79.00 |
| 317.01 | Amusement Rides | 79.00 |
| 323.02 | Christmas Tree Sales | 79.00 |
| 325.02 | Close Out Sale | 79.00 |
| 327.03 | Laundry Dry Cleaning Pickup Station | 79.00 |
| 332.03 | Liquid Fuel Vehicle | 79.00 |
| 333.03 | Solid Fuel Vehicle | 79.00 |
| 340.04 | Mercantile Broker | 79.00 |
| 345.04 | Peddler (Solicitor/Transient) | 79.00 |
| 346.03 | Mobile Retail Vehicle | 79.00 |
| 348.01 | Animal Day Care | 77.00 |

| | | |
|---|---|---|
| 348.01 | Animal Boarding | 77.00 |
| 350.02 | Rental of Hospital Equipment | 79.00 |
| 350.02 | Rental of Hospital Equipment Vehicle | 79.00 |
| 351.03 | Rental of Kitchenware | 79.00 |
| 353.02 | Roller Rinks | 79.00 |
| 355.02 | Secondhand Dealer-Single Location | 79.00 |
| 357.03 | Solid Waste Hauler—Each Vehicle Over One | 79.00 |
| 359.03 | Sound Trucks and Broadcast Vehicles | 79.00 |
| 371.02 | Finishing Shop | 79.00 |
| 361.01 | Tow Truck/Wrecker Vehicle | 79.00 |
| 362.02 | Tree Trimmer—Additional Vehicle | 79.00 |
| 372.02 | Tire Recapping Plant | 79.00 |
| 377.03 | Lawn Fertilizer and Pesticide Application | 79.00 |
| 382.03 | Pet Grooming Facility | 79.00 |
| 409.05(b), 410.07(c) | Liquor-Outdoor Service Area (Patio) | 79.00 |
| 424.02 | Gas Stations | 104.00 |

(b) ENFORCEMENT LEVEL 2

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 320.03 | Bituminous Contractor | $194.00 |
| 322.02(a) | Pool Halls | 194.00 |
| 322.02(b) | Bowling Centers | 194.00 |
| 326.06 | Building Contractors | 194.00 |
| 327.03 | Laundry/Dry Cleaning Plants | 194.00 |
| 332.03 | Fuel Dealers—Liquid | 194.00 |
| 333.03 | Fuel Dealers—Solid | 194.00 |
| 334.03 | Pest Control | 194.00 |
| 338.02 | House Sewer Contractors | 194.00 |
| 342.02 | Bulk Oil Storage | 194.00 |
| 347.03 | Pet Shop | 194.00 |
| 352.03 | Rental of Trailers | 194.00 |
| 355.02 | Secondhand Dealer—Exhibitions | 194.00 |
| 356.02 | Sidewalk Contractors | 194.00 |
| 362.02 | Tree Trimming (with One Vehicle) | 194.00 |
| 364.02 | Veterinary Hospital | 194.00 |
| 365.02 | Window Cleaning | 194.00 |
| 401.02 | Motorcycle Dealer | 194.00 |
| 405.02 | Dance or Rental Hall | 297.00 |
| 406.04 | Game Room | 194.00 |
| 408.03 | Recycling Collection Center | 194.00 |

| | | |
|---|---|---|
| 415.04 | Theaters and Movie Theaters | 194.00 |
| 416.03 | Motion Picture Drive-in Theater | 194.00 |
| 426.04 | Cabaret (Class A and B) | 194.00 |

(c) ENFORCEMENT LEVEL 3

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 225.04(a) | Firearms | $375.00 |
| 324.04 | Cigarettes | 495.00 |
| 354.02 | Sanitary Disposal Vehicle | 375.00 |
| 355.02 | Secondhand Dealer-Multiple Dealers | 375.00 |
| 357.03 | Solid Waste Hauler and Vehicle | 375.00 |
| 360.03 | Public Swimming Pools | 375.00 |
| 360.03 | Whirlpools | 375.00 |
| 361.13 | Tow Truck/Wrecker Operator | 375.00 |
| 383.03 | Vehicle Immobilization Service | 375.00 |
| 376.04 | Taxicabs | 434.00 |
| 376.05 | Taxicabs (Reciprocity Event) | 34.00 |
| 379.02 | Short-term Rental Platform License | 10,353.00 |
| 379.02 | Short-term Rental Host License | 42.00 |
| 381.02(d) | Currency Exchanges | 375.00 |
| 401.02 | New Motor Vehicle Dealer | 375.00 |
| 401.02 | Secondhand Dealer Motor Vehicle Parts | 469.00 |
| 401.02 | Secondhand Motor Vehicle Dealer | 469.00 |
| 407.03 | Hotel/Motel—To 50 rooms | 375.00 |
| 407.03 | Hotel—Each additional room over 50 | 13.00 |
| 409.07.1(a), 410.04(c) | Liquor—Extension of Service Hours | 375.00 |
| 412A.03 | Massage Center—Adult | 375.00 |
| 412A.03 | Environmental Plan Review Massage Center Adult | 413.00 |
| 413.04 | Conversation/Rap Parlor (A and B) | 375.00 |
| 415.04 | Mini-Motion Picture Theater—Adult | 375.00 |
| 417.04 | Parking Lots and Parking Garages | 375.00 |
| 417.04 | Parking Garages (Government) | 0.00 |
| 417.04 | Parking Garages (Private) | 367.00 |
| 422.02 | Motor Vehicle Salvage Dealer | 375.00 |
| 423.02(b) | Auto Body Repair Garage | 469.00 |
| 423.02(a) | Auto Repair Garage | 469.00 |
| 427.04 | Health/Sports Clubs | 375.00 |
| 427A.04 | Health/Sports Club (Adult) | 375.00 |
| 428.04 | Steam Room/Bath House (Class A and B) | 375.00 |
| 423.02(b) | Auto Body Repair/Painting Shop | 469.00 |

(d) ENFORCEMENT LEVEL 4

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 331A.04 | Catering-Limited | $ 326.00 |
| 331A.04 | Environmental Plan Review—Catering—Limited | 380.00 |
| 331A.04 | Catering | 570.00 |
| 331A.04 | Environmental Plan Review—Catering | 625.00 |
| 331A.04 | Catering—Add on | 250.00 |
| 331A.04 | Environmental Plan Review—Catering—Add on | 380.00 |
| 331A.04 | Customer Appreciation—Food Sales | 55.00 |
| 331A.04 | Day Care Food | 109.00 |
| 331A.04 | Food Give-Away | 55.00 |
| 331A.04 | Food Processing/Packaging/Distributing | 217.00 |
| 331A.04 | Environmental Plan Review—Food Processing/Packaging/Distributing | 380.00 |
| 331A.04 | Food Vehicle | 92.00 |
| 331A.04; 363.02(a) | Food Vending Machine | 16.00 |
| 331A.04: 363.02(a) | Food Vending Machine Operator | 136.00 |
| 331A.04 | Food/Boarding Facility | 353.00 |
| 331A.04 | Environmental Plan Review—Food/Boarding Facility | 380.00 |
| 331A.04 | K—12 School Food Service | 217.00 |
| 331A.04 | Environmental Plan Review — K—12 School Food Service | 272.00 |
| 331A.04 | K—12 School Food Service—Limited | 109.00 |
| 331A.04 | Environmental Plan Review—K—12 School Food Service—Limited | 136.00 |
| 331A.04 | Mobile Food Vehicle | 244.00 |
| 331A.04 | Mobile Food Cart—Limited | 110.00 |
| 331A.04 | Mobile Food Cart—Full | 217.00 |
| 331A.04 | Environmental Plan Review—Restaurant (1) | 381.00 |
| 331A.04 | Environmental Plan Review—Restaurant (2) | 381.00 |
| 331A.04 | Environmental Plan Review—Restaurant (3) | 625.00 |
| 331A.04 | Environmental Plan Review—Restaurant (4) | 625.00 |
| 331A.04 | Environmental Plan Review—Restaurant (5) | 625.00 |
| 331A.04 | Restaurant (D)—Add-On | 272.00 |
| 331A.04 | Environmental Plan Review Restaurant (D) Add-On | 381.00 |
| 331A.04 | Restaurant (D)—Add-on (Bar Only) | 109.00 |
| 331A.04 | Environmental Plan Review Restaurant (D) Add-On (Bar Only) | 190.00 |
| 331A.04 | Restaurant (E)—Extension | 164.00 |
| 331A.04 | Environmental Plan Review—Restaurant (E)—Extension | 136.00 |
| 331A.04 | Environmental Plan Review—Restaurant (L)—Limited | 381.00 |



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| | | |
|---|---|---|
| 331A.04 | Restaurant (L)—Limited | 272.00 |
| 331A.04 | Restaurant (1)—no seats | 435.00 |
| 331A.04 | Restaurant (2)—1—12 | 478.00 |
| 331A.04 | Restaurant (3)—13—50 | 580.00 |
| 331A.04 | Restaurant (4)—51—150 | 631.00 |
| 331A.04 | Restaurant (5)— 151 and over | 673.00 |
| 331A.04 | Retail Food Establishment (A)—1 to 100 Sq. Ft. | 82.00 |
| 331A.04 | Environmental Plan Review—Retail Food Establishment (A) | 136.00 |
| 331A.04 | Retail Food Establishment (B)—101 to 1000 Sq. Ft. | 109.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (B) | 272.00 |
| 331A.04 | Retail Food Establishment (C)—1001 to 3000 Sq. Ft. | 408.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (C) | 408.00 |
| 331A.04 | Retail Food Establishment (D)—3001 to 6000 Sq. Ft. | 652.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (D) | 516.00 |
| 331A.04 | Retail Food Establishment (E)—6001 to 10,000 Sq. Ft. | 978.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (E) | 652.00 |
| 331A.04 | Retail Food Establishment (F)—over 10,000 Sq. Ft. | 1,413.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (F) | 816.00 |
| 331A.04 | Retail Food Establishment—Farmers' Market | 164.00 |
| 331A.04 | Retail Food Establishment—Temporary | 65.00 |
| 331A.04 | Retail Food Establishment—Nonprofit | 27.00 |
| 331A.04 | Environmental Plan Review—Retail Food Establishment—Nonprofit | 55.00 |
| 331A.04 | Retail Food Establishment—Secondary Facility | 82.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment—Secondary Facility | 381.00 |
| 331A.04 | Retail Food Establishment—Restricted Food Service | 79.00 |
| 331A.04 | Special Event Food Sales—1 to 3 days (up to 150 sq. feet) | 190.00 |
| 331A.04 | Special Event Food Sales—4 to 10 days (up to 150 sq. feet) | 217.00 |
| 331A.04 | Special Event Food Sales—Up to 3 events (up to 150 sq. feet) | 217.00 |
| 331A.04 | Special Event Food Sales—late fee | 50% of special event food sales fee |
| 331A.04 | Special Event Food Sales (Nonprofit) (up to 150 sq. feet) | 55.00 |
| 331A.04 | Special Event Food Sales—Extension (up to 150 sq. feet) | 109.00 |
| 331A.04 | Special Event Food Sales—Each additional 150 square feet portion thereof | 25% of special event foods sales fee |
| 331A.04 | Special Event Food Sales—Each additional location fee | 85.00 |
| 331A.04 | Nonprofit 1 Day Special Event—1—10 Stands | 275.00 |

| | | |
|---|---|---|
| 331A.04 | Nonprofit 1 Day Special Event—Each Additional 10 Stands or Portion of 10 Stands | 275.00 |
| 331A.04 | Seasonal Temporary Food Stand | 244.00 |

(e) ENFORCEMENT LEVEL 5

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 409.27 | 2:00 a.m. closing | $55.00 |
| 409.05(i) | Intoxicating Liquor—Fee waived for government agencies | 0.00 |
| 409.01(c) | Liquor Catering Permit—Annual | 178.00 |
| 409.02 | Off-Sale Microdistillery | 190.00 |
| 409.05(b) | Liquor Catering Permit—Temporary | 55.00 |
| 409.05(b) | On-Sale—100 seats or less | 4,964.00 |
| 409.05(b) | On-Sale—101—180 seats | 5,497.00 |
| 409.05(b) | On-Sale—181—290 seats | 5,889.00 |
| 409.05(b) | On-Sale—291 or more seats | 5,970.00 |

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 409.05(b) | On-Sale—Theater | 1,772.00 |
| 409.25(b) | Temporary Liquor | 55.00 |
| 409.05(f) | On-sale Club—Under 200 members | 300.00 |
| 409.05(f) | On-sale Club—201—500 members | 500.00 |
| 409.05(f) | On-sale Club—501—1,000 members | 650.00 |
| 409.05(f) | On-sale Club—1,001—2,000 members | 800.00 |
| 409.05(f) | On-sale Club—2,001—4,000 members | 1,000.00 |
| 409.05(f) | On-sale Club—4,001—6,000 members | 2,000.00 |
| 409.05(f) | On-sale Club—6,000+ members | 3,000.00 |
| 409.05(h) | Additional family members | 57.00 |
| 409.02 | Brewpub/Off-sale (Growler) | 190.00 |
| 409.02 | Off-Sale Brewery | 190.00 |
| 409.05 | Off-Sale | 1,398.00 |
| 409.07(b)(2) | Sunday On-Sale | 200.00 |
| 409.11(b) | Extension of Service Area—Temporary | 63.00 |
| 410.07(a)(8), 409.15(b) | Wine On-Sale | 2,000.00 |
| 409.25 | Temporary Wine | 55.00 |
| 409.25 | Wine Licenses for Festivals | 55.00 |
| 409.15(d) | On-Sale Malt (Strong) | 659.00 |
| 409.28 | Brewery Taproom | 659.00 |
| 409.31 | Microdistillery Cocktail Room | 659.00 |
| 410.02 | On-Sale Malt (3.2) | 659.00 |

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|---|---|---|
| 410.02, 410.11 | On-Sale Malt—Fee waived for municipal golf courses | 0.00 |
| 410.02 | Off-Sale Malt | 208.00 |
| 410.10(a) | Temporary Malt | 55.00 |
| 411.03 | Entertainment—Class A | 257.00 |
| 411.03 | Entertainment—Class B | 622.00 |
| 411.03 | Entertainment—Class C | 2,955.00 |
| 411.05 | Entertainment Temporary | 32.00 |
| 409.08 | Live Music Event—18 and Up | 32.00 |
| 409.15(e) | Culinary On-sale | 236.00 |
| 409.01 | Private Event—Restaurant/Liquor Caterer | 32.00 |
| 409 | Small Brewer Off-Sale—128 Ounces License | 30.00 |
| 409, 410 | Temporary World Cup Soccer | 250.00 Per event |

(f) ENFORCEMENT LEVEL 6

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 329.02 | Alarm Permits | $40.00 |
| 317.01 | Amusement Rides—Temporary | 30.00 |
| 106.01(b) | Sidewalk Café—Food Only | 37.00 |
| 106.01(b)(4) | Sidewalk Café—Liquor | 37.00 |
| 127.04 | Courtesy Benches | 24.00 |
| 127 | Courtesy Benches Transfer | 16.00 |
| 293.09 | Noise Variance | 178.00 |
| 368.02 | Wrecking of Buildings | 60.00 |
| 369.03 | Building Trades Business License | 174.00 |
| 370.09 | Building Trades Certificates of Competency | 22.00 |
| 370.17 | Trade Worker—Tier 1 | 34.00 |
| 370.17 | Trade Worker—Tier 2 | 65.00 |
| 278.03 | Gambling Hall | 412.00 |
| 318.02 | Mechanical Amusement Device | 19.00 |
| 318.02 | Music Machine | 19.00 |
| 318.02 | Amusement Rides | 19.00 |
| 318.02 | T.V. Units | 19.00 |
| 344.02(a) | Pawn Shops | 2,955.00 |
| 344.02(b) | Pawn Shop Billable Transaction Fee | 3.00 |
| 373 | Transportation Network Companies | 38,069.00 |
| 374.3 | Commercial Pedal Car Driver | 47.00 |
| 374.3 | Commercial Pedal Car Vehicle | 109.00 |
| 374.3 | Commercial Pedal Car Business | 326.00 |
| 375.2(a) | Pedicab Vehicle | 105.00 |
| 375.2(b) | Pedicab Driver | 47.00 |
| 376 | Taxicab Vehicle—Duplicate Sticker | 19.00 |

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|---|---|---|
| 376 | Taxicab Replacement Vehicle Sticker | 52.00 |
| 376.05 | Taxicab Driver (Reciprocity Event) | 33.00 |
| 376.16(d) | Taxicab Driver (new) | 47.00 |
| 376.16(i) | Taxicab Driver Renewal | 47.00 |
| 376 | Taxicab Driver Duplicate Identification Card | 6.00 |
| 376.17(d) | Taxicab Driver (provisional) | 47.00 |
| 391.02 | Soliciting Funds—Tag Days | 24.00 |
| 402.08 | Temporary Gambling (3 types) | 55.00 |
| 403.03 | Bingo Halls | 212.00 |
| 409.05(g) | Gambling Location | 78.00 |
| 409.08(11) | Modification of Parking | 445.00 |
| 359.03 | Sound Trucks and Broadcast Vehicles Nonprofit Organizations) | 29.00 |
| 380.04 | Tanning Facility | 98.00 |
| 380.04 | Environmental Plan Review Tanning Facility | 178.00 |
| 414.02 | Massage or Bodywork Practitioner—One Location | 98.00 |
| 414.02 | Massage or Bodywork Practitioner—Each Additional Location | 29.00 |
| 414.02 | Massage Center (Class A)—One practitioner | 93.00 |
| 412.04 | Massage Center (Class A)—Two or more practitioners | 243.00 |
| 412.04 | Therapeutic Massage Practitioner—Temporary | 46.00 |
| 412.04 | Environmental Plan Review Massage Center (Class A) | 437.00 |
| 412.04 | Massage Center (Class B) | 98.00 |
| 412.04 | Environmental Plan Review Massage Center (Class B) | 178.00 |
| 357.03 | Solid Waste Transfer Station | 1,771.00 |
| 408.03 | Recycling Processing Center | 887.00 |
| 429.03 | Infectious Waste Processing Facility | 1,771.00 |
| 198.04(c) | Keeping of Animal (includes more than three (3) chickens | 77.00 |
| 198.04(c) | Keeping of Animal—Renewal | 28.00 |
| 198.04(c) | Tier 1 Chicken Permit | 26.00 |
| 198.04(c) | Tier 1 Chicken Permit Renewal | 16.00 |
| 198.04(c) | Tier 2 Chicken Permit | 77.00 |
| 198.04(c) | Tier 2 Chicken Permit Renewal | 28.00 |
| 198.04(c) | Keeping of More than Three (3) Cats | 77.00 |
| 198.04(c) | Keeping of More than Three (3) Cats (Renewal) | 28.00 |
| 200.03 | Dog License—Annual Altered | 20.00 |
| 200.03 | Dog License—Annual Unaltered | 81.00 |
| 200.03 | Dog License—Annual Altered Reduced | 10.00 |
| 200.03 | Dog License—Lifetime (with Microchip, altered) | 142.00 |
| 200.03 | Dog License—Reduced, Lifetime (with Microchip and altered) | 71.00 |
| | Dog License—Reduced Rate, Lifetime (with Microchip, unaltered) | 34.00 |



EXHIBIT

11-27

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|---|---|---|
| | Declared, Animal (microchip and altered | 142.00 |
| | Declared, Animal (microchip and altered | 284.00 |
| 200.04 | Dog License—Replacement | 10.00 |
| 200.07 | Impounding Fee | 36.00 |
| 200.02(a) | Unlicensed Dog | 59.00 |
| 200.121(e) | Dangerous Dog Registration | 305.00 |
| 200.07 | Boarding Fee—Per Day | 19.00 |
| | Animal Adoption—St. Paul Resident | 51.00 |
| | Rabies Vaccination for impounded dogs, cats, ferrets | 30.00 |
| | Microchipping for impounded animals | 30.00 |
| | Delinquent License Renewal fee (per month) | 5.00 |
| 376.17 | Taxicab Service Company | 422.00 |

(C.F. No. 92-1742, § 1, 12-8-92; C.F. No. 93-1650, § 1, 12-9-93; C.F. No. 94-201, § 1, 3-16-94; C.F. No. 94-1447, § 1, 12-14-94; C.F. No. 95-519, § 2, 6-7-95; C.F. No. 95-1457, § 1, 1-3-96; C.F. No. 96-391, § 3, 5-8-96; C.F. No. 96-1095, § 1, 10-2-96; C.F. No. 97-912, § 1, 8-20-97; C.F. No. 99-500, § 4, 7-7-99; C.F. No. 99-812, § 1, 9-8-99; C.F. No. 00-457, § 1, 6-7-00; C.F. No. 00-1064, § 1, 12-12-00; C.F. No. 00-1065, § 1, 12-20-00; C.F. No. 01-613, §§ 1, 2, 7-5-01; C.F. No. 01-1244, § 1, 12-26-01; C.F. No. 02-770, § 1, 10-2-02; C.F. No. 1031, § 2, 11-27-02; C.F. No. 03-102, § 2, 3-12-03; C.F. No. 03-694, § 2, 9-3-03; C.F. No. 03-695, § 1, 9-3-03; C.F. No. 03-893, § 2, 11-5-03; C.F. No. 04-670, § 1, 8-4-04; C.F. No. 04-960, § 1, 11-3-04; 04-961, § 1, 11-10-04; C.F. No. 05-631, § 1, 8-10-05; C.F. No. 05-697, § 1, 8-24-05; C.F. No. 06-409, § 1, 5-24-06; C.F. No. 06-574, § 2, 7-26-06; C.F. No. 06-752, § 1, 9-13-06; C.F. No. 06-821, § 2, 9-27-06; C.F. No. 07-149, § 74, 3-28-07; C.F. No. 07-966, § 1, 12-12-07; C.F. No. 07-967, § 1, 12-12-07; C.F. No. 08-382, § 1, 5-14-08; C.F. No. 08-568, § 1, 6-25-08; C.F. No. 08-1009, § 1, 10-8-08; C.F. No. 08-1208, § 2, 12-17-08; C.F. No. 09-478, § 1, 5-27-09; C.F. No. 09-684, § 1, 7-22-09; C.F. No. 09-893, § 1, 10-14-09; C.F. No. 09-987, § 1, 10-14-09; Ord No. 11-56, § 1, 7-13-11; Ord No. 11-63, § 1, 4-25-12; Ord No. 12-24, § 1, 6-13-12; Ord 12-49, § 1, 9-12-12; Ord 12-45, § 1, 10-10-12; Ord 12-83, § 1, 1-9-13; Ord 13-1, § 1, 1-23-13; Ord 13-31, § 1, 5-22-13; Ord 13-34, § 1, 6-26-13; Ord 14-33, § 1, 8-27-14; Ord 14-40, § 1, 12-3-14; Ord 15-29, § 7, 5-27-15; Ord 15-65, § 1, 12-2-15; Ord 16-9, 4-20-16; Ord 16-16, § 2, 7-27-16; Ord 16-66, § 1, 1-4-16; Ord 17-47, § 1, 10-25-17; Ord 17-53, § 1, 11-8-2017; Ord 17-25, § 1, 8-2-17; Ord 18-65, § 1, 1-9-19; Ord 18-68, § 2, 1-9-19; Ord 19-78, § 1, 1-8-20; Ord 20-5, § 1, 2-20-20; Ord 21-65, § 2, 12-22-21; Ord 22-35, § 2, 8-3-22)

## Sec. 310.19. Discount from certain license fees.

(a) A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee shall maintain on the premises, in a location accessible at all times to all employees of the licensed establishment:

a. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and

b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state as outlined in Chapter 7515 of the State of Minnesota Rules and Minn. Stat. Ch. 340A. This compilation must also include chapters 240 through 246, 409 and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee shall maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One (1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section within the lounge area in which the writing on the sign behind the bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (½) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.

(3) *Contract with security agency.*

a. *Generally.* The licensee shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the security agency shall charge the same amount to all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.

b. *Investigation.* The contract with the city shall provide for and require one (1) or more investigations by the security agency each calendar year into the practices of the licensee with respect to (i) age identification of customers in order to prevent sales of alcoholic beverages to minors, and (ii) preventing the sale of alcoholic beverages to persons who are obviously intoxicated. The contract shall require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, to the department, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract shall require that all such investigations shall include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency shall employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract shall also provide for alcohol awareness training by the security agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year shall receive such training within four (4) weeks following their hiring, and shall not work in the premises after that four-week period until they have received such training.

d. *Standards for approval.* In addition to the requirements specified elsewhere in this subsection, the security agency and its investigations and training must meet or exceed the following:

1. The alcohol awareness course shall cover all of the topics listed herein. The content of each training course shall include, but need not be limited to:

(a) Pertinent laws and ordinances regarding the sale of alcohol.

(b) Verification of age, forms of identification, and forms of false or misleading age identification.

(c) The effect of alcohol on humans and the physiology of alcohol intoxication.

(d) Recognition of the signs of intoxication.

(e) Strategies for intervention to prevent intoxicated persons from consuming further alcohol.

(f) The licensee's policies and guidelines, and the employee's role in observing these policies.

(g) Liability of the person serving alcohol.

(h) Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations.

(i) Training available in languages other than English that are spoken by the license holders and/or the license holders employees.

2. The security agency shall have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.

3. The security agency shall have sufficient personnel and physical resources to provide an alcohol awareness training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract. The cost covering the training and investigation service provided to license holders shall be identified and charged equally to each participant.

The (7) seven percent shall be applied to the following licenses:

Brew pub

Off-sale brewery

Liquor catering permit

On-sale—Over 200 seats

On-sale—Over 100 seats

On-sale—100 seats or less

On-sale club—Under 200 members

On-sale club—201—500 members

On-sale club—501—1,000 members

On-sale club—1,001—2,000 members

On-sale club—2,001—4,000 members

On-sale club—4,001—6,000 members

On-sale club—6,000+ members

On-sale extended service hours

On-sale theatre

Off-sale

Sunday on-sale

Liquor—Outdoor service area

Wine on-sale

On-sale malt (strong)

On-sale malt (3.2)

Off-sale malt

(b) A discount will be provided for restaurant and catering licenses issued under Chapter 331A. Such fees shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) The licensee shall employ a person in charge, who, in the absence of the certified food manager, shall be on duty at all times and who can demonstrate that he/she have viewed a video concerning food allergies. The video presentation shall be provided by and will be viewed at the department of safety and inspections. If the person in charge leaves the licensee's employment, the establishment will have two months to either:

a. Have the new person in charge view the video on food allergy at a presentation by the department of safety and inspection; or

b. If there is no presentation within two months of that person being hired, ensure that the new person in charge is registered for the next available video presentation.

(2) Allergic customer alert process. The licensee shall produce a written procedure to alert all employees of an allergic customer. That policy shall, at a minimum, require that once a customer has notified any employee of an allergy to particular food item(s) or group(s), the establishment shall notify the above-referenced person in charge or certified food manager, and all employees who may handle any food item served to that customer of the food allergy.

(C.F. No. 94-1447, § 2, 12-14-94; C.F. No. 00-237, § 1, 4-5-00; C.F. No. 01-1260, § 1, 12-26-01; C.F. No. 02-107, 3-6-02; C.F. No. 04-1093, § 1, 12-15-04; C.F. No. 06-821, § 3, 9-27-06; C.F. No. 07-149, § 75, 3-28-07; C.F. No. 09-1290, § 1, 12-9-09)

# Chapter 324. - Tobacco

## Sec. 324.01. - License required.

(a) No person shall sell or offer for sale at retail within the city any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product or maintain a tobacco vending machine for the sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products without a license.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee;

(2) Any machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all tobacco purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed.

(3) Any tobacco vending machine shall have posted on or near it a sign with the statement, in letters at least one-half (½) inch high, "The sale of tobacco products or electronic delivery devices to persons under twenty-one is prohibited."

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years, subject to the following exceptions:

(1) Notwithstanding subdivision (d), a license may be issued if the new applicant:

a. Currently holds another tobacco license in the city;

b. Has held the license for at least five (5) years; and

c. The license:

1. Has not been subject to adverse action within the past two (2) years;

2. Has been subject to no more than one (1) adverse action within the past five (5) years; and

Is not the subject of any pending adverse actions

is not the subject of any pending adverse actions.

3.

(2) Notwithstanding subdivision (d), a license may be issued if the new applicant is otherwise able to demonstrate at least five (5) years of previous experience operating a tobacco retail establishment in a law abiding manner in the State of Minnesota. In considering an application made pursuant to this subsection, the factors to be considered by the council include, but are not limited to:

a. Any adverse or disciplinary actions against any business licenses held by the applicant in the previous five (5) years; and

b. Any violations of the law related to operating a retail establishment, committed by the applicant in the previous five (5) years, regardless of whether any criminal charges have been brought in connection therewith.

(3) Any license granted pursuant to subpart (d)(1) or (d)(2) must be approved by the affirmative vote of no less than five (5) members of the council.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 1, 10-16-19)

Sec. 324.02. - License for each location or vending machine.

A license shall permit the licensee to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(Code 1956, § 366.05; C.F. No. 94-341, § 2, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that

has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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 shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.

(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17)

Sec. 324.04. - Fee, duration, limitation on number of licenses.

The annual license fee for each location of sale or each tobacco vending machine shall be established by ordinance as specified in section 310.09(b) of the Legislative Code. The license shall expire one (1) year from the date of issuance during each calendar year. The annual license fee shall be prorated for licenses in force less than a full year.

The total number of licenses issued by the city for the retail sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products shall not exceed two hundred forty-two (242). Establishments or locations holding licenses on July 1, 2018, or with an application of a license pending on July 1, 2018, that is ultimately granted shall not be affected by this limitation, but shall be entitled to have such licenses renewed or new license granted, subject to the following exceptions:

1. The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;
2. The previous license has not terminated or expired more than two (2) years before the new license had been first applied for;
3. A previous license has not been revoked by the council.

(Code 1956, § 336.03; Ord. No. 17386, § 1, 8-19-86; C.F. No. 92-1930, § 1, 1-14-93; C.F. No. 94-341, § 4, 4-13-94; C.F. No. 95-1271, § 1, 11-8-95; C.F. No. 97-314, § 1, 4-20-97; Ord 18-19, § 1, 6-27-18)

Sec. 324.05. - Application.

In addition to any other information required by the director, the applicant shall state the true name of the applicant, the name under which he or she shall conduct his or her business, whether such business is that of an individual, sole trader, firm, partnership, or corporation, and the address where such business is to be conducted. Any person applying for more than one (1) license shall file with the department of safety and inspections a list of all locations of sale and/or the location of each vending machine for which license applications are being filed. Any change in the location of the place of sale shall be reported to the director within five (5) days of said change.

(Code 1956, § 336.04; C.F. No. 94-341, § 5, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 07-149, § 81, 3-28-07)

Sec. 324.06. - License to be displayed.

The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location. In the case of a tobacco vending machine, the operator shall also affix his or her name, address and telephone number in a conspicuous place on each machine.

(Code 1956, § 336.06; C.F. No. 94-341, § 6, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than twenty-one (21) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition,

no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

(g) Sale to persons under the age of twenty-one (21) years prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of twenty-one (21) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under twenty-one (21) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19)

**Editor's note—** Ord 17-28, § 2, adopted November 1, 2017, shall take effect and be in force beginning November 1, 2018.

Sec. 324.08. - Distribution of free products prohibited.

No person in the business of selling or promoting tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products or agent or employee of such person shall distribute any products free to any person on the sidewalks, pedestrian concourses, pedestrian malls or pedestrian skyway systems within the city.

(Code 1956, § 336.08; Ord. No. 17714, § 1 2-20-90; C.F. No. 92-1930, § 2, 1-14-93; C.F. No. 94-341, § 8, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 324.09. - Use of false identification by minors prohibited.

No person under the age of twenty-one (21) years shall purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products using a driver's license, a Minnesota identification card, or other form of identification which is false, fictitious, altered or counterfeited as to age or any other material fact of identification. Use of false identification to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products is a misdemeanor.

(Ord. No. 17733, § 1, 5-8-90; C.F. No. 94-341, § 9, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 13-8, § 3, 4-24-13; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 3, 10-16-19)

Sec. 324.10. - Presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations. 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 which make it appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

(b) *Presumptive penalties for violations.* Adverse penalties for violations or convictions shall be presumed as follows:

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |

| | | | | |
|---|---|---|---|---|
| (1) Sale to a person under twenty-one (21) years of age | $200.00 fine | $400.00 fine | $800.00 fine and 7-day suspension | Revocation |

(c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) Computation of time.

(1) Second, third and fourth appearances. A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) Any appearance not covered by subsections (1) above shall be treated as a first appearance. Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19)

**Editor's note**— Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.

# *Chapter 324. Tobacco*

## Sec. 324.01. License required.

(a) No person shall sell or offer for sale at retail within the city any licensed product or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any licensed product or maintain a tobacco vending machine for the sale of licensed products without a license from the city.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee;

(2) Any machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed;

(3) Any tobacco vending machine shall have posted on or near it a sign with the statement, in letters at least one-half (½) inch high, "The sale of tobacco products or electronic delivery devices to persons under twenty-one is prohibited."

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 1, 10-16-19; Ord 21-29, § 2, 11-3-21)

## Sec. 324.02. License for each location or vending machine.

A license shall permit the licensee to sell licensed products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(Code 1956, § 366.05; C.F. No. 94-341, § 2, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16; Ord 21-29, § 3, 11-3-21)

## 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stats. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Cigarette* means and includes any roll for smoking, made wholly or in part of tobacco, irrespective of size and shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except whole tobacco leaf, and includes any cigarette as defined in Minn. Stats. § 297F.01, subd. 3.

(3) *Drug paraphernalia* means drug paraphernalia as defined in Saint Paul Legislative Code Section 255.01.

(4) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(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.

(6) *Licensed products* means collectively any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

(7) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(8) *Non-discounted price* means the higher of the price listed for licensed products on a package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the sale price.

(9) *Price reduction instrument* means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, not included in the non-discounted price, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

(10) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.

(11) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(12) *Snuff* means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

(13) *Snus* means any smokeless tobacco product marketed and sold as snus, and sold in ready-to-use pouches or loose as a moist powder.

(14) *Tobacco* or *tobacco product* 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, cigarettes, cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snus, 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. 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.

(15) *Tobacco license* means either a tobacco shop or a tobacco products shop license.

(16) *Tobacco shop license* means a license issued to a person, firm, or corporation for an establishment that:

a. May offer for sale licensed products which are accessible to the public only with the intervention of a store employee; and,

b. May allow persons who are under the age of twenty-one (21) to enter the establishment; and

(17) *Tobacco products shop license* means a license issued to a person, firm, or corporation for an establishment that:

a. Must derive at least ninety (90) percent of its revenue from the sale of licensed products;

b. Must prohibit persons who are under the age of twenty-one (21) from entering the establishment;

c. Must be accessible only through a door opening directly to the outside; and

d. Must be staffed by at least one individual solely dedicated to the tobacco products shop during all operating hours.

(18) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(19) *Tobacco vending machine* means a machine for vending licensed products by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17; Ord 21-29, § 4, 11-3-21)

## Sec. 324.04. Fee, duration, limitation on number of licenses.

(a) *License fee, duration.* The annual license fee for each license issued under this chapter will be established by ordinance as specified in section 310.09(b) of the Legislative Code. Each license will expire one (1) year from the date of issuance during each calendar year. The annual license fee will be prorated for licenses in force less than a full year.

(b) *Limitation on number of licenses and location.*

(1) The total number of tobacco shop licenses issued under this chapter will not exceed one hundred fifty (150). The total number of tobacco products shop licenses issued under this chapter will not exceed twenty-five (25). Establishments or locations holding either tobacco shop or tobacco product shop licenses on July 31, 2021, or with an application of a license pending on July 31, 2021, that is ultimately granted will not be affected by this limitation but will be entitled to have such licenses renewed or new license granted, subject to the following conditions:

a. The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;

b The previous license has not terminated or expired more than one (1) year before the new license had been first applied for;

c. A previous license has not been revoked by the council.

(2) No tobacco license may be issued to a person, firm, or corporation for any establishment located within one-half mile (2,640 feet) of another establishment possessing a tobacco license. Said one-half mile being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the tobacco license to the property line of any other tobacco license.

(Code 1956, § 336.03; Ord. No. 17386, § 1, 8-19-86; C.F. No. 92-1930, § 1, 1-14-93; C.F. No. 94-341, § 4, 4-13-94; C.F. No. 95-1271, § 1, 11-8-95; C.F. No. 97-314, § 1, 4-20-97; Ord 18-19, § 1, 6-27-18; Ord 21-29, § 5, 11-3-21)

## Sec. 324.05. Application.

In addition to any other information required by the director, the applicant must state the true name of the applicant, the name under which he or she will conduct his or her business, whether such business is that of an individual, sole trader, firm, partnership, or corporation, and the address where such business is to be conducted. Any person applying for more than one (1) license must file with the department of safety and inspections a list of all locations for which license applications are being filed. Any change in the location of the place of sale will require a new license application.

(Code 1956, § 336.04; C.F. No. 94-341, § 5, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 07-149, § 81, 3-28-07; Ord 21-29, § 6, 11-3-21)

## Sec. 324.06. License to be displayed.

The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location. In the case of a tobacco vending machine, the operator shall also affix his or her name, address and telephone number in a conspicuous place on each machine.

(Code 1956, § 336.06; C.F. No. 94-341, § 6, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

## Sec. 324.07. Sales prohibited.

(a) No person may sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes may be sold individually or in packages of fewer than twenty (20) cigarettes.

(b) No person may sell or dispense licensed products from a motor vehicle or other movable place of business.

(c) No person may sell licensed products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.

(d) No person may offer for sale licensed products in any open displays which are accessible to the public without the intervention of a store employee. This restriction does not apply to establishments holding a tobacco products shop license.

(e) No person may sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person may sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person may sell or offer for retail sale cigarette packages or cartons for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per pack.

(g) No person may sell or offer for retail sale moist snuff retail packages or multipacks for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per 1.2 ounce package. No person may sell or offer for retail sale any smokeless tobacco/moist snuff unless it is sold in a package of at least 1.2 ounces minimum package size. The price floor for packages larger than 1.2 ounces shall be computed by adding two dollars and fifty cents ($2.50) for each 0.3 ounces or any fraction thereof in excess of 1.2 ounces, excluding all applicable taxes.

(h) No person may sell or offer for sale or otherwise distribute snus for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per 0.32 ounce package. No person may sell or offer for retail sale any snus unless it is sold in a package of at least 0.32 ounces minimum pack size. The price floor for packages larger than 0.32 ounces shall be computed by adding two dollars and fifty cents ($2.50) for each 0.08 ounces or any fraction thereof in excess of 0.32 ounces, excluding all applicable taxes.

(i) No holder of a license issued under this chapter, nor any employee or agent of same may sell tobacco products to a person under the age of twenty-one (21) years. Sale to persons under the age of twenty-one (21) years prohibited.

(1) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stats. § 340A.503, subd. 6.

(j) No person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter.

(k) *Coupons and price promotions.* No holder of a license issued under this chapter, nor any employee or agent of same, may:

(1) Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any price reduction instrument or other offer that provides any licensed product without charge or for less than the listed or non-discounted price; or

(2) Sell or offer to sell licensed products, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any licensed products, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other licensed products.

Nothing in this chapter is intended to prohibit communication of pricing information or other truthful, non-misleading information to consumers.

(l) *Exceptions.*

(1) Notwithstanding section (i), individuals exempted under Minn. Stats. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase licensed products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products.

(m) Any violation of this chapter will subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19; Ord 21-29, § 7, 11-3-21)

## Sec. 324.08. Distribution of free products prohibited.

No person shall distribute any tobacco products free to any person on the sidewalks, pedestrian concourses, pedestrian malls or pedestrian skyway systems within the city.

(Code 1956, § 336.08; Ord. No. 17714, § 1 2-20-90; C.F. No. 92-1930, § 2, 1-14-93; C.F. No. 94-341, § 8, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16; Ord 21-29, § 8, 11-3-21)

## Sec. 324.09. Reserved.

Editor's note(s)—Ord 21-29, § 9, adopted November 3, 2021, repealed § 324.09. Former § 236.09 pertained to the use of false identification by minors is prohibited and derived from Ord. No. 17733, § 1, adopted May 8, 1990; C.F. No. 94-341, § 9, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 3, adopted April 24, 2013; Ord 15-57, § 1, adopted January 6, 2016; and Ord 19-57, § 3, adopted October 16, 2019.

## Sec. 324.10. Presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. 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 which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under Saint Paul Legislative Code Section 310.

(b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |
| (1) Sale to a person under twenty-one (21) years of age | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 7-day suspension | Revocation |
| (2) Display, possession or multiple incidents of sales of;<br>• single cigarettes;<br>• menthol tobacco products; or<br>• flavored tobacco products | 10-day suspension | Revocation | | |

(c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) *Computation of time.* Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent violations are subject to the following:

(1) *Second, third and fourth appearances.* A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) *Any appearance not covered by subsections (1) above shall be treated as a first appearance.* Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19; Ord 21-29, § 10, 11-3-21)

Editor's note(s)—Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 21011884 | | 01/18/2021, 13:39 |

*Primary offense*
AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | ARNTZEN, MATTHEW | *Name of location/business:* | |
| *Primary squad:* | 347 | *Location of incident:* | 1541 Maryland Avenue E, St Paul, MN 55106 |
| *Secondary reporting officer:* | Arntzen, Matthew | | |
| *District:* | East District | *Date & time of occurrence:* | 01/18/2021, 13:38 to 01/18/2021, 14:09 |
| *Site:* | Maryland Ave E / Hazelwood St | | |
| *Secondary offense:* | | *Arrest made?* | |
| *Pursuit engaged?* | No | *Resistance encountered?* | No |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

| | | |
|---|---|---|
| **Suspect:** | Unknown | |
| **Victim:** | Scurlock, Tamil Arnell Cameron | |
| | ST. PAUL | MN |
| **Owner:** | Anderson, Yasmine Arianna | |
| | BROOKLYN PARK | MN 55428-1318 |

## PUBLIC NARRATIVE

On 01/18/2021 at 1338 hours police were sent to Maryland / Hazelwood for a person who had been shot. The victim was taken to Regions Hospital by private vehicle. The victim has non-life threatening injuries.

EXHIBIT
14-1

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 20062710 | | 03/30/2020, 17:10 |

*Primary offense*
AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | MARQUIS, DILLON | *Name of location/business:* | |
| *Primary squad:* | 369 | *Location of incident:* | 1541 Maryland Avenue E, St Paul, MN 55106 |
| *Secondary reporting officer:* | | | |
| *District:* | Eastern | *Date & time of occurrence:* | 03/30/2020, 17:09 to 03/30/2020, 17:09 |
| *Site:* | | | |
| *Secondary offense:* | | *Arrest made?* | |
| *Pursuit engaged?* | | *Resistance encountered?* | |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

EXHIBIT

14-2

| | | |
|---|---|---|
| **Suspect:** | Unknown | |
| **Victim:** | (Restricted) | |
| **Parent/Guardian:** | (Restricted) | |
| **Other:** | (Restricted) | |
| **Driver:** | Flowers, Rhonda Jeanette | |
| | ST. LOUIS PARK | MN |
| **Parent/Guardian:** | (Restricted) | |
| **Other:** | (Restricted) | |
| **Other:** | (Restricted) | |
| **Parent/Guardian:** | (Restricted) | |
| **Owner:** | Holding Corp, Pv | |
| | MINNEAPOLIS | MN 55450 |

## PUBLIC NARRATIVE

On 03/30/2020 at 1709 hours, Officers responded to Sana's Market 1541 Maryland Avenue East for a report of a male shot in the parking lot. A report was taken.

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 20144580 | | 07/20/2020, 10:35 |

*Primary offense*
ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | BALDWIN, PETER | *Name of location/business:* | |
| *Primary squad:* | | *Location of incident:* | 1541 Maryland Avenue E, St. Paul, MN 55126 |
| *Secondary reporting officer:* | | | |
| *District:* | Central District | *Date & time of occurrence:* | 07/20/2020, 10:00 to 07/20/2020, 17:07 |
| *Site:* | Sana's Market | | |
| *Secondary offense:* | | *Arrest made?* | |
| *Pursuit engaged?* | No | *Resistance encountered?* | No |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

## PUBLIC NARRATIVE

Administrative report.

EXHIBIT
14-4

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 20076456 | | 04/23/2020, 15:56 |

*Primary offense*
WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | MUELLER, THOMAS | *Name of location/business:* | |
| *Primary squad:* | 378T | *Location of incident:* | 1541 Maryland Avenue E, St. Paul, MN 55106 |
| *Secondary reporting officer:* | Trammel, Jordan | | |
| *District:* | | *Date & time of occurrence:* | 04/23/2020, 15:56 to 04/23/2020, 15:56 |
| *Site:* | Sam's Dairy | | |
| *Secondary offense:* | AGGRAVATED ASSAULT | *Arrest made?* | |
| *Pursuit engaged?* | No | *Resistance encountered?* | No |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

| | | |
|---|---|---|
| **Witness:** | Shackleton, Nashaun Lamar | |
| | AFTON | MN 55001 |
| **Victim:** | Unknown | |
| | ST. PAUL | MN |
| **Witness:** | Johnson, John Nmn | |
| | MINNEAPOLIS | MN 55104 |
| **Witness:** | Shelton, Marcellus Lee | |
| | OAKDALE | MN 55128 |

## PUBLIC NARRATIVE

On 04/23/2020 at approximately 1556 hours SPPD Officer responded to 1541 Maryland AVE E for shots fired. Suspects left prior to officer arrival. No report of injuries.

Zakariya and Mann,

Please confirm that you've received the message below.

Eric Hudak

**Eric Hudak**
*Licensing Manager*
Dept. of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
P: 651 266-9102

Making Saint Paul the Most Livable City in America

**From:** Hudak, Eric (CI-StPaul)
**Sent:** Thursday, June 18, 2020 7:10 PM
**To:** Theonestopmarket051@gmail.com
**Subject:** One Stop Market - 1541 Maryland Ave. W.

Zakariya and Maan Abukhudeer,

Attached find documents and links that define the rules and regulations governing the secondhand dealer and cigarette/tobacco licenses issued to your convenience store, One Stop Market at 1541 Maryland Avenue East.

As discussed in our meeting at the Eastern District Saint Paul Police Department Offices on June 17, 2020, it is your direct responsibility as license holders to ensure compliance with all the rules and regulations contained within these attachments.

Cigarette/Tobacco
Imitation Tobacco Products and Novelty Lighters Ordinance
Secondhand Dealers
Uniform License Procedures

Please confirm you have received this message. Questions may be asked by reply to this message or calling (651) 266-1932.

Respectfully,

EXHIBIT
15-1

**Eric Hudak**
*Licensing Manager*
Dept of Safety and Inspections
375 Jackson Street Suite 220
Saint Paul MN 55101-1806
P: 651 266-9132

EXHIBIT
15-2

1541 Maryland Avenue East – DBA: The One Stop Market

Video Comparison

On 5/30/2023, Assistant City Attorney, Therese Skarda informed me that she could not find the video from two of the incidents of prohibited sales that I had documented in my report and with snippy photos using the video.

Highlighted in red below are the missing videos, that are the same from the snips that were taken from my original report that is also attached to this document.

Per my report on 2/10/2021, I observed and documented the below flavor tobacco violations by pulling out still photographs when I originally watched the 1/18/2021 video request. I do not know what happened to the video or why these segments are missing.

On June 10, 2023 I went back and watched the video from 1/18/2021 and also did not find the missing video.

Based on the still photographs I pulled off the 1/18/2021 video, I still believe that on 1/18/2021 at 12:18:14-51 and 1/18/2021 at 12:19:18 the licensee sold prohibited tobacco products.

Base my conclusion on the following:

In my still photos, the cashier is wearing the same clothes and facemask, items such as the candy and other items on or near the cash register counter are sharing the same space as well

I can see that the set of keys on the upper right of the IPad are in the same position as the video snips below.

My photos contain the same date as the other violations.

Joseph Voyda
Licensing inspector III

June 10, 2023

Violations found:
USB Flash Drive labeled 1/18/2021:
*Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars*
*Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars* *Missing Video*
Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars
Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars
Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

## 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Surveillance Video Observations

## January 18, 2021 – From 12:00 p.m. to 2:30 p.m.

**Violations found:**

USB Flash Drive labeled 1/18/2021:

Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars

Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars

Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars

Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars

Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

**Violations Found:**

City of Saint Paul's Legislative Code 324.07(f) - (h-3) – Flavor violations

**NOTE:** No customers were carded by the clerk for tobacco purchases at the 'The One Stop Market' counter and no violations observed from the 'One Stop Wireless' counter.

See attached documents for pictures of violations and the request for video letter dated January 18, 2021

Joseph Voyda
Licensing inspector III

February 10, 2021

'Backwoods' Russian Cream Cigars

EXHIBIT
16-3

'Dutch' Honey Fusion and Blue Dream Fusion Cigars

'Dutch' Honey Fusion Cigars

EXHIBIT
16-4

'Backwoods' Honey Bourbon cigars

EXHIBIT
16-5

It appears that they didn't have any 'Newport' cigarettes at this time of day or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

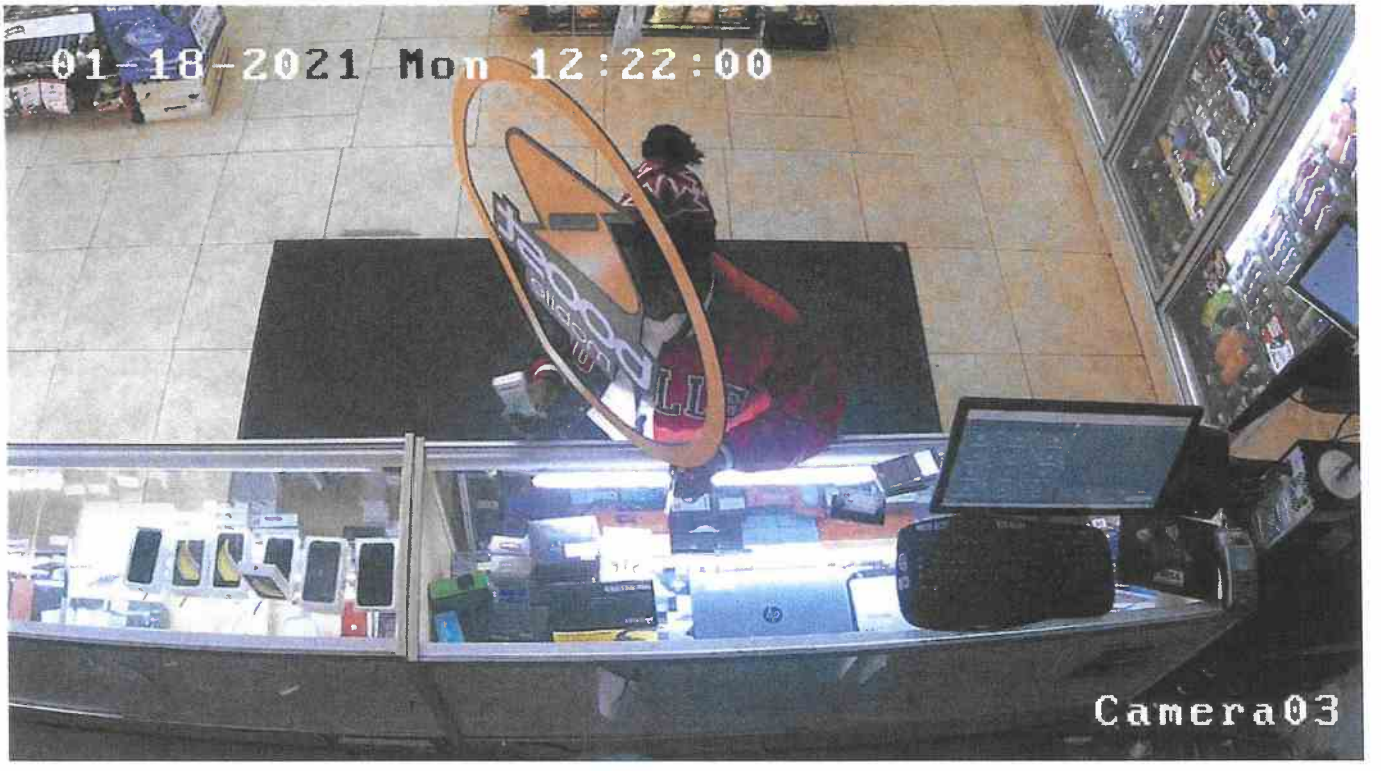



EXHIBIT
16.6

DEPARTMENT OF SAFETY AND INSPECTIONS
Amanda K. Lawrence, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

January 21, 2021

The One Stop Market LLC.
The One Stop Market
1541 Maryland Ave E.
St. Paul, MN 55106

**HAND-DELIVERED: 01-21-2020 @ 1:30 P.M**

Mr. Abukhudeer,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following period:

**Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. Monday, January 18, 2021**

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 no later than 4:00 p.m. on Monday, January 25, 2021. Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have previously been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Attorney Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

An Equal Opportunity Employer

EXHIBIT
16-9

OAH Docket No. 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Cigarette/Tobacco Licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in the City of Saint Paul.

**AFFIDAVIT OF JOSEPH VOYDA**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Joseph Voyda, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Inspector 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 include licensing investigations and inspections, providing detailed information to license holders pertaining to the City of Saint Paul's Legislative Code and language on State Statutes. It is core to our business licensing function to regularly help drop-in customers that visit DSI's offices seeking general business requirement information primary to provide initial information on alcohol licenses, lawful gambling, pedestrian skyway system, parking ramp and cigarette/tobacco regulations.

3. I have served as an Inspector for the City of Saint Paul from May of 2018 to present.

4. My experience as a Business Licensing Inspector includes knowledge of the City of Saint Paul's Legislative code, inspections in cigarette tobacco compliance checks for flavor, price and youth compliance checks. Auto repair license, gambling, liquor, and parking ramp

inspections. I regularly conduct inspections both scheduled and after complaints. After inspections I document pictures, statements and other observed findings. Gathering this information grants better accessibility for others to review and allows for potential future enforcement/adverse actions. I developed a spread sheet for tobacco licensing inclusive of flavor and price compliance/violations, youth compliance check results and an overall pass/fail list for licensed properties with tobacco licenses at the start of inspections per year to provide for more accurate tracking and generating quick reports for the administration to respond to inquiries.

5. My education and training and duties related to tobacco products and flavored products which are prohibited in Saint Paul includes:

- I am the primary Inspector assigned to conduct tobacco flavor and pricing compliance checks. These tobacco flavor and pricing compliance checks have included menthol and other flavored products prohibited since November 1, 2018.
- I am educated on what flavored products look like and have worked to hand deliver educational materials to all the retail tobacco establishments to provide further training to clerks and managers. These include educational mailings produced with a great partnership with ANSR (Association for Nonsmokers-MN).
- I am the primary Inspector designated to respond to complaints and questions on this topic area.
- I retain a wealth of knowledge of the City of Saint Paul's Legislative code 324 which relates to prohibited products.
- My number one priority in my job is to answer questions to assist license holders by educating them on both prior to violations and to bring their operation into compliance with ordinance so they can be successful.

- I move to enforcement through adverse action if education is not successful or if the violations are such that it is clear to me that the license holder is aware of the regulations but chooses not to follow them.

6. Attached as Exhibit #11 is a true and correct copy of Saint Paul Legislative Code ("SPLC") § 310 titled Uniform License Procedures that was in effect at the time of this violation.

7. Attached as Exhibit #12 is a true and correct copy of SPLC § 324 titled Tobacco that was in effect at the time of this violation.

8. 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.

9. When I am uncertain as to whether a product is a prohibited flavored product, I look it up on either the manufacturers website or on a distributor's website as these locations provide the flavor profile for the product. For example, Backwoods Russian Cream is described as having a coffee and vodka flavor.

10. I received and reviewed files, police reports, videos, statutes and relevant code provisions contained in Exhibits #5-1 though 5-99, 7-1 – 7-15 and 14-1 through 14-5 ("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").

11. I have reviewed Exhibits 5-27 – 5-56 and they are examples of educational materials and notices of ordinance changes that are sent to Tobacco Shop and Tobacco Product Shop Licensees.

12. I am personally familiar with the Licensee; I met him when he submitted his application and have seen him since.

13. I am aware of the License Conditions for this Licensed Business. Exhibit #5-19 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 agreed to by the Licensee for The One Stop Market LLC. As noted in Exhibit #5-19 they are:

"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."

"2. The licensee shall take reasonable steps to discourage loitering in front of the 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 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."

"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."

13. I have reviewed the video produced by the Licensee after a request from the Department for the Licensee's video from January 18, 2021 and the video that was produced by the Saint Paul Police Department. That video has been marked as Exhibits #10 (video produced by the Licensee) and 10-1 (video that was produced by the Saint Paul Police Department) and my reports and the still photos I pulled using the snippy tool from that video are marked as Exhibits 5-11 – 5-15 and 16.

14. When reviewing the January 18, 2021, video, I observed and documented with photos, 4 separate sales of prohibited flavored products within the Licensed Premises.

15. Those instances are:

    a. Camera 6 - 12:18:14 through 12:18:51 – Backwoods Russian Cream Cigars (Exhibit 5-12 (two photos)).

    b. Camera 6 – 12:19:18 Dutch Honey Fusion and Blue Dream Fusion Cigars (Exhibit 55-13 (top photo)).

    c. Camera 6 12:44:04 Dutch Honey Fusion Cigars (Exhibit 5-13 (bottom photo) and Exhibit 5-14 (top photo)).

    d. Camera 6 12:22:00 Backwoods Honey Bourbon Cigars (Exhibit 5-14 (bottom photo)).

16. Based on my prior experience and training I know that Backwoods Russian Cream Cigars, Dutch Honey Fusion Cigars, Blue Dream Fusion Cigars, and Backwoods Honey Bourbon Cigars are prohibited flavored tobacco products and cannot be sold or offered for sale by a Tobacco Shop Licensee within the City of Saint Paul.

17. While reviewing the video produced by the Licensee of the January 18, 2021, incident, I also noticed that no customers were being carded by the clerk.

18. I have reviewed the report I wrote and the photographs I took after my February 8, 2021, Inspection that has been marked as Exhibit #5-17, 5-18, 5-20 through 5-26.

19. My inspection on February 8, 2021, was in response to a complaint.

20. I created my report and took the photographs at the Licensed Premises after I conducted an inspection at the Licensed Premises in response to a complaint.

21. During that inspection I observed and documented at least 20 prohibited flavored tobacco products on the shelves at the Licensed Premises.

22. During that visit, I spoke with the Licensee and educated him on the violations that I found.

23. During that visit, the Licensee told me that "it wouldn't happen again".

24. The prohibited flavored tobacco products that I observed and documented during my February 8, 2021, Inspection included:

    a. Dutch Irish Fusion
    b. Java Fusion,
    c. Berry Fusion,
    d. Honey Fusion,
    e. Blue Dream Fusion,
    f. Rum Fusion,
    g. Zig Zag Purple,
    h. Zig Zag Blue,
    i. Zig Zag Pink,
    j. Backwoods Black Russian
    k. Backwoods Honey,
    l. Backwoods Berry,
    m. Backwoods Russian Cream,
    n. Backwoods Dark Stout,
    o. Backwoods Honey Bourbon,
    p. Backwoods Honey,
    q. Black & Mild – Wine.

25. I have reviewed the report I wrote on June 10, 2023. It is a true and accurate copy of the report I wrote after Assistant City Attorney, Therese Skarda told me that she could not find

the videos for two of the prohibited flavor violations I observed and documented in my report and with photos after watching the January 18, 2021 video produced by the Licensee.

FURTHER YOUR AFFIANT SAYETH NOT.

JOSEPH VOYDA

Subscribed and sworn to before me
DATE 7/10/2023

Annette Wald
Notary Public

ANNETTE MARIE WALD
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

#TIOBHNQN0DGJCMv1

EXHIBIT
tabbies
19-7

OAH Docket No. 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

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

**AFFIDAVIT OF CHARLES GRAUPMAN**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Charles Graupman, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Sergeant with the Saint Paul Police Department ("SPPD"). I provide this Affidavit in support of the Department's Motion for Summary Disposition.

2. On January 18, 2021, I was assigned to the Department of Safety and Inspections ("Department") to act as a police liaison and assist in licensing investigations.

3. I have been a duly sworn police officer with the city of St. Paul for 23 years and previously worked as a Police Officer for the city of Cannon Falls for just under 1 year. During my employment with the St. Paul Police Department, I was assigned to the Force (Focusing Our Resources On Community Empowerment) Unit, for approximately 4 years. This unit focused on street level narcotics dealing and problem property investigations that were centered around nuisance activity related to properties generating a high number of "quality of life calls", that negatively impacted the community. As a FORCE Officer, I conducted surveillance, cultivated informants, apprehended, and interviewed suspects and drafted, and executed search warrants related to unlawful weapons and narcotics sales and use. I am currently assigned to the VICE Unit

as the DSI Police Sergeant Liaison and have worked in this assignment for 3 years. One of the main duties of my current assignment is to identify businesses that are generating a high number of "quality of life" calls, pose a significant public safety threat to the community and consume a vast amount of police resources. I conduct investigations of these said businesses that are related to their current license conditions. I assist the Department of Safety & Inspection with providing evidence of licensing violations and criminal activity for review and adverse action by the City Attorney's Office, Civil Division.

4. My experience and training with street level narcotics and hand to hand dealing has equipped me with the necessary tools to identify criminal behavior. It is very common for narcotics and gang/gun violence to occur near or on the premise of a business that is participating in the illegal sales of prohibited tobacco products and contraband. Criminal behavior often gravitates towards businesses that conduct illegal activity, as there is a feeling of "shelter" or "safe haven," by suspects, due to a lack of criminal behavior reporting to police by the said business.

5. I am aware of a prior Adverse Action against The One Stop Market that concluded in 2023 with City Council adopting a Resolution to impose a $1,000 matrix penalty.

6. I have reviewed a copy of Exhibits 5-81, 5-89 and 5-98 - 5-99. They are true and correct copies of the public reports written by Saint Paul Police Officers in the course of their duties.

7. Exhibit 5-82 – 5-97 is a true and correct copy of the report I wrote after being notified of an aggravated assault with shots fired that occurred on January 18, 2021, at 1541 Maryland Avenue East in the City of Saint Paul.

8. Exhibit 7-1 – 7-15 is a true and correct copy and the most current version of my report, ("My Report") referenced above. It contains the additional information that I added to the

original CN after I discovered a few clerical errors and documented them (Exhibit 7-5), responded to a discovery request from opposing counsel and learned of missing video from the video recovered by DSI and reviewed video recovered by SPPD (Exhibits 7-6 and 7-7, 10 and 10-1). Exhibits 5-82 – 5-97 and 7-1 – 7-15 look different because our reporting writing system was updated – but the words are the same, but only Exhibit 7-1 – 7-15 contains my amendments because they were made under the updated system.

9. Before writing My Report, I reviewed copies of video produced by the Licensee in accordance with a request I produced and served on Respondent on January 21, 2021, (Exhibit 7-4, Exhibit 10).

10. My report was written after I watched video recovered from that incident and accurately conveys my observations and conclusions based on my experience and training.

11. Exhibit 5-57 – 5-80 is a run report that I ran using the search function in the records management system at Saint Paul Police. This report details the calls for service to the Licensed Premises at 1541 Maryland from 02/20/2020 through 02/08/2021.

12. As documented in My Report (Exhibit 7-2) the data in Exhibit 5-57 – 5-81 shows that between 2/9/2020 and 2/9/2021, The One Stop Market generated 786 calls for police service and that 529 of those calls were self-generated police activities and 59 of the calls were deemed quality of life calls which have a direct and negative impact on the surrounding neighborhood residents.

13. I have also reviewed reports written by DSI Inspector Joseph Voyda (Exhibits 5-11 – 5-15 and 5-17 – 5-26 and Exhibit 16. Having observed the video on January 8, 2021, and been present during the February 8, 2021, inspection, I believe his reports to accurately describe the licensing and tobacco violations observed at the licensed premises.

FURTHER YOUR AFFIANT SAYETH NOT.

CHARLES GRAUPMAN

Subscribed and sworn to before me
DATE

Notary Public

ANNETTE MARIE WALD
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

#TQMRFDTQ0DFPSBv1

EXHIBIT
tabbies
20-4

OAH Docket No. 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Cigarette/Tobacco License held by the Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

**AFFIDAVIT OF DAN NIZIOLEK**

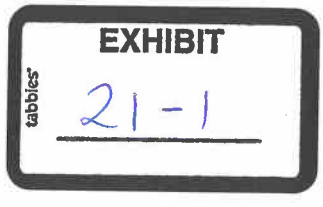
STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Dan Niziolek, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Deputy Director 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 include management of the City's Licensing division including oversight of inspectors 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.

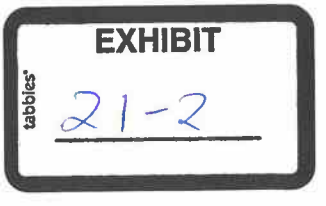
3. I have served as the Deputy Director for the City of Saint Paul since March 19, 2014.

4. My previous work experience includes: Twenty-two years with the City of Minneapolis. Serving in positions that included: 1) frontline regulatory/ community safety and livability positions (i.e. Minneapolis Police Department and Licensing Division), 2) regulatory management positions (i.e. Manager of Problem Properties Division, Minneapolis Development Review, and Minneapolis Animal Care and Control as well as Deputy Director for Minneapolis Regulatory Services Department), and 3) elected official (i.e. Minneapolis City Council Member).

5. My education and training include: BA in Sociology (Criminology emphasis) from the University of Minnesota and years of on the job training in numerous government services.

6. Licensing Manager, Eric Hudak ("Hudak") is currently out on an extended medical leave. As his direct supervisor, I have received and reviewed files, police reports, videos, statutes, and relevant code provisions contained in Exhibits #1 through 16 ("Documentation") related to violations and the basis for potential adverse action against the Tobacco Shop License ("License") held by Zhariya





Abukhudeer ("Licensee/Respondent") for the premises known as The One Stop Market LLC located at 1541 Maryland Avenue ("Licensed Premises").

7. Attached as Exhibit 11 is a true and correct copy of Saint Paul Legislative Code ("SPLC") § 310 titled Uniform License Procedures. This is the version that was in effect at the time of this violation.

8. Attached as Exhibit 12 is a true and correct copy of SPLC § 324 titled Sales Prohibited. This is the version that was in effect at the time of this violation.

9. Attached as Exhibit 13 is a true and correct copy of SPLC § 324 titled Sales Prohibited. This is the updated version of the code that includes updated penalties for the sale of prohibited flavored products. I believe that it indicates City Council's intent to take prohibited flavored tobacco sales more seriously. Now the presumptive penalty for a first flavor or single cigarette violation is a 10-day suspension. The presumptive penalty for a second flavor or single cigarette violation is revocation.

10. In my experience administering cigarette regulations, I am familiar with packaging of flavored and menthol products.

11. 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.

**Licensee/Respondent Information**

12. Attached as Exhibits 5-19 and 5-20 are true and correct copies of documents pulled from AMANDA our case management system which provide information on the Licensee, license conditions and the Licensed Premises.

13. Exhibit 5-20 contains a true and correct copy of a document entitled STAMP – Ownership Zoning Information. This documents that ZamZam Inc owns the property at 1541 Maryland. I know that this property has a Tobacco Shop License with conditions and that Zakariya Abukhudeer is the responsible party for the Tobacco Shop License at the Licensed Premises. The NOV's in this case were mailed to the owner address for ZamZam provided on this document and to the Licensee/Respondent's attorney, Mr. Thompson.

14. Exhibit 6-1 – 6-5 is a copy of the Resolution adopted by City Council in the prior Adverse Action against the Licensee/Respondent. In that Resolution, City Council found that repeatedly sold single cigarettes and prohibited flavored products and allowed patrons to smoke inside the licensed premises.

**License Conditions**

15. Exhibit #5-19 contains 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/Respondent for The One Stop Market LLC. As noted in Exhibit #5-19 they are:

"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."

"2. The licensee shall take reasonable steps to discourage loitering in front of the 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 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."

"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."

**Request for Adverse Action**

16. After reviewing the Documentation, Hudak approved adverse action and upward departure to Revocation of the Tobacco Shop License held by Licensee/Respondent and asked that the matter be forwarded to the City Attorney's Office for review and issuance of a Notice of Violation.

**Violations**

**Failure to take reasonable steps to discourage loitering in front of or on the property in violation of License Condition #2.**

17. I believe that the Documentation supports Adverse Action as the Licensee/Respondent failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021, and Respondent's license condition #2 requires Licensee/Respondent to do so.

18. I base my belief on my review of the videos contained in Exhibits 10, 10-1, the reports of Sgt. Graupman (Exhibits 7-1–7-15), the public case number on the shooting (Exhibits 5-98, 5-99, 14-1 - 14-5) and the information I reviewed in Judge Schlatter's Findings of Fact, Conclusions of Law and Recommendation related to this issue (Exhibits 9-7, 9-24 – 9-31).

19. When I reviewed the videos, I saw no evidence of any attempt to monitor the parking lot. Allowing a vehicle to sit in the parking lot, unchecked, for an amount

of time that was well outside of the 15-minute threshold that Sergeant Dunaski testified to in the previous One Stop Adverse Action and which was discussed by Administrative Law Judge Schlatter (Exhibits 9-7, 9-24 – 9-31).

20. I also observed the same concerning behavior flagged by Sergeant Graupman (Exhibit 7-4) including:

a. occupants of the vehicles entering and exiting their vehicles multiple times,

a. occupants of the vehicles approaching customers and entering customer vehicles which is indicative of narcotics transactions,

b. failure of store employees to perform a walkthrough,

c. failure of store employees to ask occupants of the vehicles to leave,

d. failure of store employees to call police and report the behavior.

21. Based on my experience, what I observed was clearly the failure to take reasonable steps to discourage loitering in front of or on the property in violation of license condition #2.

**Failure to maintain video equipment in violation of License Condition #3.**

22. I believe that the Documentation supports Adverse Action as the Licensee/Respondent failed to maintain his video equipment in violation of Licensee/Respondent's license condition #3 which requires him to do so.

23. I base my belief on Graupman's report (Exhibit 7-4) which indicates that both Graupman and Video Management Technician Ricard Bertholf noted that the DVR time on the surveillance video recovered from the Licensed Premises was approximately 6 minutes behind the actual time.

**Sale of Prohibited Flavored Tobacco Products on January 18, 2021.**

24. The Department provides education and training for Licensees who sell tobacco products. I have reviewed Exhibits 5-27-5-56 and believe they are good examples of past education and training materials sent to all Tobacco Shop Licensees.

25. I have reviewed Exhibits 15-1 and 15-2, this is an email sent out by Hudak after a meeting with the Licensee/Respondent on June 17, 2020 that tells me that Hudak discussed the Licensee/Respondent's responsibilities and regulations with respect to tobacco products. It appears that Hudak even emailed Licensee/Respondent a copy of the ordinances related to the sale of tobacco.

26. I believe that the Documentation supports Adverse Action as the Licensee/Respondent sold prohibited flavored tobacco products on January 18, 2021, in violation of Saint Paul Legislative Code §324.07 (f) (Exhibit 12).

27. I base my belief on the report of DSI Inspector, Joseph Voyda (Exhibit 5-11), the still photos he pulled from the video he watched (Exhibits 5-12 – 5-15), his comparison report (Exhibit 16), his expertise and the quality of his past work in the area of tobacco regulations and enforcement, as well as my knowledge of prohibited flavored products.

28. Inspector Voyda's expertise and work in combination with the photos in Exhibits 5-12 – 5-15 form my basis that the following prohibited products were sold at the following times on January 18, 2021:

a. 12:18:14 Backwoods Russian Crème Cigars,
b. 12:19:18 Dutch Honey Fusion and Blue Dream Fusion Cigars,
c. 12:44:04 Dutch Honey Fusion Cigars,
d. 12:46:01 Backwoods Honey Bourbon Cigars.

**Sale of Prohibited Flavored Products on February 8, 2021.**

29. I believe that the Documentation supports Adverse Action as the Licensee/Respondent possessed and sold prohibited flavored tobacco products on February 8, 2021, in violation of Saint Paul Legislative Code §324.07 (f) (Exhibit 12).

30. I base my belief on the report of DSI Inspector, Joseph Voyda (Exhibits 5-17 – 5-26), which includes the still photos he took during a compliant inspection at the Licensed Premises, as well as my knowledge of what prohibited flavored products look like.

31. I can see from the photos in Exhibits 5-20–5-26 that the following prohibited products were offered for sale and being sold on February 8, 2021:

a. Dutch Irish Fusion
b. Dutch Java Fusion
c. Dutch Berry Fusion
d. Dutch Honey Fusion
e. Dutch Blue Dream Fusion
f. Dutch Rum Fusion
g. Zig Zag Purple
h. Zig Zag Blue
i. Zig Zag Pink
j. Backwoods Black Russian
k. Backwoods Honey Berry
l. Backwoods Russian Crème
m. Backwoods Dark Stout
n. Backwoods Honey Bourbon
o. Backwoods Honey
p. Black & Mild Wine.

**Failure to manage the Property in accordance with Saint Paul Legislative Code §310.06.**

32. I believe that the Documentation supports Adverse Action as the Licensee (or any person whose conduct may be imputed to the Licensee) failed to manage the licensed business premises appropriately and/or permitted a pattern or practice of conduct of failing 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; the activities of the Licensee in the licensed activity created or have created a serious danger to the public's health, safety or welfare and 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 numbers of the members of the public.

33. I base my belief on my understanding of Saint Paul Legislative Code Sections 310.06 (b)(6)(a), (b)(6)(c), (b)(7) and (8).

34. I also base my belief on my review of the following:

a. Videos recovered from the January 18, 2021, shooting which show a failure to monitor Licensed Premises (Exhibits 10 and 10-1).

b. Graupman's Report (Exhibits 7-1 – 7-13) which indicate that:

   i. Graupman reports in CN 21026681 that at 12:19 hours he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.

   ii. Graupman reports in CN 21026681 that at 12:50 hours he observed a black Hyundai sedan arrive and back into a parking space in the parking lot near the S/W corner next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions, based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.

   iii. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.

iv. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

c. My review of the calls for service that Graupman pulled (Exhibits 5-57 – 5-80)

d. Graupman's summary in Report 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents (Exhibit 7-2).

e. Inspector Voyda's reports and photos (Exhibits 5-11 – 5-15) which note that his observations of the video from January 18, 2021, showed that no customers were carded by the clerk for tobacco purchases.

f. The repeated sales of prohibited flavored tobacco products on January 18, 2021, documented by Inspector Voyda in his report and with still photos (Exhibits 5-11 – 5-15, 16).

g. The presence of a large amount of prohibited flavored tobacco products documented by Inspector Voyda in his report and with photos related to the February 8, 2021, incident date (Exhibits 5-17 – 5-26).

**Basis for Upward Departure Request.**

35. I believe that adverse action and upward departure is appropriate based on the following SPLC code sections (Exhibit 11):

36. 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.

37. 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.

38. SPLC § 310.06 (b) titled Basis for Action which supports adverse action in several situations including:

a. § 310.06(b)(5) "The licensee or applicant has failed to comply with any condition set forth in the license…"

b. § 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;"

c. § 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."

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

e. § 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."

39. At the time of this violation SPLC § 310.05 (m)(1) laid out the following matrix penalties.

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

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

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

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

40. 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."

41. 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."

42. 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 violations 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."

43. Consistent with the procedures outlined in SPLC, after Hudak approved a recommendation for adverse action and made a penalty recommendation, the matter was then forwarded to the Saint Paul City Attorney's Office for review and creation of a Notice of Violation ("NOV").

44. Based on SPLC and the Documentation I have reviewed, I support the recommendation for upward departure from the most recent $1,000 matrix penalty to revocation.

45. Attached as Exhibit #5-1 through 5-98 is a true and correct copy of the March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation and all supporting documentation.

46. After the first Adverse Action against The One Stop was completed and RES PH 23-10 (Exhibits 6-1 – 6-5) was adopted by City Council upwardly departing from $500 to $1,000, I directed Assistant City Attorney, Therese Skarda to proceed with this second Adverse Action.

47. I have reviewed the original March 24, 2021, NOV along with the supporting documents and reports. (Exhibits 5-1 – 5-99).

48. I understand that Hudak directed that the original March 24, 2021, NOV be updated with the information from the Adverse Action that had just concluded.

49. The January 31, 2023, Amended Notice of Violation contains the additional information that the Department believed was necessary to support this Adverse Action.

50. Exhibit 2-1 – 2-11 is a true and correct copy of the January 31, 2023, Amended Notice of Violation and Request for Upward Departure to Revocation ("Amended NOV").

**Substantial and Compelling Reasons for Upward Departure Request.**

51. I have reviewed all Documentation, including the reports of Sergeant Graupman (Exhibits 7-1 – 7-15), DSI Inspector Joseph Voyda (Exhibits 5-11 – 5-26 and 16), the video (Exhibits 10 and 10-1) as well as the Reports from Administrative Law Judges LaFave and Schlatter (Exhibit 8-1 – 8-16 and 9-1 – 9-31) and the resolution adopted by City Council for the previous Adverse Action (Exhibit 6-1 – 6-5).

52. I believe that the information contained within these exhibits provide documentation of the necessary substantial and compelling reasons for the Department's recommendation of an upward departure.

53. I also believe the reports and photos accurately depict and support the allegations contained in the NOV and that substantial and compelling reasons exist for upward departure from the second box on the penalty matrix to the fourth box which is revocation.

54. The substantial and compelling reasons identified included:

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, including successive sales of prohibited flavored products and possession of an amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021,

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,

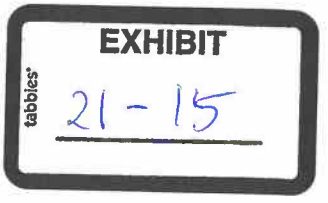
g. the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,

h. the fact that these additional, serious violations occurred after a June 18, 2020, meeting with the Department, representatives of the Saint Paul Police Department and Licensee/Respondent to discuss the problems at the Licensed Premises, and

i. the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law LaFave found numerous violations of sales of prohibited flavored products and single cigarettes as well as violations of the clean indoor air act.

j. Graupman's report (Exhibits 7-1 – 7-13) and the videos (Exhibit 10, 10-1) which depict the violations that show the failure of the Licensee/Respondent and his employees to take appropriate action and their actions violated License Condition #2 and 3, Saint Paul Legislative Code 324, which 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).

FURTHER YOUR AFFIANT SAYETH NOT.

DAN NIZIOLEK

Subscribed and sworn to before me
DATE July 11, 2023

STEPHANIE LYNN HARRINGTON-HILLIKER
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2024

Notary Public



EXHIBIT
tabbies
21 - 16

OAH Docket No. 71-6020-39190

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Secondhand Dealer (Computer/Electronics items) License held by Mann Abukhudeer d/b/a One Stop Wireless for the premises located at 1541 Maryland Avenue in the City of Saint Paul.

**SUPPLEMENTAL AFFIDAVIT OF JOSEPH VOYDA**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Joseph Voyda, being first duly sworn on oath, deposes and states as follows:

1. I provide this supplemental affidavit in support of my February 8, 2021, Inspector's Report and photographs which summarize the results of a complaint-based inspection I performed at the Licensed Premises.

2. During that inspection I identified several prohibited flavored tobacco products including:

3. I believe that my report and the exhibits depict the following prohibited flavored tobacco products that I identified.

4. Dutch – Irish Fusion, Exhibit 5-20
5. Dutch - Java Fusion, Exhibit 5-21
6. Dutch - Berry Fusion, Exhibit 5-20, 5-21 (box photo)
7. Dutch - Honey Fusion, Exhibit 5-20, 5-21 (box photo)
8. Dutch - Blue Dream Fusion, Exhibit 5-20
9. Dutch - Rum Fusion – Exhibit 5-22
10. Zig Zag Purple, Exhibit 5-22
11. Zig Zag Blue, Exhibit 5-25
12. Zig Zag Pink, Exhibit 5-22
13. Backwoods Black Russian, Exhibit 5-22
14. Backwoods Honey Berry, Exhibit 5-22, 5-23
15. Backwoods Russian Cream, Exhibit 5-24
16. Backwoods Dark Stout, Exhibit 5-23, 5-24
17. Backwoods Honey Bourbon, Exhibit 5-23, 5-24
18. Backwoods Honey, Exhibit 5-22, 5-23
19. Black & Mild Wine, Exhibit 5-24

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20. Many of the prohibited flavored tobacco products that I documented with photos in my report are easily recognizable as flavors by their names.

21. Based on my experience, some manufacturers attempt to hide prohibited flavored tobacco products behind names like Pink, Blue and Purple.

22. The information on what these flavors were used to be readily available on a tobacco retailers' website.

23. Based on my experience, I have seen tobacco retailers, like Tobacco Stock remove information related to flavor profiles from their websites over the years.

24. Because of this, I keep files and lists of prohibited products so that I can work with any Tobacco Licensee who has a question regarding whether a product is a prohibited flavored tobacco product. I also search other websites for support that a certain product is a prohibited flavored tobacco product and if I am ever unsure, I have other resources, like the Association for Nonsmokers that I can reach out to.

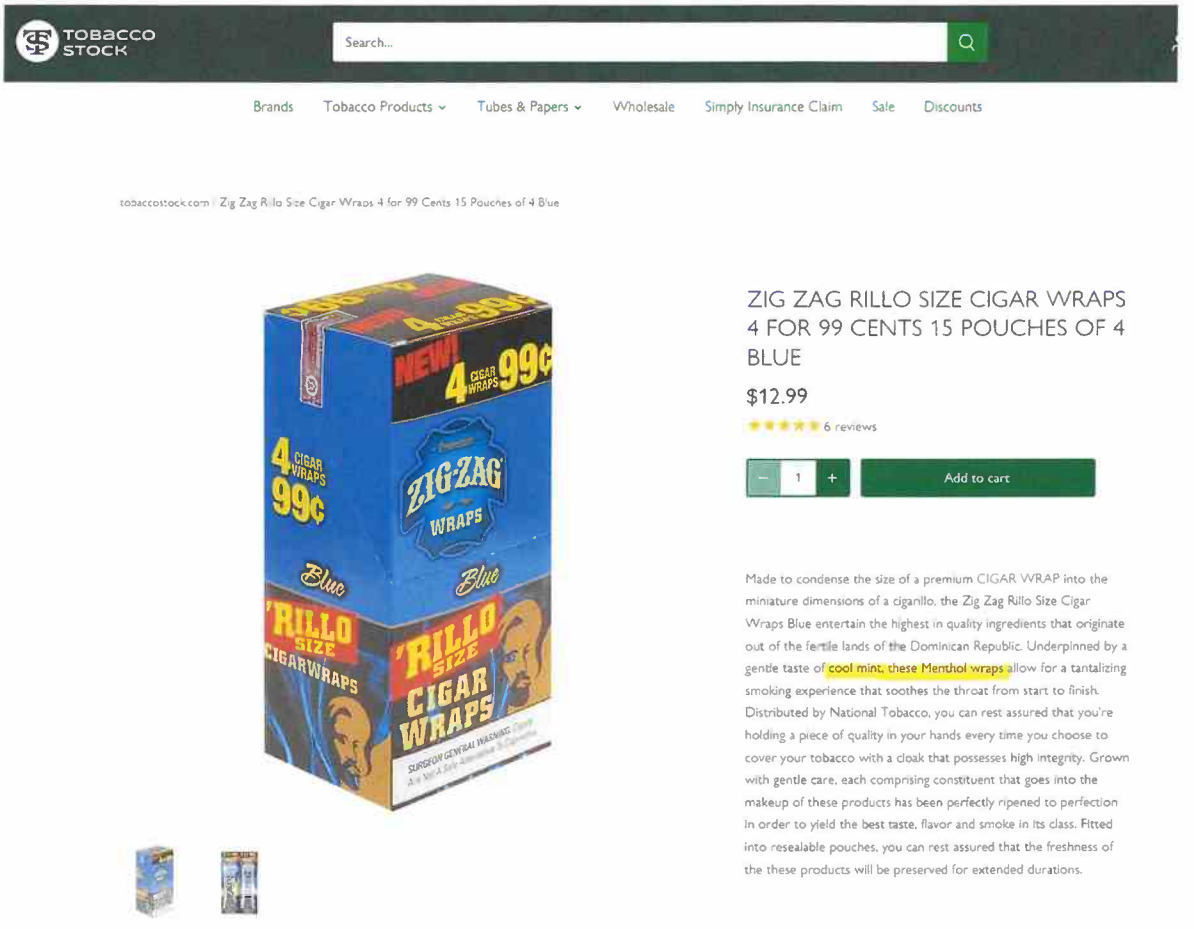
25. I also keep samples on hand because the flavors and flavor profiles are easily recognized as smells when you open the packages.

26. In addition to the education and training provided to Licensees, examples of which are included in Exhibit 5-27 – 5-56, if Respondent had a question about whether a product was a prohibited flavored product, I would have been more than happy to answer his question.

27. Respondent could have also figured out on his own if a product he was stocking was a prohibited flavored product, because, as I mentioned above, each of these products has its own scent that identifies its flavor and flavor profile.

28. I offer the following information from websites and the files that I keep on flavored products in support of my February 8, 2021, determination that Zig Zag Pink, Purple and Blue are prohibited flavored products.

29. Zig Zag Blue is a prohibited flavored product. I have highlighted the portion of the definition which shows that this has a taste of cool mint and indicates that these are menthol wraps. On August 11, 2023, I opened a sample of this product that I had on hand and verified the flavor profile. This description was pulled from the Tobacco Stock Website on August 11, 2023 - https://www.tobaccostock.com/products/zig-zag-rillo-size-cigar-wraps-4-for-99-cents-15-pouches-of-4-blue?_pos=2&_sid=d256850f9&_ss=r



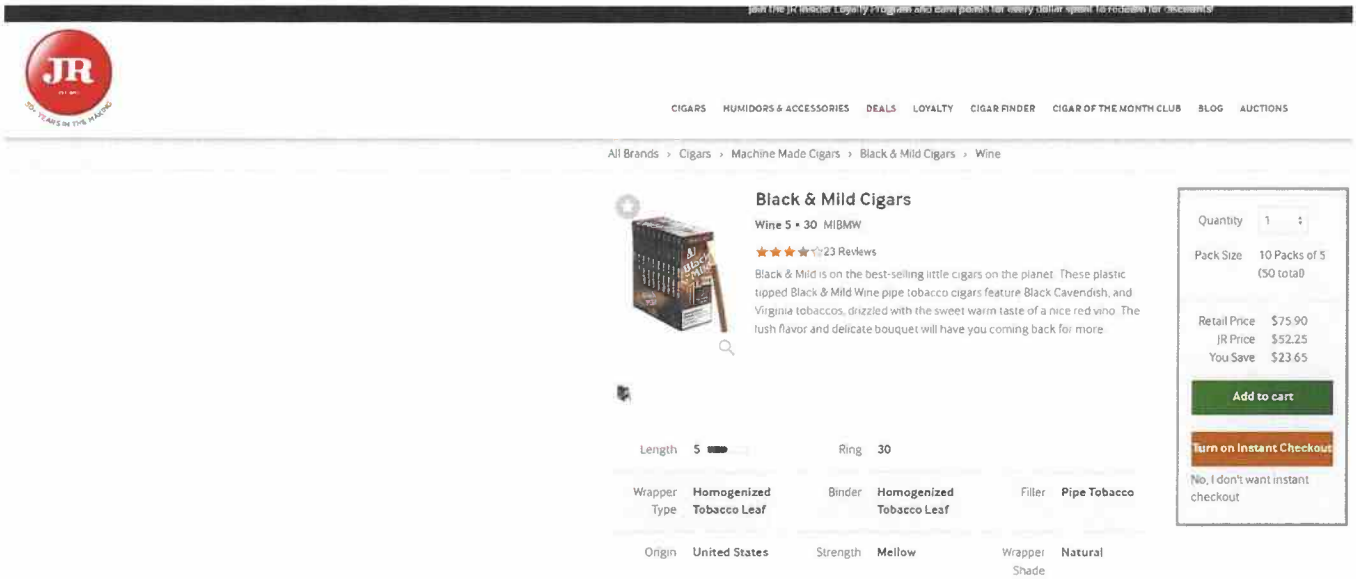

32. Zig Zag Pink is a prohibited flavored product. I have highlighted the portion of the definition which shows that this product has a fruity taste. I opened a sample of this product that I had on hand and verified the flavor profile. This description was pulled off of the Smokers Discount Website: https://www.smokersdiscounts.com/p-44276-zig-zag-rillo-size-cigar-wraps-pink.aspx



EXHIBIT
tabbies
22-3

33. Zig Zag Purple is a prohibited flavored product. It has a fruity grape flavor. Although I could not find a current photo from a website that specifically described the flavor, I did open a package that I had on hand and verified the flavor profile.

34. Black & Mild is a prohibited flavored product. It has a Red Vino Wine Flavor. This description was pulled off of the J R Website: Black & Mild Cigars Wine Packs | JRCigars



# Black & Mild Cigars

**Wine 5 × 30** MIBMW

★★★★☆23 Reviews

Black & Mild is on the best-selling little cigars on the planet. These plastic tipped Black & Mild Wine pipe tobacco cigars feature Black Cavendish, and Virginia tobaccos, drizzled with the sweet warm taste of a nice red vino. The lush flavor and delicate bouquet will have you coming back for more.

Length 5 Ring 30

#TV6CTZ720D96YNv1

EXHIBIT
tabbies
22-5

FURTHER YOUR AFFIANT SAYETH NOT.

JOSEPH VOYDA

8-11-23
DATE

Subscribed and sworn to before me

STEPHANIE LYNN HARRINGTON-HILLIKER
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2024

Notary Public

#TV6CTZ720D96YNv1

EXHIBIT
tabbies
22-6

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah
PH (651) 361-7900

January 12, 2024

**VIA EMAIL ONLY**
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mkt@mktlawoffice.com

**VIA EMAIL ONLY**
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Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
Alan.Tellez@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7853, majeste.phillip@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Docket Coordinator

EXHIBIT
tabbies 23-1

OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** |

This matter came before Administrative Law Judge Suzanne Todnem pursuant to the City of St. Paul's (City) motion for summary disposition (Motion).[1]

Therese Skarda, Assistant City Attorney, appeared on behalf of the City. Mark K. Thompson, MKT Law, PLC, appeared on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Respondent).

On July 14, 2023, the City filed its Motion. Respondent requested and was granted until August 7, 2023, to respond. Oral argument was heard on October 13, 2023, and the Motion record closed on October 16, 2023, the date the City filed its additional filings as ordered by the Administrative Law Judge.

Based upon the parties' arguments and the record, and for the reasons explained in the accompanying Memorandum,

**IT IS HEREBY RECOMMENDED THAT:**

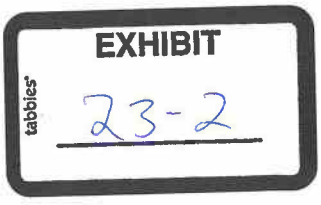
The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violations of St. Paul Legislative Code (SPLC) § 324.07(j) (2021)[2] relating to Respondent's offering for sale of flavored tobacco products on February 8, 2021. The City may take disciplinary action against Respondent's license for these violations.

**IT IS HEREBY ORDERED THAT:**

1. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #2 regarding the requirement to take reasonable steps to discourage loitering on the property of the licensed premises.

---

[1] This adverse licensing action was initiated by and through the City's Department of Safety and Inspections.
[2] The City incorrectly cited SPLC § 324.07(f); however, the correct citation that prohibits the sale, offering for sale or otherwise distributing flavored products is correctly cited in this Order. As applied to this case, the City's Motion is vague when it alleges Respondent "sold and displayed prohibited flavored tobacco products."



2. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #3 relating to the requirement to maintain the video cameras on the licensed premises.

3. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violation of SPLC § 324.07(j)[3] relating to the prohibition of offering for sale flavored tobacco products by Respondent on January 18, 2021.

4. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violations of SPLC §§ 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7), and 310.06(b)(8) (2021).

5. These claims will proceed to an evidentiary hearing on **March 6 through 8, 2024**, as ordered in the Fifth Prehearing Order.[4]

Dated: January 12, 2024

Suzanne Todnem

SUZANNE TODNEM
Administrative Law Judge

[3] As noted above, the City incorrectly cited to SPLC § 324.07(f); however, the correct citation that prohibits the sale, offering for sale or otherwise distributing flavored products is correctly cited in this Order.
[4] Fifth Prehearing Order (November 28, 2023).



EXHIBIT
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## MEMORANDUM

### I. Background Information

Respondent is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul. One Stop is located next to and in the same building as a laundromat. One Stop and the laundromat share the building's parking lot.[5]

The City granted Respondent a Cigarette/Tobacco license subject to the following conditions:

(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.

(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 Saint Paul Police Department (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 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.

(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 place in the area between four (4) and seven (7) feet above the adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[6]

On March 24, 2021, the City served a Notice of Violation on Respondent alleging violations of license conditions and city ordinances related to operation of Respondent's business.[7] The City stated its intention to request from the City Council (Council) an upward departure of the penalty matrix to revocation.[8] On January 31, 2023, an

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[5] Motion for Summary Disposition (July 14, 2023); Licensee's Responsive Memorandum of Law in Opposition to the City's Motion for Summary Disposition (August 7, 2023).
[6] Exhibit (Ex.) 2.
[7] Ex. 5, *generally*.
[8] Ex. 5-4.



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Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice) was served on Respondent.[9]

On March 2, 2023, the City served a Notice of Prehearing Telephone Conference on Respondent.[10] The prehearing conference was held on March 9, 2023, and an order setting a schedule for the matter, including discovery and dispositive motion deadlines, was issued on March 15, 2023.[11]

## II. Legal Standard

Summary disposition is the administrative law equivalent of summary judgment.[12] A motion for summary disposition shall be granted when there is no genuine issue regarding any material fact, and the moving party is entitled to judgment as a matter of law.[13] The Office of Administrative Hearings follows the summary judgment standards developed in the state district courts when considering motions for summary disposition in contested case matters.

The function of the Administrative Law Judge on a motion for summary disposition, like a trial court's function on a motion for summary judgment, is not to decide issues of fact, but to determine whether genuine, material factual issues exist.[14] The Administrative Law Judge does not weigh the evidence;[15] instead, the judge views the facts and evidence in a light most favorable to the non-moving party.[16]

The moving party has the initial burden to show the absence of any genuine issue regarding any material fact.[17] A fact is material if its resolution will affect the outcome of the case.[18] If the moving party meets the initial burden, the burden shifts to the non-moving party to prove the existence of any genuine issue of any material fact.[19] A genuine issue is not a "sham or frivolous" one,[20] and it cannot rely on mere allegations or denials.[21] Instead, a genuine issue requires presentation of specific facts demonstrating a need for resolution in a hearing or trial.[22]

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[9] Ex. 2. The Amended Notice referenced a Notice of Violation that was issued on April 1, 2022, which the Amended Notice included in its scope. No copy of the April 1, 2022, Notice of Violation is part of the record.
[10] Notice of Prehearing Telephone Conference (Mar. 2, 2023).
[11] First Prehearing Order (Mar. 15, 2023).
[12] *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); *see also* Minn. R. 1400.5500(K) (2023).
[13] *Sauter v. Sauter*, 244 Minn. 482, 484, 70 N.W.2d 351, 353 (1955); *Louwagie v. Witco Chemical Corp.*, 378 N.W.2d 63, 66 (Minn. Ct. App. 1985).
[14] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).
[15] *Id.*
[16] *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).
[17] *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).
[18] *O'Malley v. Ulland Bros.*, 549 N.W.2d 889, 892 (Minn. 1996).
[19] *Thiele*, 425 N.W.2d at 583.
[20] *Highland Chateau, Inc. v. Minn. Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984).
[21] *DLH*, 566 N.W.2d at 71.
[22] *See* Minn. R. Civ. P. 56.05.

Summary disposition cannot be used as a substitute for a hearing or trial on the facts of a case.[23] Thus, summary disposition is only proper when no fact issues need to be resolved.[24]

## III. Alleged Violations and Argument

Under the SPLC, the city council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[25] The City alleges Respondent made the following violations:

(1) License condition #2 requiring Respondent to take reasonable steps to discourage loitering in front of or on the property of the licensed business.

(2) License condition #3 requiring Respondent to maintain video surveillance cameras inside and outside the establishment.

(3) SPLC § 324.07(j) prohibiting the sale, offering for sale or distribution of any flavored products on January 18, 2021, and February 8, 2021.

(4) SPLC § 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7) and 310.06(b)(8) support adverse action when:

a. a licensee 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;

b. a licensee has engaged in or permitted a pattern or practice of conduct or 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;

c. the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare; and

d. the way in which a licensed 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.

The City maintains that it is entitled to judgment as a matter of law on the license violations it cited. The City asserts that undisputed facts in the record support finding

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[23] *Sauter*, 244 Minn. at 485, 70 N.W.2d at 353.
[24] *Id.*
[25] SPLC §§ 310.05(m), 310.06(a), (b)(6)(a).



EXHIBIT
tabbies
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Respondent: (1) failed to take reasonable steps to discourage loitering on its premises; (2) failed to maintain video surveillance when the video timestamp was off by 6 minutes; and (3) sold, offered for sale, or otherwise distributed prohibited tobacco products on January 18, 2021, and February 8, 2021.

### A. Permitting Loitering

The City asserts that on January 18, 2021, Respondent violated license condition #2 by failing to discourage loitering.[26] The City relies on video evidence of Respondent's parking lot on January 18, 2021,[27] and the opinion of a police sergeant's review of the video. According to the incident report based on the video evidence, the police sergeant observed some vehicles remained in the parking lot for an extended period of time and multiple interactions between the vehicles, occupants and customers.[28]

Respondent's parking lot is shared with a laundromat and Respondent contends that every vehicle in the parking lot on January 18, 2021, were patronizing One Stop or the laundromat next door, which is supported by the video evidence.[29] Whether the customers and vehicle occupants were loitering or waiting for their laundry is a genuine issue of material fact.

### B. Failure to Maintain Video Cameras

The City contends Respondent failed to maintain video cameras on the premises because one of the cameras and the video recording from it had an incorrect time stamp by six minutes. The City acknowledges that it requested and received the video surveillance. The only issue is that the time stamp on one of the videos it received from Respondent was different from another video by six minutes. While the parties do not dispute that one of the video camera clocks was off by six minutes, it is unknown if that alone is a violation of license condition #3.

### C. Prohibited Tobacco Products

#### i. January 18, 2021

The City asserts that Respondent sold and displayed prohibited flavor tobacco products on January 18, 2021. The evidence on which the City relies is missing or too unclear to establish the sale or display of prohibited flavor tobacco products on January 18, 2021.[30] Therefore, there is a genuine issue of material fact.

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[26] *See* Notice of Prehearing Telephone Conference (March 2, 2023).
[27] Ex. 10.
[28] Ex. 7.
[29] While the Administrative Law Judge makes no specific determination whether all individuals in the video were patrons, it is sufficient to conclude there is a genuine issue of material fact.
[30] *See* Ex. 16; *see also* video from Camera 6.

### ii. February 8, 2021

The City further asserts that Respondent sold and displayed prohibited flavor tobacco products on February 8, 2021. On February 8, 2021, a licensing inspector went to One Stop and observed prohibited flavored tobacco products.[31] While some of the products referenced in the inspector's report may or may not have been prohibited flavored tobacco products, at least some were prohibited tobacco products. Therefore, there is no genuine issue of material fact and summary disposition is granted.

## D. SPLC § 310.06 Grounds

The City contends that "the January 18, 2021, shooting in the parking lot of the licensed premises" led the police sergeant to conclude that Respondent failed to manage the licensed premises in accordance with license conditions.[32] Based on his review of Respondent's surveillance video provided, the police sergeant noted that no employees performed a walk-through of the premises during the video and opined that narcotics transactions took place because of multiple interactions between the occupants of vehicles in the lot and customers of the One Stop.[33] One vehicle the police sergeant notes entered the parking lot at 12:19; then, at 13:31, a man entered the nearby crosswalk of the public street, raised a handgun and fired towards the vehicle that entered the lot at 12:19. The victim of the shooting was in a vehicle on the licensed premises but the shooter approached from the south on the public street, entered the crosswalk, crossed about half way and then ran south after the shooting.[34]

The City argues that because of the other alleged violations and the shooting near the One Stop, Respondent is in violation of SPLC § 310.06, that Respondent has engaged in or permitted conduct that: shows a lack of fitness or good character; that created a serious danger to the public health, safety or welfare, or he performed his work in an unsafe manner; and the One Stop or its operation unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public. Because the violations on which the City relies for this violation are largely not found, there is a genuine issue of material fact.

## E. Evidence

Respondent contends that the City's motion relies on inadmissible evidence consisting of secondhand knowledge, police reports and hearsay. Respondent asserts this evidence bears little probative value.[35] The City points to the photo and video

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[31] Ex. 5.
[32] Memorandum of Law in Support of City's Motion for Summary Disposition (July 14, 2023) at 20.
[33] Ex. 7-4.
[34] Ex. 10.
[35] Memorandum of Law in Opposition to the City's Motion for Summary Disposition (August 7, 2023) at 13-14.



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23-8

evidence itself.[36] The Administrative Law Judge will give the evidence submitted appropriate weight in light of the concerns raised by Respondent.

Respondent contends the City spoliated evidence when it lost videos on which it based its arguments. The City does not dispute that some videos are missing and rely on affidavits from individuals who had previously viewed the videos before they were lost. The Administrative Law Judge cannot assess evidence not in the record and evidence submitted will be given appropriate weight and consideration at hearing.

## IV. Penalty

The City asserts that although this is Respondent's second violation of the SPLC, Respondent should be subject to an upward departure of the penalty matrix to revocation, which is the presumptive penalty for a fourth violation.[37] However, there are material issues of fact still in dispute so the City's motion for upward departure of the penalty is premature.

This matter will proceed to an evidentiary hearing as indicated in this Order.

**S. T.**

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[36] City of Saint Paul's Response to Respondent's Responsive Motion at 2.
[37] SPLC § 310.05(m).

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

February 22, 2024

**VIA EMAIL ONLY**
Therese Skarda
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Saint Paul, MN 55102
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Alan.Tellez@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **ORDER DENYING MOTION TO CERTIFY** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On February 22, 2024, a true and correct copy of the **ORDER DENYING MOTION TO CERTIFY** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
Alan.Tellez@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | **ORDER DENYING MOTION TO CERTIFY** |

This matter is pending before Administrative Law Judge Suzanne Todnem.

Therese Skarda, Assistant City Attorney, appears on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law, PLC, appears on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Respondent).

On January 29, 2024, the City filed a Motion to Certify the City's Motion for Summary Disposition (Motion) to the Saint Paul City Council (City Council) pursuant to Minn. R. 1400.7600 (2023).[1] Respondent filed an objection to the Motion on February 8, 2024, and the Motion record closed on that date.

Based upon the hearing record and for the reasons explained in the memorandum below,

**IT IS HEREBY ORDERED:**

1. The Department's Motion to Certify is **DENIED**.

2. The deadline to request subpoenas for the attendance of witnesses or the production of documents is **EXTENDED** to **4:30 p.m.** on **February 26, 2024**.

3. The hearing set for **March 6, 7, and 8, 2024**, will proceed as scheduled.

4. Unless amended herein, the terms of prior orders remain in effect.

Dated: February 22, 2024

SUZANNE TODNEM
Administrative Law Judge

[1] The City filed a request to have this matter certified to the Saint Paul City Counsel; the Administrative Law Judge accepted this filing as a motion under Minn. R. 1400.6600 (2023) and will refer to it as such.

## MEMORANDUM

## I. Factual Background

On January 12, 2024, the Administrative Law Judge issued a Recommendation and Order on Motion for Summary Disposition (Order) that recommended granting the City's Motion for Summary Disposition in part and denied in part.[2] Following the Order, the remaining issues to be decided at the evidentiary hearing are:

1) Did Respondent violate license condition #2 regarding the requirement to take reasonable steps to discourage loitering on the property of the licensed premises?

2) Did Respondent violate license condition #3 relating to the requirement to maintain the video cameras on the licensed premises?

3) Did Respondent violate St. Paul Legislative Code (SPLC) § 324.07(j) relating to the prohibition of offering for sale flavored tobacco products by Respondent on January 18, 2021?

4) Did Respondent violate SPLC §§ 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7), and 310.06(b)(8) (2021)?

The Administrative Law Judge determined that there are sufficient facts in dispute to warrant a hearing and the Motion was denied in part.

The City's Motion is based on the Administrative Law Judge's recommendation to grant summary disposition for one of the five allegations, for which the City may take disciplinary action against Respondent's license. Importantly, as explained in the Order, the Administrative Law Judge determined that there are material issues of fact still in dispute so the City's motion for upward departure of the penalty is premature. For a third time, the City is attempting to bypass due process and expedite revocation of Respondent's license through upward departures, including duplicative upward departure, from the City's penalty matrix.

## II. The Motion for Certification

Minn. R. 1400.7600 instructs: "In deciding what motions should be certified, the judge shall consider the following:

A. whether the motion involves a controlling question of law as to which there is substantial ground for a difference of opinion; or

[2] Recommendation and Order on Motion for Summary Disposition (Jan. 12, 2024).

B. whether a final determination by the agency on the motion would materially advance the ultimate termination of the hearing; or

C. whether or not the delay between the ruling and the motion to certify would adversely affect the prevailing party; or

D. whether to wait until after the hearing would render the matter moot and impossible for the agency to reverse or for a reversal to have any meaning; or

E. whether it is necessary to promote the development of the full record and avoid remanding; or

F. whether the issues are solely within the expertise of the agency."

There is no controlling question of law upon which there is a substantial ground for a difference of opinion. The dispute in this case is heavily fact-dependent. The parties have not expressed a difference in legal interpretation. Here, the issues are what facts occurred and how the law applies to them. It is essential that the City Counsel have a fully developed record of the facts to make its final determination. Therefore, it is premature to refer this matter to the City Council. This factor does not weigh in favor of certification.

A final determination by the City Council on the City's Motion for Summary Disposition will not materially advance the ultimate termination of the hearing. Only one of five allegations is recommended for disciplinary action as a result of the City's Motion for Summary Disposition. Even if the City Council made a final determination as to the one violation, four other allegations remain unresolved and unsubstantiated. And importantly, as explained in the Order, an upward departure of the City's penalty matrix is premature. This factor does not weigh in favor of certification.

The City prevailed on one allegation while Respondent prevailed insofar as summary disposition was denied on the remaining four allegations. In regard to the City, any delay between the ruling and the Motion would not adversely affect the City. In regard to Respondent, the Administrative Law Judge surmises that any certifying the Motion to the City Council would result in a delay, thereby extending Respondent's need for counsel and related costs. These parties have been involved in drawn out legal entanglements for over three years already. Any further delay is not justified. As a result, this factor does not weigh in favor of certification.

Waiting until after the hearing would not render the matter moot nor impossible for the City Counsel to reverse or for a reversal to have any meaning. The City argues that because it prevailed on one allegation, the City Council could or would revoke Respondent's license if the certification were granted. However, again, this position presumes multistep upward departure of the penalty matrix, all before the facts of the case have been determined. The City fails to recognize that even as to the one allegation on which it prevailed, the record must be developed as to whether upward departure is warranted by the facts surrounding the established violation. This factor does not weigh in favor of certification.

Full development of the record is necessary to avoid the cost and delay of a possible remand. This factor does not weigh in favor of certification.

Neither party asserts that the issues are solely within the expertise of the City Council. The certification procedure is not required to build a hearing record that reflects the special expertise of the City Council on licensing enforcement. In fact, Respondent contends that the Office of Administrative Hearings (OAH) has as much experience in deciding licensing cases as the City Council does. The Administrative Law Judge agrees that the issues here are not solely limited to the expertise of the City Council. Rather, the fact-dependent issues here are best addressed with the full development of a record, which is the one of the main functions of OAH. This factor does not weigh in favor of certification.

## III. Conclusion

For all these reasons, granting the City's Motion is inappropriate. The evidentiary hearing will proceed as scheduled.

**S. T.**

RECEIVED
By: OAH on 02/21/2024 2:19pm

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: 651-266-8710 | Fax: 651-298-5619

The Honorable Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert
Saint Paul, MN 55101

**RE: In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul.**
**OAH: 23-6020-39016**

Good morning, Judge Todnem:

Mr. Thompson and I spoke this morning about the upcoming hearing and corresponding deadlines, and we are reaching out for some clarification on our request for a continuance of the Administrative Hearing scheduled for March 4, 5 and 6.

If your honor is not granting this joint request, please advise so that we can both meet the deadlines imposed in the Fifth Pre-hearing Order.

Sincerely,

Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
Saint Paul, MN 55102
therese.skarda@ci.stpaul.mn.us
alan.tellez@ci.stpaul.mn.us



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RECEIVED
By: OAH on 02/08/2024 11:29am

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MARK K. THOMPSON

February 6, 2024

The Honorable Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert
Saint Paul, MN 55101

Re: In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul.
OAH: 23-6020-39016

Dear Judge Todnem:

I represent the licensee, Zakariya Abukhudeer d/b/a The One Stop Market LLC, in the above matter. I write to specifically object to and oppose the request to certify *this matter* to the St. Paul City Council. See City Request dated 1/29/2024 (City Req.)

The City states the request is based on the Court's *Recommendation and Order on Motion for Summary Disposition* (SD Order). *Id*. The City then explains that because:

> you have recommended that summary disposition be granted as to one allegation and ordered that the remaining claims be denied and proceed to an administrative hearing. The City also bases its request on your recommendation that there are grounds to sanction the Respondent.

*Id*. The City was much more clear and detailed in its email preceding its request to me:

> To summarize where the Department is at - ALJ Todnem granted a portion of the City's Motion for Summary Disposition stating that "disciplinary action may be taken against Respondent's license for these violations" based on the fact that the Licensee offered flavored tobacco products for sale in violation of legislative code on February 8, 2021

> The Department of Safety and Inspections believes ample basis exists to recommend upward departure one box on the penalty matrix to revocation. The City Council is the entity with the authority to determine whether or not to impose a penalty, or direct the Department to move forward with the evidentiary hearing on the remaining allegations. Under the Legislative Code, they are also the entity with the authority to determine whether to upwardly or downwardly depart.
>
> The resolution would say that if the Council does not find that upward departure one box on the old penalty matrix to revocation is warranted, Council could send this back to the ALJ for a hearing on the remaining matters or decide to impose the (then) standard matrix penalty at the third box on the old penalty matrix.

Enclosed email dated 1/22/2024 from Atty Skarda to Atty Thompson (Skarda Email). So either revocation is imposed or the City will try for a second bite of the apple and hope it can have support to revoke my client's license. This proposal is not fair for the licensee.

The reason the City wants to certify is so it can impose the penalty now with no further input from Your Honor on its motion to upwardly depart from the penalty guidelines. This will terminate the proceedings since it will no doubt revoke licensee's license. This will also violate Minn. Stat. § 14.61 (West)(2021), which provides in part:

> In all contested cases the decision of the officials of the agency who are to render the final decision shall not be made until the report of the administrative law judge as required by sections 14.48 to 14.56, has been made available to parties to the proceeding****

A final report is required. The contested evidentiary hearing must be held. The City's certification request should be denied.

If the motion is certified, the City will take action that will preclude the ALJ from making the report required by Minn.Stat. §14.61. Under Minn. Stat. § 14.50 (2021), "it shall also be the duty of the judge to make a report on each proposed agency action in which the administrative law judge functioned in an official capacity, stating findings of fact and conclusions and recommendation…." The certification request should be denied to fulfill the statutory mandate.

The City wants to avoid having an adverse report issued on its upward departure from its penalty guidelines. The City wants nothing that will hinder its preordained decision to revoke the license. It also wants to avoid any evidence coming out that would support a downward departure. Such a scenario would jeopardize the City's quest to take my client's license. It would also deprive licensee of procedural due process.

The City wants to avoid any more discussion and documentation of its loss of the critical video evidence. The City does not want to see that lost video evidence taint the rest of its case—as it should. The City does not want a decision rendered on its precarious position that my client violated his video condition.. After all, while trying to claim losing video evidence is no big deal, the City must also show how it is not frivolous to assert a timestamp being 6 minutes off was a material violation. To avoid all this, the City will use the Court's decision on the single count of selling flavored tobacco products to justify revoking The One Stop's license. In doing so, the City precludes a transparent trial that reveals issues unfavorable to it.

To do so, the City must go two-steps up on the guidelines for its upward departure to impose the ultimate sanction of revocation of licensee's license. This is because this is licensee's second appearance before the City Council and revocation is the fourth and final step on the penalty matrix. *See* SPLC §310.05(m)(2021).

The SD Order agrees with this interpretation. See SD Order, Section IV. The City, however, believes it must only go one step up to impose revocation. *See* Skarda Email. This is licensee's second appearance before the City Council and not his third. Your recommendation on this before a penalty is levied is crucial.

The Court's SD Order concludes with a discussion regarding the City's motion for an upward departure penalty. See SD Order, Section IV. It held a decision on that motion was premature due to disputed fact issues. *Id.*

The City should not be allowed to certify. The City has revealed it intends to disregard its penalty guidelines and upwardly depart to revocation.

Under Minn. R. 1400.7600:

> No motions shall be made directly to or be decided by the agency subsequent to the assignment of a judge and prior to the completion and filing of the judge's report unless the motion is certified to the agency by the judge. *** Uncertified motions shall be made to and decided by the judge and considered by the agency in its consideration of the record as a whole subsequent to the filing of the judge's report. Any party may request that a pending motion or a motion decided adversely to that party by the judge before or during the course of the hearing, other than rulings on the admissibility of evidence or interpretations of parts 1400.5100 to 1400.8400, be certified by the judge to the agency.

Minn. R. 1400.7600

The City can take no action on The One Stop license before a final decision is rendered by the Court after a contested hearing with the evidence presented. The parties, however, have the option of requesting a pending *motion* be certified and sent to the City to decide. Or, if a party has an adverse determination rendered, then the party may request the ALJ to certify the motion adversely decided.

Rule 1400.7600 continues with factors the ALJ is to consider when deciding a request to certify a motion:

> A. whether the motion involves a controlling question of law as to which there is substantial ground for a difference of opinion; or
>
> B. whether a final determination by the agency on the motion would materially advance the ultimate termination of the hearing; or
>
> C. whether or not the delay between the ruling and the motion to certify would adversely affect the prevailing party; or
>
> D. whether to wait until after the hearing would render the matter moot and impossible for the agency to reverse or for a reversal to have any meaning; or
>
> E. whether it is necessary to promote the development of the full record and avoid remanding; or

> F. whether the issues are solely within the expertise of the agency.

None of the factors above support certification. The only reason the City wants to certify the motion is so it can revoke licensee's license now. So the motion to be certified is the City's motion for an upward departure.

That motion alone does not contain a controlling issue of law. The controlling issues of law are the claimed violation issues themselves. The alleged violations must be determined whether there are substantial and compelling reasons to upwardly depart and severe aggravating circumstances that will support doubling the penalty. *See* SPLC §310.05(m)(ii)(2021) *and Matter of Cigarette/Tobacco & Gas Station licenses held by Midway Univ. & Hamline, LLC*, No. A20-0581, 2021 WL 562416, at *4 (Minn. Ct. App. Feb. 16, 2021). Factor A does not support certification.

A decision by the City will only support the termination of this action if it decides the penalty and imposes revocation before the remaining issues are decided. These issues may provide grounds to argue for a downward departure from the guidelines. These are the issues tainted by the City's spoliation of evidence.

Licensee would be deprived of due process if the City uses Rule 1400.7600 to shortchange licensee's procedural due process and is precluded from having the other violations heard in a contested proceeding and decided by the ALJ. There is therefore no basis to believe certifying the motion as requested by the City will advance this case towards termination. Factor B does not support certification.

This case is ready to go to the final contested hearing. Any delay between the ruling and the motion to certify will be minimal. Denying certification will not hurt the City. Factor C does not support certification.

Waiting for the outcome of the final hearing will render no relief moot. The City will still have its remedies available to it. After the contested hearing

there may be other reasons to bolster revocation or reasons disclosed to not revoke the license. Factor D does not support certification.

Certification will not develop the record. Rather, it will prevent the full development of the record through the OAH procedures. Factor E does not support certification.

This Court has as much experience in deciding licensing cases as the City does. Factor F does not support certification.

None of the factors to be considered by the Court are present and none favor certification. The City's request for certification should be denied.

Sincerely,

MKT Law, PLC

Mark K. Thompson

Cc: Theresa Skarda, Esq.
The One Stop Market

## Next steps in One Stop Market case....

Therese Skarda <therese.skarda@ci.stpaul.mn.us>

Mon 1/22/2024 3:42 PM

To:Mark K. Thompson <mkt@mktlawoffice.com>
Cc:Alan Tellez Berkowitz <Alan.Tellez.Berkowitz@ci.stpaul.mn.us>

Good afternoon Mr. Thompson –

Given ALJ Todnem's Recommendations, I believe that the next step in this matter is to bring the Judge's Recommendation and Order before the City Council for consideration. This usually takes a minimum of three weeks from drafting a resolution to getting it approved and on the City Council Agenda for consideration. I think that the current timing is a bit tight for both of us to prepare for City Council and the Administrative Hearing. We also have 4 new City Council members and I am anticipating procedural questions from the Council members that my office will need to address which could also add delay.

Due to these scheduling issues, I intend to ask Administrative Law Judge for a continuance of the evidentiary hearing dates or in the alternative a phone conference to discuss the request and I would like to know if that is a request you would join in or oppose before moving forward.

To summarize where the Department is at - ALJ Todnem granted a portion of the City's Motion for Summary Disposition stating that "disciplinary action may be taken against Respondent's license for these violations" based on the fact that the Licensee offered flavored tobacco products for sale in violation of legislative code on February 8, 2021

The Department of Safety and Inspections believes ample basis exists to recommend upward departure one box on the penalty matrix to revocation. The City Council is the entity with the authority to determine whether or not to impose a penalty, or direct the Department to move forward with the evidentiary hearing on the remaining allegations. Under the Legislative Code, they are also the entity with the authority to determine whether to upwardly or downwardly depart.

The resolution would say that if the Council does not find that upward departure one box on the old penalty matrix to revocation is warranted, Council could send this back to the ALJ for a hearing on the remaining matters or decide to impose the (then) standard matrix penalty at the third box on the old penalty matrix.

I believe this is similar, if not identical to the procedural process followed after our last partial Summary Disposition Findings and Recommendation from Judge LaFave.

Thank you in advance for your thoughts on this matter.

Therese

Therese Skarda
Assistant City Attorney
15 West Kellogg Blvd.
Saint Paul, MN 55102
651-266-8755

RECEIVED
By: OAH on 01/29/2024 3:14pm

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: 651-266-8710 | Fax: 651-298-5619

January 29, 2024

Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
Saint Paul, MN 55101

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

OAH Docket 23-6020-39016

Dear Judge Todnem:

The City of Saint Paul is requesting that this matter be certified to the Saint Paul City Council pursuant to Minn. R. 1400.7600 (2021).

After receiving an adverse ruling on a motion, a party may request that the Administrative Law Judge certify the motion to the agency.[1] In deciding which motions should be certified, the administrative law judge shall consider:

- whether the motion involves a controlling question of law as to which there is substantial ground for a difference of opinion; or

- whether a final determination by the agency on the motion would materially advance the ultimate termination of the hearing; or

- whether or not the delay between the ruling and the motion to certify would adversely affect the prevailing party; or

[1] Minn. R. 1400.7600.



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Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

- whether to wait until after the hearing would render the matter moot and impossible for the agency to reverse or for a reversal to have any meaning; or

- whether the issues are solely within the expertise of the agency.[2]

After considering the criteria set forth in the Rule, the City believes it is appropriate to certify the Motion to the St. Paul City Council as the you have recommended that summary disposition be granted as to one allegation and ordered that the remaining claims be denied and proceed to an administrative hearing. The City also bases its request on your recommendation that there are grounds to sanction the Respondent.

A decision by the St. Paul City Council would conserve the parties' resources and materially advance the conclusion of the hearing. This weighs heavily in favor of certification.

Therefore, the City of Saint Paul respectfully requests your consideration of this request and a prehearing conference to discuss scheduling in light of the City's request to certify the Motion to the St. Paul City Council pursuant to Minn. R. 1400.7600 (2021).

Thank you for your consideration of this request.

Sincerely,

Therese A. Skarda
Assistant City Attorney
15 West Kellogg Blvd.
Saint Paul, MN 55101
Therese.skarda@ci.stpaul.mn.us
(651) 266-8755

Cc: Mark Thompson (served via email)

[2] *Id.*



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MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 1/29/2024 2:26 PM

OAH Docket Number: 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

**NOTICE OF APPEARANCE**

**PLEASE TAKE NOTICE that:**

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**[1]

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Party's/Agency's Name**: Department of Safety and Inspection

Email: _____ Telephone: 651-266-8989

Mailing Address: 375 Jackson Street Suite 220, Saint Paul, MN 55101

**Party's/Agency's Attorney**: Therese Skarda (Attorney) / Alan Tellez Berkowitz (Law Clerk)

Firm Name: Saint Paul City Attorney's Office

Email: alan.tellez@ci.stpaul.mn.us Telephone: 651-266-8744

Mailing Address: Civil Division, 15 Kellogg Blvd. West, 400 City Hall, Saint Paul, MN 55102

**Respondent's/Opposing Party's Name**: Zhariya Abukhudeer d/b/a The One Stop Market, LLC

Email: mkt@mktlawoffice.com Telephone: 612-999-2404

Mailing Address: 4927 S. 34th Ave. Minneapolis, MN 55417

Dated: 1-29-2024

Therese A. Skarda

**Signature of Party/Agency or Attorney**

[1] In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2017).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

January 12, 2024

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
Alan.Tellez@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7853, majeste.phillip@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On January 12, 2024, a true and correct copy of the **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
Alan.Tellez@ci.stpaul.mn.us

OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** |

This matter came before Administrative Law Judge Suzanne Todnem pursuant to the City of St. Paul's (City) motion for summary disposition (Motion).[1]

Therese Skarda, Assistant City Attorney, appeared on behalf of the City. Mark K. Thompson, MKT Law, PLC, appeared on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Respondent).

On July 14, 2023, the City filed its Motion. Respondent requested and was granted until August 7, 2023, to respond. Oral argument was heard on October 13, 2023, and the Motion record closed on October 16, 2023, the date the City filed its additional filings as ordered by the Administrative Law Judge.

Based upon the parties' arguments and the record, and for the reasons explained in the accompanying Memorandum,

**IT IS HEREBY RECOMMENDED THAT:**

The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violations of St. Paul Legislative Code (SPLC) § 324.07(j) (2021)[2] relating to Respondent's offering for sale of flavored tobacco products on February 8, 2021. The City may take disciplinary action against Respondent's license for these violations.

**IT IS HEREBY ORDERED THAT:**

1. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #2 regarding the requirement to take reasonable steps to discourage loitering on the property of the licensed premises.

---

[1] This adverse licensing action was initiated by and through the City's Department of Safety and Inspections.
[2] The City incorrectly cited SPLC § 324.07(f); however, the correct citation that prohibits the sale, offering for sale or otherwise distributing flavored products is correctly cited in this Order. As applied to this case, the City's Motion is vague when it alleges Respondent "sold and displayed prohibited flavored tobacco products."

2. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #3 relating to the requirement to maintain the video cameras on the licensed premises.

3. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violation of SPLC § 324.07(j)[3] relating to the prohibition of offering for sale flavored tobacco products by Respondent on January 18, 2021.

4. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violations of SPLC §§ 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7), and 310.06(b)(8) (2021).

5. These claims will proceed to an evidentiary hearing on **March 6 through 8, 2024**, as ordered in the Fifth Prehearing Order.[4]

Dated: January 12, 2024

SUZANNE TODNEM
Administrative Law Judge

[3] As noted above, the City incorrectly cited to SPLC § 324.07(f); however, the correct citation that prohibits the sale, offering for sale or otherwise distributing flavored products is correctly cited in this Order.
[4] Fifth Prehearing Order (November 28, 2023).

## MEMORANDUM

## I. Background Information

Respondent is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul. One Stop is located next to and in the same building as a laundromat. One Stop and the laundromat share the building's parking lot.[5]

The City granted Respondent a Cigarette/Tobacco license subject to the following conditions:

(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.

(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 Saint Paul Police Department (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 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.

(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 place in the area between four (4) and seven (7) feet above the adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[6]

On March 24, 2021, the City served a Notice of Violation on Respondent alleging violations of license conditions and city ordinances related to operation of Respondent's business.[7] The City stated its intention to request from the City Council (Council) an upward departure of the penalty matrix to revocation.[8] On January 31, 2023, an

[5] Motion for Summary Disposition (July 14, 2023); Licensee's Responsive Memorandum of Law in Opposition to the City's Motion for Summary Disposition (August 7, 2023).
[6] Exhibit (Ex.) 2.
[7] Ex. 5, *generally*.
[8] Ex. 5-4.

Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice) was served on Respondent.[9]

On March 2, 2023, the City served a Notice of Prehearing Telephone Conference on Respondent.[10] The prehearing conference was held on March 9, 2023, and an order setting a schedule for the matter, including discovery and dispositive motion deadlines, was issued on March 15, 2023.[11]

## II. Legal Standard

Summary disposition is the administrative law equivalent of summary judgment.[12] A motion for summary disposition shall be granted when there is no genuine issue regarding any material fact, and the moving party is entitled to judgment as a matter of law.[13] The Office of Administrative Hearings follows the summary judgment standards developed in the state district courts when considering motions for summary disposition in contested case matters.

The function of the Administrative Law Judge on a motion for summary disposition, like a trial court's function on a motion for summary judgment, is not to decide issues of fact, but to determine whether genuine, material factual issues exist.[14] The Administrative Law Judge does not weigh the evidence;[15] instead, the judge views the facts and evidence in a light most favorable to the non-moving party.[16]

The moving party has the initial burden to show the absence of any genuine issue regarding any material fact.[17] A fact is material if its resolution will affect the outcome of the case.[18] If the moving party meets the initial burden, the burden shifts to the non-moving party to prove the existence of any genuine issue of any material fact.[19] A genuine issue is not a "sham or frivolous" one,[20] and it cannot rely on mere allegations or denials.[21] Instead, a genuine issue requires presentation of specific facts demonstrating a need for resolution in a hearing or trial.[22]

---

[9] Ex. 2. The Amended Notice referenced a Notice of Violation that was issued on April 1, 2022, which the Amended Notice included in its scope. No copy of the April 1, 2022, Notice of Violation is part of the record.
[10] Notice of Prehearing Telephone Conference (Mar. 2, 2023).
[11] First Prehearing Order (Mar. 15, 2023).
[12] *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); *see also* Minn. R. 1400.5500(K) (2023).
[13] *Sauter v. Sauter*, 244 Minn. 482, 484, 70 N.W.2d 351, 353 (1955); *Louwagie v. Witco Chemical Corp*., 378 N.W.2d 63, 66 (Minn. Ct. App. 1985).
[14] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).
[15] *Id.*
[16] *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).
[17] *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).
[18] *O'Malley v. Ulland Bros*., 549 N.W.2d 889, 892 (Minn. 1996).
[19] *Thiele,* 425 N.W.2d at 583.
[20] *Highland Chateau, Inc. v. Minn. Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984).
[21] *DLH*, 566 N.W.2d at 71.
[22] *See* Minn. R. Civ. P. 56.05.

Summary disposition cannot be used as a substitute for a hearing or trial on the facts of a case.[23] Thus, summary disposition is only proper when no fact issues need to be resolved.[24]

## III. Alleged Violations and Argument

Under the SPLC, the city council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[25] The City alleges Respondent made the following violations:

(1) License condition #2 requiring Respondent to take reasonable steps to discourage loitering in front of or on the property of the licensed business.

(2) License condition #3 requiring Respondent to maintain video surveillance cameras inside and outside the establishment.

(3) SPLC § 324.07(j) prohibiting the sale, offering for sale or distribution of any flavored products on January 18, 2021, and February 8, 2021.

(4) SPLC § 310.06(b)(6)(a), 310.06(b)(6)(c), 310.06(b)(7) and 310.06(b)(8) support adverse action when:

a. a licensee 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;

b. a licensee has engaged in or permitted a pattern or practice of conduct or 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;

c. the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare; and

d. the way in which a licensed 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.

The City maintains that it is entitled to judgment as a matter of law on the license violations it cited. The City asserts that undisputed facts in the record support finding

[23] *Sauter*, 244 Minn. at 485, 70 N.W.2d at 353.
[24] *Id*.
[25] SPLC §§ 310.05(m), 310.06(a), (b)(6)(a).

Respondent: (1) failed to take reasonable steps to discourage loitering on its premises; (2) failed to maintain video surveillance when the video timestamp was off by 6 minutes; and (3) sold, offered for sale, or otherwise distributed prohibited tobacco products on January 18, 2021, and February 8, 2021.

### A. Permitting Loitering

The City asserts that on January 18, 2021, Respondent violated license condition #2 by failing to discourage loitering.[26] The City relies on video evidence of Respondent's parking lot on January 18, 2021,[27] and the opinion of a police sergeant's review of the video. According to the incident report based on the video evidence, the police sergeant observed some vehicles remained in the parking lot for an extended period of time and multiple interactions between the vehicles, occupants and customers.[28]

Respondent's parking lot is shared with a laundromat and Respondent contends that every vehicle in the parking lot on January 18, 2021, were patronizing One Stop or the laundromat next door, which is supported by the video evidence.[29] Whether the customers and vehicle occupants were loitering or waiting for their laundry is a genuine issue of material fact.

### B. Failure to Maintain Video Cameras

The City contends Respondent failed to maintain video cameras on the premises because one of the cameras and the video recording from it had an incorrect time stamp by six minutes. The City acknowledges that it requested and received the video surveillance. The only issue is that the time stamp on one of the videos it received from Respondent was different from another video by six minutes. While the parties do not dispute that one of the video camera clocks was off by six minutes, it is unknown if that alone is a violation of license condition #3.

### C. Prohibited Tobacco Products

#### i. January 18, 2021

The City asserts that Respondent sold and displayed prohibited flavor tobacco products on January 18, 2021. The evidence on which the City relies is missing or too unclear to establish the sale or display of prohibited flavor tobacco products on January 18, 2021.[30] Therefore, there is a genuine issue of material fact.

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[26] *See* Notice of Prehearing Telephone Conference (March 2, 2023).
[27] Ex. 10.
[28] Ex. 7.
[29] While the Administrative Law Judge makes no specific determination whether all individuals in the video were patrons, it is sufficient to conclude there is a genuine issue of material fact.
[30] *See* Ex. 16; *see also* video from Camera 6.

### ii. February 8, 2021

The City further asserts that Respondent sold and displayed prohibited flavor tobacco products on February 8, 2021. On February 8, 2021, a licensing inspector went to One Stop and observed prohibited flavored tobacco products.[31] While some of the products referenced in the inspector's report may or may not have been prohibited flavored tobacco products, at least some were prohibited tobacco products. Therefore, there is no genuine issue of material fact and summary disposition is granted.

## D. SPLC § 310.06 Grounds

The City contends that "the January 18, 2021, shooting in the parking lot of the licensed premises" led the police sergeant to conclude that Respondent failed to manage the licensed premises in accordance with license conditions.[32] Based on his review of Respondent's surveillance video provided, the police sergeant noted that no employees performed a walk-through of the premises during the video and opined that narcotics transactions took place because of multiple interactions between the occupants of vehicles in the lot and customers of the One Stop.[33] One vehicle the police sergeant notes entered the parking lot at 12:19; then, at 13:31, a man entered the nearby crosswalk of the public street, raised a handgun and fired towards the vehicle that entered the lot at 12:19. The victim of the shooting was in a vehicle on the licensed premises but the shooter approached from the south on the public street, entered the crosswalk, crossed about half way and then ran south after the shooting.[34]

The City argues that because of the other alleged violations and the shooting near the One Stop, Respondent is in violation of SPLC § 310.06, that Respondent has engaged in or permitted conduct that: shows a lack of fitness or good character; that created a serious danger to the public health, safety or welfare, or he performed his work in an unsafe manner; and the One Stop or its operation unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public. Because the violations on which the City relies for this violation are largely not found, there is a genuine issue of material fact.

## E. Evidence

Respondent contends that the City's motion relies on inadmissible evidence consisting of secondhand knowledge, police reports and hearsay. Respondent asserts this evidence bears little probative value.[35] The City points to the photo and video

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[31] Ex. 5.
[32] Memorandum of Law in Support of City's Motion for Summary Disposition (July 14, 2023) at 20.
[33] Ex. 7-4.
[34] Ex. 10.
[35] Memorandum of Law in Opposition to the City's Motion for Summary Disposition (August 7, 2023) at 13-14.

evidence itself.[36] The Administrative Law Judge will give the evidence submitted appropriate weight in light of the concerns raised by Respondent.

Respondent contends the City spoliated evidence when it lost videos on which it based its arguments. The City does not dispute that some videos are missing and rely on affidavits from individuals who had previously viewed the videos before they were lost. The Administrative Law Judge cannot assess evidence not in the record and evidence submitted will be given appropriate weight and consideration at hearing.

## IV. Penalty

The City asserts that although this is Respondent's second violation of the SPLC, Respondent should be subject to an upward departure of the penalty matrix to revocation, which is the presumptive penalty for a fourth violation.[37] However, there are material issues of fact still in dispute so the City's motion for upward departure of the penalty is premature.

This matter will proceed to an evidentiary hearing as indicated in this Order.

**S. T.**

[36] City of Saint Paul's Response to Respondent's Responsive Motion at 2.
[37] SPLC § 310.05(m).

MINNESOTA
OFFICE OF
ADMINISTRATIVE
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PH (651) 361-7900

November 28, 2023

**VIA EMAIL ONLY**
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julie.kraus@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
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mkt@mktlawoffice.com

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **FIFTH PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7853, majeste.phillip@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On November 28, 2023, a true and correct copy of the **FIFTH PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
julie.kraus@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**FIFTH PREHEARING ORDER**

This matter came before Administrative Law Judge Suzanne Todnem for a prehearing conference on November 27, 2023.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul. Mark K. Thompson, MKT Law, PLC, appeared on behalf of Respondent Zakariya Abukhudeer.

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED:**

1. **Subpoena Requests.** The deadline to request subpoenas for the attendance of witnesses or the production of documents is **EXTENDED** to **4:30 p.m.** on **February 21, 2024**.

2. **Exhibits and Witness Lists.** The deadline to exchange and file pre-labeled exhibits and witness lists is **EXTENDED** to **4:30 p.m.** on **February 28, 2024**.

3. **Hearing Time, Date and Location.** The hearing in this matter is **CONTINUED** to **9:30 a.m.** on **Wednesday, March 6, 2024,** and continuing, as necessary, on **Thursday, March 7 and Friday, March 8, 2024**, and the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101.

4. **Prior Orders.** Unless amended herein, the terms of prior orders remain in effect.

Dated: November 28, 2023

SUZANNE TODNEM
Administrative Law Judge

[198600/1]

MINNESOTA
OFFICE OF
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PH (651) 361-7900

November 22, 2023

**VIA EMAIL ONLY**
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**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **FOURTH PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On November 22, 2023, a true and correct copy of the **FOURTH PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
julie.kraus@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
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mkt@mktlawoffice.com

OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**FOURTH PREHEARING ORDER**

This matter is pending before Administrative Law Judge Suzanne Todnem.

Therese Skarda, Assistant City Attorney, appears on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law, PLC, appears on behalf of Respondent Zakariya Abukhudeer (Licensee).

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED**:

A prehearing conference will be held by telephone at **2:00 p.m.** on **Monday, November 27, 2023**. At that time, the parties are directed to:

(a) Telephone **651-395-7448** and, when prompted,

(b) Enter the Conference Code: **647 379 503#**.

Dated: November 22, 2023

SUZANNE TODNEM
Administrative Law Judge

[198513/1]

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By: OAH on 10/16/2023 2:41 PM

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
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Tel: 651-266-8710 | Fax: 651-298-5619

October 16, 2023

Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
Saint Paul, MN 55101

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
OAH Docket 23-6020-39016

Judge Todnem:

On Friday, October 13, 2023, you asked the City to submit of the exact video clips that support the City's Adverse Action with respect to the sale of prohibited flavored products on January 18, 2021, and the failure to comply with the license condition that required the licensee to take reasonable steps to discourage loitering.

In response to your request, the following exhibits are being uploaded to the OAH file today and will also be sent to opposing council, Mr. Thompson:

| | |
|---|---|
| Exhibit 17 | Video Clip CH0620210118124336 discussed in Exhibit 16, Video Comparison Report prepared by Joseph Voyda which shows the sale of prohibited flavored products on January 18, 2021. |
| Exhibit 18-1, 18-2 | Video Clips CH1020210118132515 and CH102021011812834 which are discussed in Exhibit 7, CN #21-026681 Amended Report of Sergeant Charles Graupman dated June 14, 2023. |

Sincerely,

Therese Skarda



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SAINT PAUL
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Therese Skarda, Assistant City Attorney
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(651) 266-8710

Cc: Mark K. Thompson, MKT Law, PLC, 4927-34th Avenue South, 100 Nokomis Professional Building
Minneapolis, MN 55417



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September 13, 2023

**VIA EMAIL ONLY**
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**VIA EMAIL ONLY**
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**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **THIRD PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On September 13, 2023, a true and correct copy of the **THIRD PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
julie.kraus@ci.stpaul.mn.us

**VIA EMAIL ONLY**
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OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**THIRD PREHEARING ORDER**

This matter is pending before Administrative Law Judge Suzanne Todnem.

Therese Skarda, Assistant City Attorney, appears on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law, PLC, appears on behalf of Respondent Zakariya Abukhudeer (Licensee).

On July 14, 2023, the City filed a Notice of Motion and Motion for Summary Disposition, including Exhibit 10, which contains 534 video clips. Respondent filed a Responsive Memorandum on August 7, 2023, and the City filed a Reply on August 14, 2023. Respondent filed its objections to the City's Reply on August 15, 2023.

Upon further consideration, the Administrative Law Judge determines it is appropriate to hold a motion hearing and extend the deadline for dispositive motions. The parties should be prepared to address their specific arguments as to summary disposition and to narrow the exhibits under consideration.

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED**:

A hearing on the City's Motion for Summary Disposition will be held via videoconference using the Microsoft Teams platform at **1:00 p.m.** on **October 13, 2023**. The Administrative Law Judge will send the parties a Teams invitation for the hearing at least one day before the hearing.

Dated: September 13, 2023

SUZANNE TODNEM
Administrative Law Judge

[195483/1]

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By: OAH on 08/16/2023 9:22am

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: 651-266-8710 | Fax: 651-298-5619

VIA U.S. MAIL AND EMAIL

August 16, 2023

The Honorable Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert
Saint Paul, MN 55101

Re: In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul.
OAH 23-6020-39016

Dear Judge Todnem:

In response to Mr. Thompson's correspondence of August 15, 2023:

- The City's Response was limited in scope to the points raised in Respondent's Response to the City's Motion for Summary Disposition.

- The City does not read MN rule 115.03 or its supporting authority to prohibit a supplemental affidavit. It appears that the rule is designed to prevent surprises or information being sprung on the opposing party. That was not the case in this matter. Inspector Joseph Voyda's supplemental affidavit was limited in scope to addressing the flavor and color argument raised by Respondent in his response. All prohibited flavored products were noticed in the Department's Notice. The Department's allegations were supported by evidence including photos and inspector's reports.

- See ***Pfeiffer ex rel. Pfeiffer v. Allina Health Sys.*, 851 N.W.2d 626, 636 n. 7 (Minn. Ct. App. 2014)**

  Rule 115.03 is a general rule of practice. The general rules of practice "shall govern all the district courts of the state." Minn. Stat. § 484.33 (2012). They may be relaxed or modified "in furtherance of justice." Id. Enforcement of local rules, such as rule 115, is left to the discretion of the district court. *Hopkins by LaFontaine v. Empire Fire & Marine Ins. Co.,* 474 N.W.2d 209, 212 (Minn.App.1991).

- See also: ***Mortensen v. Swanson*, No. A12-1314, 2013 WL 869940, at *2 (Minn. Ct. App. Mar. 11, 2013)**



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SAINT PAUL
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Under the Minnesota General Rules of Practice, the party responding to a motion for summary judgment may file a responsive memorandum of law, accompanied by supporting affidavits and exhibits. Minn. Gen. R. Prac. 115.03(b). If the responsive memorandum raises an issue of law or fact that was not raised in the moving party's original memorandum, then the moving party may file a reply memorandum. Minn. Gen. R. Prac. 115.03(c); *Bradley,* 711 N.W.2d at 128.

- Respondent's Responsive Memorandum did raise an issue of law or fact that was not raised in the Department's Motion for Summary Disposition. As part of the discovery process, on May 22, 2023, the Department requested standard information as to any exhibits that would be introduced at a hearing or in any Motion for Summary Disposition. In response to that request, Respondent responded that "Objection: premature. No decisions have been made as to what exhibits will be used at the hearing or on any dispositive motions."

- As part of the discovery process, on May 22, 2023, the Department requested standard information as any defenses the Respondent intended to raise to the allegations in the January 31, 2023, Amended Notice and Request for Upward Departure to Revocation. In response to that request, Respondent indicated that "all defenses that Respondent may raise have not been determined at this time."

- After May 22, 2023, Respondent sent no supplemental information on the Department's Discovery Requests.

- On August 9, 2023, Mr. Thompson sent an email asking "As you know, the Court stated there would not be a hearing on your motion in the above matter. Do you want to jointly request a hearing for the motion? I think it would benefit both parties and the Court to hear from us on this one. Please advise."

- I provided the following response "In my opinion, the Judge made her thoughts on this matter very clear and thus would decline to join in on any request for a hearing on the motion."

Had Respondent disclosed their defenses prior to the Department's Motion for Summary Disposition, the Department would have been in a better position to accurately frame its argument and address the issues raised in Respondent's response.

Both parties have had ample opportunity to present their arguments to the Court. The Department would respectfully request that the order set by this Court be followed and that Respondent's request for a hearing be denied.

Sincerely,

/s/

Therese A. Skarda



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SAINT PAUL
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By: OAH on 08/15/2023 12:45pm

August 15, 2023

The Honorable Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
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Saint Paul, MN 55101

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MARK K. THOMPSON

Re: In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul.
OAH: 23-6020-39016

Dear Judge Todnem:

I represent the licensee in the above matter. I must write to specifically object to the City's submission of an affidavit, evidence and new arguments with its reply brief filing. This is unfair and unduly prejudicial because the licensee has no ability to address these new allegations, evidence, and arguments. Because of this inability, the Court should strike all new evidence, arguments and the Supplemental Affidavit filed by the City. "The moving party may submit a reply memorandum, limited to new legal or factual matters raised by an opposing party's response to a motion." Minn. R. Gen. Pract. 115.03(c) (2019). A reply brief should be limited to a "concise answer to new points" made by a respondent; it should not include "new matter not in response to points made by [the] respondent." *Albert Lea Ice & Fuel Co. v. United States Fire Ins.,* 58 N.W.2d 614, 619 (Minn. 1953). If an argument is raised in a reply brief but not raised in the main brief, and it exceeds the scope of the respondent's brief, it is not properly before this court and may be stricken from the reply brief. *Berg v. State*, 557 N.W.2d 593, 596 (Minn. App. Ct. 1996) *see also* Minn. Gen. R. Prac. 115.04(c)(the Rule does not permit filing affidavits or exhibits with the reply memorandum).[1]

[1] *See also Viero v. Bufano*, 925 F. Supp. 1374, 1379-1380 (N.D. Ill. 1996)(admonishing defendants' "last-minute attempts to bolster the record in their favor" with new evidence in reply and declining to consider supplemental affidavit); *O'Connell v. Smith*, No. CV 07-0198-PHX-SMM, 2007 WL 4189504, at *1 (D. Ariz. Nov. 21, 2007) (noting prejudice to non-movant and conflict with principles of Federal Rules when evidence submitted after response).

The Supplemental Affidavit raises new evidence, makes new arguments and exceeds the scope of licensee's responsive memorandum. The City attempts to improperly bolster summary judgment. This is unduly prejudicial to licensee because it has no opportunity to address these new assertions and evidence. These matters should be stricken and not considered when deciding summary judgment.

The licensee respectfully requests that a hearing be set for oral argument on this motion so that the parties may be fully heard and all arguments completely made by the parties. Holding a hearing will also allow the opportunity for the parties to address questions the Court may have that were raised by the briefing and submissions.

Thank you.

Sincerely,

MKT Law, PLC

Mark K. Thompson

Cc: Theresa Skarda, Esq.
The One Stop Market

RECEIVED
By: OAH on 08/14/2023 2:24pm

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: 651-266-8710 | Fax: 651-298-5619

August 14, 2023

VIA U.S. MAIL AND ELECTRONICALLY

The Honorable Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert
Saint Paul, MN 55101

**Re: In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul.**
**OAH: 23-6020-39016**

Dear Judge Todnem:

Enclosed for filing please find the following documents:

1. Reply to Respondent's Memorandum in Response to Petitioner's Motion for Summary Disposition.
2. Supplemental Affidavit of Joseph Voyda.

Sincerely,

/s/

Therese A. Skarda
License #240989
Assistant Saint Paul City Attorney
15 West Kellogg Blvd., Ste. #400
Saint Paul, MN 55102

Cc: Mark K. Thompson, MKT Law PLC, 4927-34th Avenue South, 100 Nokomis Professional Building, Minneapolis, MN 55417



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.

STATE OF MINNESOTA)
) ss.

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

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 14th day of August she served the attached **CITY OF SAINT PAUL'S RESPONSE TO RESPONDENT'S RESPONSIVE MOTION** as follows:

The Honorable Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert
Saint Paul, MN 55101

Mark K. Thompson
MKT Law PLC
4927-34th Avenue South
100 Nokomis Professional Building
Minneapolis, MN 55417
mkt@mktlawoffice.com

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

Julie Kraus

Subscribed and sworn to before me
This 14th day of August 2023

Notary Public

CHRISTINE M. HAAS
Notary Public-Minnesota
My Commission Expires Jan. 31, 2028

**OAH Docket No. 23-6020-39016**

**STATE OF MINNESOTA**

**OFFICE OF ADMINISTRATIVE HEARINGS**

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**CITY OF SAINT PAUL'S RESPONSE TO RESPONDENT'S RESPONSIVE MOTION**

## Introduction

The City of Saint Paul ("City"), by its Department of Safety and Inspections ("DSI") respectfully submits this Response to Respondent's Responsive Memorandum of Law in Opposition to the City's Motion for Summary Disposition. The matter before this Court is a licensing action, the sole issues relate to whether or not the Respondent failed to comply with the license condition that required him to take reasonable steps to discourage loitering on January 18, 2021, failed to maintain video in accordance with this license condition on January 18, 2021, sold prohibited flavored products on January 18, 2021, sold and had a large volume of prohibited flavored products offered for sale on February 8, 2021, and operated the licensed premises in a manner that violated several sections of SPLC §310.06.

This case is ripe for summary disposition. The Department is relying on violations that are clearly visible in video and photos, described in official reports from Saint Paul Police Officers and Department Inspectors with training and experience in these matters, and prior Findings and Recommendations from the Office of Administrative Hearings ("ALJ"). The police reports and inspectors' reports are admissible.[1]

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1 See Sabes v. City of Minneapolis, 120 N.W.2d 871, 875, MN 1963. In Sabes the Minneapolis License committee considered files, records and reports produced by the police department. These reports, like those in Sabes cover the officer's activities and observations. They are not the kind of incompetent evidence discussed which was not allowed in Sabes. Rather, the reports are records, made by officers and DSI inspectors in the course of their duties – based on their experience and training – and they are prima facia evidence of the facts required or permitted by law to be recorded.

The prior ALJ Findings and Recommendations come from a very similar matter, involving this same Respondent, that occurred less than one year earlier to the current violations alleged.[2] The Department asserts that the prior ALJ opinions provide guidance on the sufficiency of the evidence presented to support its motion, how the evidence produced by the Department supporting each violation should be examined and weighed, and how the applicable penalty should be determined.

Respondent can't deny the individual violations depicted in the videos and still photographs. Respondent has not shown any facts in dispute which would have a bearing on the outcome of this case. Instead, Respondent has shifted his defense to denials, general assertions, speculation, excuses, allegations of racial and religious targeting, and allegations that he is an important crime fighting asset to police in defense of the Department's Summary Disposition Motion.

Respondent's responsive argument that the Department's enforcement action is singling out Respondent based on his race or religion is not well received by the City. It is a poor attempt to garner sympathy and to distract attention from Respondent's repeated egregious behavior, which includes his blatant disregard for the statutes and ordinances that any tobacco shop licensee within the City of Saint Paul is required to operate under. Respondent either does not understand that the tobacco shop license he holds belongs to the City of Saint Paul and that to continue to operate with the City's license, he needed to comply with the rules and regulations that are attached to that privilege, or he made a business decision to blatantly ignore those regulations to increase his profits. Given the repetitive nature of the violations a defense of mistake is not plausible. Respondent's argument that he is being singled out also fails to recognize that both the prior and current adverse actions began, not with some sort of

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2 In the previous adverse action, the Department alleged that Respondent was caught on video on June 21, 2020, selling prohibited single cigarettes 9 times and prohibited flavored products 23 times within a timeframe of less than two hours and, during that same time, allowing smoking indoors in violation of the MN Clean Indoor Air Act (Exhibit 8-7). Judge LaFave found that the "the video footage and screenshots clearly demonstrate that Respondent's employees engaged in numerous sales of single cigarettes and flavored tobacco products between a tow hour period on June 1, 2020." (Undisputed Fact 9).

surprise, random inspection, but with police responses in relation to separate shootings in the parking lot of the Licensed Premises, a large crowd fighting within the Licensed Premises, and a complaint-based inspection on February 8, 2021.[3]

Because this is the Respondent's second violation, Respondent is already at the second box on the penalty matrix due to the upward departure recommended by Judge's LaFave and Schlatter and imposed by City Council.[4] In this Adverse Action, the Department's recommendation follows the recommendations from the prior decisions - an upward departure, one box on the penalty matrix, from the second box to the fourth box, which is revocation.

## Argument

**The Department does not need to show that the Respondent could have controlled the shooting at the Licensed Premises to prove that Respondent violated condition #2 of his license and there was no spoilation of the video obtained from Camera 10 as the Saint Paul Police Department had a duplicate copy.**

Respondent agreed to the conditions of his license. If he would have objected to a condition, the City's legislative code lays out the process to challenge it. Respondent did not challenge the conditions, he agreed to them, and his license was granted subject to those conditions.[5] Those conditions included a requirement in condition #2 that Respondent "take reasonable steps to discourage loitering in front of or on the property of the licensed business."[6] After the January 18, 2021 shooting in the parking lot of the Licensed Premises, the Saint Paul Police Department ("SPPD") asked for and received a copy of the video related to the shooting which was captured by camera 10 from Respondent.[7] The Department also asked for and received a copy of the video from the day and timeframe related to the shooting. The Department's request included video from inside the Licensed Premises and the exterior video of the

3 Exhibit 6-1, Exhibit 7-2, Exhibit 5-18, Undisputed facts 34, 61, 62.
4 Undisputed facts 7, 8, 16.
5 Undisputed fact 3.
6 Undisputed fact 3(b).
7 Undisputed fact 51(d).

parking lot of the Licensed Premises from camera 10.[8] These duplicate videos were both obtained from video maintained by Respondent. They were reviewed by Sergeant Graupman who carefully documented his observations in his report, which included his recollection that his review of the video footage received from SPPD matched his recollection of the events he observed on the copy of the video that the Department had received with a "slight difference" which was starting a time difference between the copy of the video that the Respondent produced for the Department and the copy that the Respondent produced for SPPD.[9] Sergeant Graupman concluded that based on his experience and training, Respondent violated condition #2 of his license.[10] Sergeant Graupman's conclusion is consistent with the framework provided by ALJ Schlatter for analyzing license condition violations of this type which was strongly influenced by the testimony she heard from Sergeant Dunaski.[11] The video itself speaks volumes about the types of unusual activities allowed in the parking lot of the Licensed Premises by Respondent. The activities observed in the parking lot of the Licensed Premises are not normal – especially because during this timeframe, as referenced by Respondent in his declaration, the country was still in the mist of the pandemic. COVID restrictions were just beginning to relax and restrictions on gathering remained in place. In viewing the video, it is difficult to come to any other conclusion – individuals were engaging in what Sergeant Graupman described as behavior that was "indicative of narcotics transactions" and "suspicious behavior" that "could be deemed loitering on its own right".[12] Due to the license conditions that Respondent agreed upon, Respondent had either a responsibility to ask the individuals in the parking lot of the Licensed Premises to leave after observing the behavior in the lot that went on for at least 41 minutes or to call for SPPD's assistance if he and/or his employees were uncomfortable approaching the individuals. Summary disposition on this allegation is appropriate.

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8 Undisputed facts 38, 39.
9 Undisputed facts 51(d).
10 Undisputed facts 35, 40-52.
11 Undisputed facts 12, 13, 14, 15.
12 Undisputed fact 46.

**Respondent's excuse for his violation of license condition #3 does not negate the violation.**

Respondent admits that his camera system was approximately 6 minutes behind the actual time as alleged by the Department in undisputed fact #39. Respondent attempts to excuse the violation of his license condition #3 by attesting that there was a power outage. Respondent offers no information about the timing of the outage, and no information as to why, if he knew that there was an outage, he didn't adjust his camera system so that it was functioning properly once the power came back on. The evidence in this case and Respondent's affidavit leads to the conclusion that the power was operational during the timeframe that this violation is associated with. Summary disposition on this allegation is appropriate.[13]

**Undisputed evidence supports summary disposition on the allegations that Respondent possessed and sold prohibited flavored tobacco products on January 18, 2021, and February 8, 2021.**

Given the clear evidence that the City offers to prove the allegations that Respondent possessed and sold prohibited flavored products on January 18, 2021, and February 8, 2021, there is no factual dispute.

As to the January 18, 2021, allegations, as it did in the previous adverse action, the City relies on video and pictorial evidence of the prohibited flavored product sales, the reports of SPPD officers and DSI Inspectors and sworn affidavits from the professionals who are trained to recognize prohibited flavored products. These are admissible. In the previous adverse action, which was very similar to the case at hand, Judge LaFave found the video footage sufficient to establish the violation, stating that the "City has established through video footage that Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products on June 1, 2020. The video footage and screen shots clearly demonstrate that Respondents employees engaged in numerous sales

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13 See Exhibit 10-1. Video footage produced for the Department shows that one stop was open for business, and that the power was on. See also Respondent's Affidavit which discusses the washing and drying of clothes, which would require power.

of single cigarettes and flavored tobacco products..." and found that the "police report and supporting affidavit are sufficient to establish that Respondent sold single cigarettes to a CRI on July 20, 2020."[14]

The City was upfront about the two missing video snippets and made no excuse. As indicated in Inspector Voyda's report, "On 5/30/2023, Assistant City Attorney, Therese Skarda informed me that she could not find the video from two of the incidents of prohibited sales that I had documented in my report and with snippy photos using the video."[15] The procedural history and timeline shows that this matter came to the City's attention during the pandemic, a time when many government employees were working remotely, which could have impacted the way that the video was transferred. It is also notable that this matter sat on hold from 2021 until the prior adverse action against Respondent was concluded in early 2023. The City relies on the June 10, 2023, report of Inspector Voyda, the February 10, 2021, report of Inspector Voyda, the snippy photos that he pulled from the missing video snippets when he initially prepared the case on February 10, 2021, and the video of the additional sales of prohibited flavored tobacco products in support of its request for summary disposition on the allegation that Respondent sold prohibited flavored tobacco products including Backwoods Russian Cream Cigars, Dutch Honey Fusion Cigars, Blue Dream Fusion Cigars, and Backwoods Honey Bourbon Cigars on January 18, 2021, and summary disposition on this allegation is appropriate.[16]

The Department gathered ample evidence during its complaint investigation to support summary disposition on the allegation that on February 8, 2021, the Respondent sold prohibited flavored tobacco products in violation of SPLC. Inspector Voyda's report and photographs show that names of prohibited products are visible on the packaging. Based on his training and experience, Inspector Voyda identified these items as prohibited flavored products. He has attested to these

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14 Exhibit 8-8.

15 Exhibit 16-1.

16 Exhibit 16-1 – 16-7, Affidavit of Joe Voyda.

products being prohibited flavored products in his affidavit and most of the names given to the products clearly identify their flavors through their product names. For example, Honey Berry, Russian Cream, Honey Fusion clearly denote the flavor that is present in the product. The prohibited tobacco products and their respective exhibits included:

Dutch – Irish Fusion, Exhibit 5-20
Dutch - Java Fusion, Exhibit 5-21
Dutch - Berry Fusion, Exhibit 5-20, 5-21 (box photo)
Dutch - Honey Fusion, Exhibit 5-20, 5-21 (box photo)
Dutch - Blue Dream Fusion, Exhibit 5-20
Dutch - Rum Fusion – Exhibit 5-22
Zig Zag Purple, Exhibit 5-22
Zig Zag Blue, Exhibit 5-25
Zig Zag Pink, Exhibit 5-22
Backwoods Black Russian, Exhibit 5-22
Backwoods Honey Berry, Exhibit 5-22, 5-23
Backwoods Russian Cream, Exhibit 5-24
Backwoods Dark Stout, Exhibit 5-23, 5-24
Backwoods Honey Bourbon, Exhibit 5-23, 5-24
Backwoods Honey, Exhibit 5-22, 5-23
Black & Mild Wine, Exhibit 5-24[17]

Relator's arguments related to the prohibited flavored tobacco products discovered during the February 8, 2021, complaint inspection by Inspector Voyda are without merit. Knowing what products are allowed to be sold are the responsibility of the licensee. The Department provides training and there are many resources available to licensees if they have questions or concerns, including opening a package to see if it has a scent which would identify the flavor, picking up the phone and calling Inspector Voyda at the Department, asking the distributor, or checking online. This is also not a case of one mistaken product on a shelf, this is a case of repeated, blatant, and knowing violations of the rules and regulations related by Respondent, and the Department cannot be a complicit partner in this type of behavior. The City has provided ample evidence on this allegation and summary disposition on the

[17] Affidavit of Joseph Voyda p. 24, Supplemental Affidavit of Joseph Voyda, Exhibits 5-18 – 5-27, undisputed facts 61 – 75.

allegation that the Respondent was selling prohibited flavored products on February 8, 2021, is appropriate.

**Summary disposition and a recommendation for upward departure is appropriate because undisputed facts support the conclusion that Respondent's operation of the Licensed Premises violated SPLC §§310.06 (b)(6)(a), (b)(6)(c), (b)(7) and (b)(8).**

SPLC §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 provision 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." In his response, Respondent appears to be arguing that because this provision was not quoted verbatim in the motion it was somehow waived. Both the Notice and Issue 4 clearly list this section of SPLC as one of the Departments bases for adverse action. The Department has presented ample evidence that the Respondent's operation of the Licensed Premises violated its SPLC (see for example, the prohibited flavored tobacco violation argument). A finding that Respondent repeatedly sold flavored tobacco products would support adverse action under this provision of SPLC.

Respondent also attempts to enlarge the scope of this adverse action past the date of the January 18, 2021 and February 8, 2021 offense dates by arguing that the Respondent has had no new violations and has passed tobacco compliance checks. This case is limited in scope to the actions attributed to the Respondent in the previous adverse action which were discussed by Judges LaFave and Schlatter and adopted by City Council in early 2023 and the allegations contained in the amended January 31, 2023, Notice. To expand the scope past the February 8, 2021, timeframe would expand the scope of this hearing beyond the dates of the actual violation. The timeframe to be evaluated to determine if Respondent had a pattern or practice would be from the date of issuance of the license through the February 8, 2021, violation.

The City believes that the evidence presented in support of its argument in its motion for summary disposition on the Department's allegation that Respondent's operation of the Licensed Premises clearly shows violations of SPLC §§310.06 (b)(6)(a), (b)(6)(c), (b)(7) and (b)(8) and summary disposition on these allegations is appropriate.

**Upward departure one box on the penalty matrix to revocation is the appropriate penalty.**

The Department has clearly articulated numerous substantial and compelling reasons to support upward departure one box on the penalty matrix to revocation in its motion for summary disposition. The Department is requesting a recommendation that supports this request.

**Conclusion**

The Department is entitled to summary disposition as a matter of law. Undisputed facts establish that Respondent was not in compliance with License Conditions #2 and #3 on January 18, 2021, sold prohibited flavored tobacco products on January 18, 2021, and February 8, 2021, and operated the Licensed Premises in a manner that violated SPLC §§310.06 (b)(6)(a), (b)(6)(c), (b)(7) and (b)(8).

Respondent's attempts to obscure the record to secure a favorable ruling are not supported by the evidence nor by SPLC. Because substantial and compelling reasons exist for upward departure, the Department's recommendation for an upward departure one box on the penalty matrix is appropriate.

Accordingly, the Department respectfully renews its request that an Order for Summary Disposition with a recommendation in support of adverse action and the requested matrix penalty be entered.

Dated: 8-14-2023

Respectfully submitted,

Therese A. Skarda

THERESE A. SKARDA
Assistant City Attorney
Attorney ID #0240989
400 City Hall/Courthouse
15 West Kellogg Blvd.
Saint Paul, MN 55102
(651)266-8710

OAH Docket No. 71-6020-39190

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Secondhand Dealer (Computer/Electronics items) License held by Mann Abukhudeer d/b/a One Stop Wireless for the premises located at 1541 Maryland Avenue in the City of Saint Paul.

**SUPPLEMENTAL AFFIDAVIT OF JOSEPH VOYDA**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Joseph Voyda, being first duly sworn on oath, deposes and states as follows:

1. I provide this supplemental affidavit in support of my February 8, 2021, Inspector's Report and photographs which summarize the results of a complaint-based inspection I performed at the Licensed Premises.

2. During that inspection I identified several prohibited flavored tobacco products.

3. I believe that my report and the exhibits depict the following prohibited flavored tobacco products that I identified.

a. Dutch – Irish Fusion, Exhibit 5-20
b. Dutch - Java Fusion, Exhibit 5-21
c. Dutch - Berry Fusion, Exhibit 5-20, 5-21 (box photo)
d. Dutch - Honey Fusion, Exhibit 5-20, 5-21 (box photo)
e. Dutch - Blue Dream Fusion, Exhibit 5-20
f. Dutch - Rum Fusion – Exhibit 5-22
g. Zig Zag Purple, Exhibit 5-22
h. Zig Zag Blue, Exhibit 5-25
i. Zig Zag Pink, Exhibit 5-22
j. Backwoods Black Russian, Exhibit 5-22
k. Backwoods Honey Berry, Exhibit 5-22, 5-23
l. Backwoods Russian Cream, Exhibit 5-24
m. Backwoods Dark Stout, Exhibit 5-23, 5-24

n. Backwoods Honey Bourbon, Exhibit 5-23, 5-24
o. Backwoods Honey, Exhibit 5-22, 5-23
p. Black & Mild Wine, Exhibit 5-24

4. Many of the prohibited flavored tobacco products that I observed and documented in my report and with photos in my report are easily recognizable as flavors by their names.

5. Based on my experience, some manufacturers attempt to hide prohibited flavored tobacco products behind names like Pink, Blue and Purple.

6. The information on what these flavors were used to be readily available on a tobacco retailers' website.

7. Based on my experience, I have seen tobacco retailers, like Tobacco Stock remove information related to flavor profiles from their websites over the years.

8. Because of this, I keep files and lists of prohibited products so that I can work with any Tobacco Licensee who has a question regarding whether a product is a prohibited flavored tobacco product. I also search other websites for support that a certain product is a prohibited flavored tobacco product and if I am ever unsure, I have other resources, like the Association for Nonsmokers that I can reach out to.

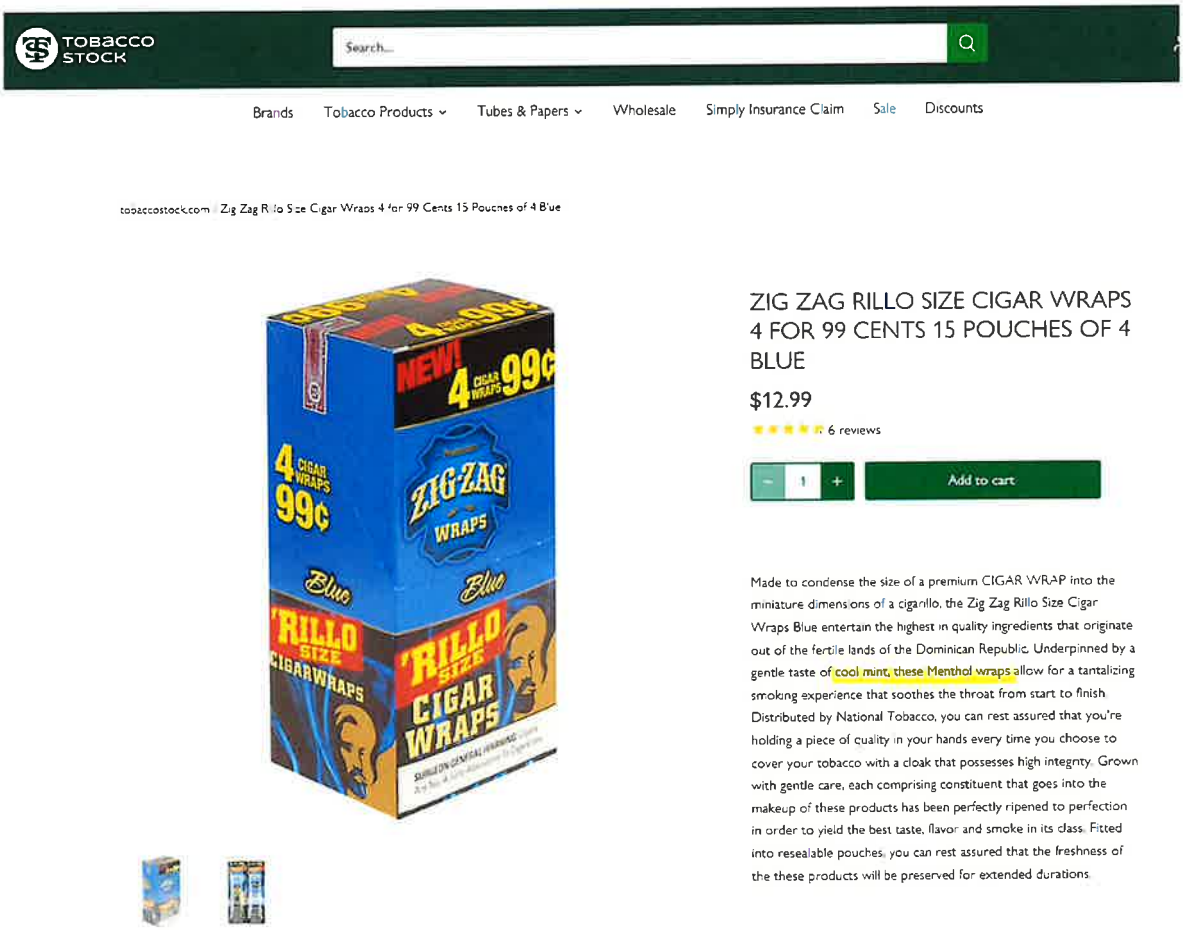
9. I also keep samples on hand because the flavors and flavor profiles are easily recognized by their smells when you open the packages.

10. In addition to the education and training provided to Licensees, examples of which are included in Exhibit 5-27 – 5-56, if Respondent had a question about whether a product was a prohibited flavored product, I would have been more than happy to answer his question.

11. Respondent could have also figured out on his own if a product he was stocking was a prohibited flavored product, because, as I mentioned above, each of these products has its own scent that identifies its flavor and flavor profile.

12. I offer the following information from websites and the files that I keep on flavored products in support of my February 8, 2021, determination that Zig Zag Pink, Purple and Blue are prohibited flavored products.

13. Zig Zag Blue is a prohibited flavored product. I have highlighted the portion of the definition which shows that this has a taste of cool mint and indicates that these are menthol wraps. On August 11, 2023, I opened a sample of this product that I had on hand and verified the flavor profile. This description was pulled from the Tobacco Stock Website on August 11, 2023 - https://www.tobaccostock.com/products/zig-zag-rillo-size-cigar-wraps-4-for-99-cents-15-pouches-of-4-blue?_pos=2&_sid=d256850f9&_ss=r



13. Zig Zag Pink is a prohibited flavored product. The product definition which shows that this product has a flavor of Fruit Berry. I opened a sample of this product that I had on hand and verified the flavor profile. This description was pulled off of the Smokers Discount Website: https://www.smokersdiscounts.com/p-44276-zig-zag-rillo-size-cigar-wraps-pink.aspx

14. Zig Zag Purple is a prohibited flavored product. It has a fruity grape flavor. Although I could not find a current photo from a website that specifically described the flavor, I did open a package that I had on hand and verified the flavor profile.

FURTHER YOUR AFFIANT SAYETH NOT.

JOSEPH VOYDA

August 14th, 2023
DATE

Subscribed and sworn to before me

Annette Wald
Notary Public

ANNETTE MARIE WALD
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025



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By: OAH on 08/07/2023 3:49pm

**STATE OF MINNESOTA**

**OFFICE OF ADMINISTRATIVE HEARINGS**

| | |
|---|---|
| In Re: Cigarette/Tobacco license held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul. License ID #: 20190001624 | OAH Docket No.: 23-6020-39016<br>Judge Suzanne Todnem |

# LICENSEE'S RESPONSIVE MEMORANDUM OF LAW IN OPPOSITION TO THE CITY'S MOTION FOR SUMMARY DISPOSITION

**TO: THE ABOVE-NAMED HONORABLE COURT & THE CITY OF SAINT PAUL, THROUGH ITS CITY ATTORNEY, LYNDSEY M. OLSON AND ASSISTANT CITY ATTORNEY, THERESE SKARDA, OFFICE OF THE SAINT PAUL CITY ATTORNEY, 400 CITY HALL, 15 WEST KELLOGG BLVD., SAINT PAUL, MINNESOTA 55102:**

## INTRODUCTION

This is the second adverse action the City of Saint Paul ("City") has taken against the Cigarette/Tobacco License Number 20190001624 ("License") held by Zakariya Abukhudeer d/b/a The One Stop Market LLC ("Licensee" or "The One Stop") for the premises located at 1541 Maryland Avenue East in Saint Paul ("Licensed Premises"). *See In the Matter of Cigarette/tobacco License Held By Zakariya Abukhudeer D/b/a the One Stop Market LLC For the Premises Located At 1541 Maryland Avenue In Saint Paul License Id # 20190001624*, 2022 WL 17585632 ("Prior Action").

The City is intent on singling out this minority-owned business and taking its license or pushing it into bankruptcy due to the attorney's fees The One Stop must incur defending itself against the City's relentless pursuit.

The One Stop wants to continue serving its local community, a tough neighborhood on the Eastside. But the City again seeks revocation of The One Stop's tobacco license; this time on a second appearance, and instead of the recommended $1,000.00 penalty, the City has chosen the death penalty for this family business again. The City's action speaks loudly about the City's true intentions. True intentions that The One Stop believes are discriminatorily based on the Abukhudeers' perceived nationality and religious beliefs as Muslims.

The City has presented five overly broad and overlapping issues with several affidavits and exhibits, many which are not relevant to any issue the Court is tasked with deciding. The submission of these irrelevant and voluminous materials makes this motion overly complicated and harder to address than is necessary. It has also amplified the cost for Licensee to address this proceeding. Licensee will address the issues in turn and show why a summary disposition is inappropriate for each one of them.

## Disputed Facts

The essential facts are disputed by the declaration and exhibits attached thereto of Zakariya Abukhudeer. This Declaration is incorporated by reference as if set forth below and is discussed below and throughout.

The City asserts there are 77 undisputed facts, and well over 100 if you count subparts, that support granting a summary disposition. City Memo. pp. 2-17. Of those purported facts, there are only a handful that are relevant. The remaining are legal conclusions, quotes/summaries of the law or of the Prior Action.

The essential facts are disputed. Those are: 1) That The One Stop had no reason to instruct any of its customers to leave the premises due to loitering on January 18, 2021; 2) The City has lost video evidence and sanctions are mandated; 3) That even if the timestamp on the surveillance video were six minutes off due to a power outage, The One Stop maintained the video in compliance with Condition #3 on its license; 4) The City's evidence fails to show that The One Stop sold prohibited flavored tobacco products on January 18, 2021 and it fails to show that the products that the City required The One Stop to remove on February 8, 2021, were prohibited products; 5) The One Stop has not engaged in, nor permitted, a pattern or practice of unlawful conduct related to its license; 6) The One Stop has not engaged in any activities in the sale of tobacco that created a serious danger to the public health, safety or welfare nor performed any license-related activity in an unsafe way; 7) The One Stop has not operated, maintained or permitted conditions at its store that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public; and 8) At worse, there is no basis for a greater than double upward departure from the presumptive penalty of a $1,000.00 fine for a second appearance before the City Council.

## Summary Disposition Standard

Summary disposition is the administrative law equivalent to summary judgment.[1] Summary disposition is appropriate with no genuine issue of material fact in dispute and the application of law will resolve the case.[2] The Office of Administrative Hearings has followed generally the summary judgment standards developed in the district courts in considering motions for summary disposition.[3]

An administrative law judge's function on a summary disposition motion, like a trial court's function on a summary judgment motion, is not to decide issues of fact, but only to determine whether genuine factual disputes apply to material issues.[4] The court does not weigh the evidence on a motion for summary disposition.[5] Summary disposition is proper only with no factual issue to be decided.[6]

In deciding a summary disposition motion, the judge must view the evidence in the light most favorable to the nonmoving party.[7] All doubts and all factual inferences must be

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[1] *In the Matter of the Appeal By Kehinde Yusuf and Caring For Adults of the Order of License Revocation*, 2023 WL 3082682, at *2 citing *Pietsch v. Minnesota Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); see also Minn. R. 1400.5500(K) (2021).
[2] *Id*. citing *Sauter v. Sauter*, 70 N.W.2d 351, 353 (Minn. 1955); *Louwagie v. Witco Chemical Corp.*, 378 N.W.2d 63, 66 (Minn. Ct. App. 1985*); Gaspord v. Washington County Planning Commission*, 252 N.W.2d 590, 590-591 (Minn. 1977); Minn. R. 1400.5500(K); Minn. R. Civ. P. 56.03.
[3] *Id*. citing Minn. R. 1400.6600 (2021).
[4] *Id*. citing *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).
[5] *Id*.
[6] *Id*.
[7] *Id*. *citing Ostendorf v. Kenyon,* 247 N.W.2d 834, 836 (Minn. Ct. App. 1984).

resolved against the moving party.[8] If reasonable minds could differ as to the import of the evidence, then judgment as a matter of law should not be granted.[9]

The moving party has the initial burden of showing no genuine issue of any material fact.[10] If the moving party succeeds, the nonmoving party must prove specific facts that are in dispute and can affect the outcome.[11]

To defeat a summary disposition motion, the nonmoving party must show there are specific facts in dispute that affect the outcome.[12] It is not enough for the nonmoving party to rest on mere averments or denials; it must present specific facts showing a genuine issue for trial.[13] A genuine issue is not sham or frivolous.[14] A material fact is a fact whose resolution will affect the result or outcome of the matter.[15]

## Arguments

### I. The City Fails to Show How the Shooting Was in Any Way Controllable By Licensee's Reasonable Actions To Prevent Loitering.

#### *B. Reasonable Steps to Discourage Loitering*

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[8] *Id.* citing *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).
[9] *Id*. citing *DLH*, 566 N.W.2d at 69.
[10] *Id*. citing *Thiele*, 425 N.W.2d at 582.
[11] *Id*. citing *Highland Chateau, Inc. v. Minnesota Dep't of Public Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984), rev. denied (Minn. Feb. 6, 1985).
[12] *Id*. *citing Thiele*, 425 N.W.2d at 583; *Hunt v. IBM Mid America Employees Federal Credit Union*, 384 N.W.2d 853, 855 (Minn. 1986).
[13] *Id*. citing Minn. R. Civ. P. 56.05.
[14] *Id*. citing *Highland Chateau,* 356 N.W.2d at 808.
[15] *Id*. citing *Zappa v. Fahey*, 245 N.W.2d 258, 259-260 (Minn. 1976); see also *O'Malley v. Ulland Bros.*, 549 N.W.2d 889, 892 (Minn. 1996).

The City asserts Licensee violated Condition 2 under the License by failing to take reasonable steps to discourage loitering at the Licensed Premises. City's Memo. pp. 16-18. Condition #2 to the License provides, "The licensee shall take reasonable steps to discourage loitering in front of or on the property of the licensed business."[16]

**B. The Shooting**

The shooter never even came onto the Licensee's property. Unprovoked by any action shown in the video, at about 1:30 p.m. on Martin Luther King Day 2021, the shooter stands on the far south corner of Maryland Avenue East and Hazelwood Street. Cam 10—13:30:55. He waits for the traffic to clear. Id. at 13:31:15. The shooter walks into the middle of the intersection within the crosswalk and fires his handgun into the car the victim was in parked in The One Stop parking lot. *See* Cam 10 Video at about 13:31:27-30.

After the few seconds it took to shoot, the shooter turns and runs south down Hazelwood Street. Id. at 13:31:31. At the same time, the victim's car speeds out of the parking lot so quickly it seems like the shots were still being fired. Id. at 13:31:32. With the

[16] "[T]he freedom to loiter for innocent purposes is part of the 'liberty' protected by the Due Process Clause of the Fourteenth Amendment." *City of Chicago v. Morales*, 527 U.S. 41, 53, 119 S. Ct. 1849, 1857, 144 L. Ed. 2d 67 (1999). "Indeed, it is apparent that an individual's decision to remain in a public place of his choice is as much a part of his liberty as the freedom of movement inside frontiers that is 'a part of our heritage' *Kent v. Dulles*, 357 U.S. 116, 126, 78 S.Ct. 1113, 2 L.Ed.2d 1204 (1958), or the right to move 'to whatsoever place one's own inclination may direct' identified in Blackstone's Commentaries. 1 W. Blackstone, Commentaries on the Laws of England 130 (1765)." Id. *Morales* required states and municipalities to re-examine their loitering ordinances for constitutional infirmities. Apparently, the City shifted enforcement of anti-loitering laws onto private businesses thus avoiding constitutional scrutiny.

passenger door flying open as it exits The One Stop parking lot, the car approaches the intersection and heads west, down Maryland. *See Id. at 13*:31:37.

This did not occur due to a fight that began on the Licensed Premise. There was no argument in the parking lot that preceded the shooting. The video does not show the shooter ever being on the Licensed Premises. No evidence shows any relation between the shooter and The One Stop. There is no evidence that selling tobacco had anything to do with this shooting.

The One Stop was monitoring the parking lot on January 18, 2021. Decl. Z. Abukhudeer, ¶22. People from every single vehicle in the parking lot that day were patronizing The One Stop or the laundromat next door. *See* all video footage from Cam 10; Id. at 23. There was no loitering allowed. Id. As the video shows, this was a targeted shooting at a particular individual. Id.

This was not a random act or someone aimlessly spraying shots all over the place during a fight. This was a targeted shooting of a particular individual for unknown reasons. As you can see on the video, the shooting happened so fast, with no warning and with no reason to believe anything was wrong. Decl. Z. Abukhudeer, ¶27-30. There was nothing Licensee could have done to prevent it.

The victim lived in the neighborhood and was known at The One Stop as a regular customer and he used the laundromat next door. *Id.* 25-26. There was no basis to accuse him of loitering and ask him to move along. *Id.* It is apparent from the video that he was

not dealing drugs in the parking lot. *Id*. Even the City's review of the video was *inconclusive* on this point. City Exhibit 7-4; Aff. Graupman.

The One Stop was monitoring the parking lot that day as it does every day. Aff. Z. Abukhudeer, 22-23. After the shooting, the first squad car arrives at about 13:37:54. *See* Cam 10—ch10_20210118132515.mp4. A store employee is outside and sees the officer arrive. Id. He waits for the officer to approach, standing in the doorway to the store. *Id*. at 13:38:03. The officer walks up to the store employee and you can see the two engaged in conversation. *Id.* Once the officer reaches the door, the employee is seen explaining what happened to the officer and pointing in the direction of where the shots came from; where the shooter was in the intersection. *Id*. at 13:38:20-55. The employee was monitoring the parking lot. But the shooter was not in the parking lot. There is no basis to find Condition #2 was violated.

The City argues with hindsight that "[m]onitoring the parking lot by video, walking through to monitor the activity in his parking lot, asking those who loiter to leave or calling the police and/or enforcing the City's tobacco laws all would have gone great lengths to prevent criminal behavior that led to an individual being shot in the parking lot …" City Memo. p. 20. The parking lot was monitored by video and in real time by the employees working.

Breaking this down, none of these items are required by license Condition #2. License Condition #2 requires the Licensee to *take reasonable steps to discourage loitering.*

*See City Exhibit #5-19.* Some of these suggested actions by the City may be reasonable steps to discourage loitering, but they are not mandated steps that Licensee had to take.

At any rate, Licensee was monitoring the parking lot. Decl. Z. Abuhkadeer, ¶22. Since all the cars in the parking lot were active customers of the laundromat or Licensee, The One Stop did not classify them as loiterers. *Id.* ¶22. They were not "remaining in a certain place (such as a public street) for no apparent reason." *State v. Brown*, 2020 WL 54270, at *2 (Minn. Ct. App. Jan. 6, 2020) citing the definition of *loiter from* Black's Law Dictionary 1084 (10th ed. 2014).

What *criminal behavior* is the City arguing was taking place that led to the shooting? Its own investigator could not conclude there was any narcotic trafficking occurring that day. No other *criminal behavior* is mentioned. So we do not even know what *criminal behavior* the City alleges Licensee allowed to occur. How did this illusory *criminal behavior* lead someone who was not a customer or even on The One Stop's property to shoot six rounds from the middle of a busy intersection at a car in the parking lot? The City does not say. There is no nexus. The City shows no connection to Licensee's license or property. The City shows no connection and has no basis to act on this license.

But the City goes even further off the trail. The City argues next that The One Stop let violent conduct *occur on the property*. City Memo. p. 20. The only possibly violent act on the property would have been the act of being shot in the parking lot by a shooter never on the business property.dsssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssssss

So what does the City allege Licensee should do to stop the violent act of being shot on its property? Meet its license conditions, properly manage the business, and follow the tobacco sales rules and regulations the City has in place. City Memo. p. 20. None of these actions would have affected whether the shooting occurred.

The City never bothers to explain what management techniques will reduce the number of bullets shot into the parking lot, or how not selling Zig Zag Purple will reduce gun violence in the neighborhood. The One Stop has posted no loitering signs and require employees to enforce these signs by asking loiterers to disperse if they have been standing for more than about 10 minutes without entering or buying something in the store. Decl. Z. Abukhudeer, ¶3. The One Stop was monitoring the parking lot and did not see any loiterers on January 18, 2021. *Id.* at ¶22-23. There are many disputed facts, and a lack of proof by the City, that Licensee has not discouraged loitering. *Id.*

Summary disposition is inappropriate and almost every single fact asserted as undisputed by the City supporting this issue is disputed by the actual video recordings and the sworn declaration attached. And so the City's motion should be denied.

## II. Licensee Did Not Violate License Condition #3.

In the earlier adverse action, the City alleged a violation of Condition #3 due to a copy of a requested video not being provided.[17] The reason the requested video was not

[17] Condition #3 provides: "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

provided was due to Licensee's video recording system's hard drive being broken, although it was repaired and operational in under 24 hours. *See Prior Action* at 7-9; 25-27 ("Recommendation").

The Court found that The One Stop "had a perfect record of providing recordings at the request of the SPPD and the DSI." *Id. at 26.* As the Court further found, Eric Hudak, The City's Licensing Manager, testified that, as is explained:

> [O]nly an "act of God or nature" would suffice as an excuse for not producing a video. The City does not include those limitations in condition 3. An accident that damaged a hard drive is a reasonable excuse, especially with a licensee who otherwise has a perfect response record and whose recording system, including the hard drive, was fixed by the next day.
>
> ***
>
> For the City to refuse to excuse a single failure to comply with a request due to an accident, especially when there are no written exceptions for compliance, and the City's representative's testimony would have allowed one only for an "act of God or nature" appears to be an act of the City's whim rather than its judgment.

*Id.* at 26-27.

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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."

This time around, the City alleges The One Stop violated Condition #3 to its license because the copy of a requested video The One Stop provided had a timestamp that was six minutes off. City Memo. p. 18. An agency decision is arbitrary and capricious if it exercises the agency's will, rather than its judgment, or if the decision is based on whim or lacks articulated reasons. *CUP Foods, Inc. v. City of Minneapolis*, 633 N.W.2d 557, 565 (Minn. Ct. App. 2001).

As The One Stop has explained, the reason the recording was six minutes behind was due to a power outage at the store. Decl. Z. Abukhudeer, ¶29. At worse, this was an unintentional error that did not affect the City's ability to bring this adverse action. The time difference is unimportant and does not violate Condition #3. The claim by the City is frivolous and improperly asserted.[18] This can be explained only as some vendetta the City has against The One Stop. This violation should be dismissed and the City ordered to pay all of The One Stop's attorney's fees and costs for defending it.

Condition 3 was not violated and the City obtained the video it requested and it was provided by Licensee. So no violation of Condition 3 has occurred, and this issue should be summarily dismissed from the City's charges against Licensee.

[18] See below for the City's spoliation of video evidence in this case that makes a six-minute lag in time pale in comparison.

## III. Disputed Factual Evidence Does Not Support Granting Summary Disposition Regarding Sales of Flavored Tobacco Products.

### A. Evidentiary Bases Relied Upon

The City claims there were several violations of SPLC §§ 324.07(a) and (f) on January 18 and February 8, 2021. To support these allegations, the City relies exclusively on the legal conclusions made in affidavits by law enforcement officers and licensing officials. *See* Affidavit Joseph Voyda, Affidavit of Dan Niziolek, Affidavit Graupman. None of these affidavits are from anyone with firsthand, direct knowledge of the events on January 18, 2021.

### B. Inadmissible Evidence Relied On

Minn. R. Civ. P. 56.03 (b) provides, "A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence." Minn. R. Civ. P. 56.03 (b). Minn. R. Civ. P. 56.03 (d) requires that "affidavit[s] used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant is competent to testify on the matters stated." Minn. R. Civ. P. 56.03 (d). The City's motion fails under these standards since its affidavits are all based on inadmissible evidence consisting of secondhand knowledge, police reports, and hearsay.

The evidence admissible in contested cases before administrative agencies is governed by Minn. Stat. § 14.60, subd. 1. Although the Minnesota Rules of Evidence are not directly applicable, an agency cannot, in the absence of specific legislation, base its

findings entirely on hearsay evidence that is unreliable and would be inadmissible in a judicial proceeding.[19]

Although the Rules of Evidence are generally relaxed for proceedings in the OAH, the evidence still must be weighed by the Court. Licensee asserts the hearsay evidence submitted by the City possesses little probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.[20] The affidavits are contradictory. The City's affidavit-based evidence is self-serving, and the allegations made in a conclusory fashion should be afforded little to no probative value.

The City has not met its initial burden under Rule 56 and this motion may be denied on these grounds alone.

**C. Unsupported Standard**

Perhaps most alarming is the City's reliance on a standard apparently created by law enforcement officer Charles Graupman. In his affidavit, Sargent Graupman sets forth the following standard the City relies on in support of this motion, "Criminal behavior often gravitates towards businesses that conduct illegal activity, as there is a feeling of "shelter" or "safe haven," by suspects, due to a lack of criminal behavior reporting to police by the said business." Affidavit Graupman, ¶4. In the same affidavit, it is alleged The One Stop had too many police calls reported. *Id*. at ¶¶11-12.

[19] Peter N. Thompson, 11 Minn. Prac., Evidence § 1101.01 (4th ed.).
[20] *See* Minn. Stat. Ann. § 14.60, subd. 1.

Sargent Graupman drafted an "Incident Report" that describes his review of the video and other police reports of the shooting at The One Stop on January 18, 2021. Aff. Graupman, ¶¶6-10; City Exhibit 7-4. In the "Incident Report," Sargent Graupman describes how he could identify no hand-to-hand drug transactions taking place in the video because it was "unclear based on the quality of the video." *Id*. In other words, he could identify no crimes being committed at The One Stop.

Sargent Graupman's affidavit contains no firsthand knowledge of anything. It is based on his review of the video he states is of low quality and his review of his Incident Report, which is based on reviewing other police reports (double or triple hearsay).[21] The testimony would be inadmissible.

Sargent Graupman also bases his novel standard on apparently statistical evidence, although the source and numbers remain undisclosed. He states, "It is very common for narcotics and gang/gun violence to occur near or on the premise of a business that is participating in the illegal sales of prohibited tobacco products and contraband." No source is provided for this assumption. No empirical study is revealed. No anecdotal examples are revealed. Any relevant experience is not disclosed. Yet the City seems to use these unsupported assumptions to support its actions here. This is an improper

[21] The introduction of police reports into evidence is specifically prohibited by Minn. R. Evid. 803(8).

foundation to use to deprive someone of a property interest.[22] This evidence would not be given much weight by reasonable and prudent persons in the conduct of their affairs.

**D. Inconclusive Visual Evidence Insufficient**

In making its arguments, the City relies heavily on video and photographic evidence. As Sergeant Graupman acknowledges, this photographic and video evidence is inconclusive.

"[I]nconclusive" video evidence must still be construed in a non-movant's favor for a summary disposition. *Raines v. Counseling Assocs., Inc.*, 883 F.3d 1071, 1074-75 (8th Cir. 2018); accord *Thompson v. City of Monticello*, 894 F.3d 993, 998-99 (8th Cir. 2018). Any inconclusively blurry photos and poor quality video of allegedly prohibited sales will not support this motion.

**D. Spoliation of Evidence**

The City repeatedly asserts in its Memorandum supporting this motion there were six alleged sales of prohibited flavored tobacco products on January 18, 2021. City Memo. pp. 18-19, 20. The City, however, only identifies four alleged sales.[23] City Memo, p. 12-13,

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[22] See *Minneapolis Taxi Owners Coal., Inc. v. City of Minneapolis*, 572 F.3d 502, 507 (8th Cir. 2009) *citing State v. Saugen*, 283 Minn. 402, 169 N.W.2d 37, 41 (1969) (holding that "[a liquor-]license was assignable and transferable and as such can be construed as a property right rather than a privilege"); *CUP Foods, Inc. v. City of Minneapolis*, 633 N.W.2d 557, 562–63 (Minn.Ct.App.2001) (finding a property interest in a realtor's business license); *Bird v. Dep't of Pub. Safety*, 375 N.W.2d 36, 42–43 (Minn.Ct.App.1985) (finding a property interest in an automobile dealer's license).

[23] The City says it has evidence of six violations on page 19, but its cited reference to an earlier part of its brief only lists four alleged transactions and it only submits evidence of four transactions—two of those with no video to back up the claims. City Memo, p. 13, ¶56 a-e; Affidavit Joseph Vayda P. 16.

¶56 a-e; City Exhibit 4-1; Affidavit Joseph Vayda ¶14. Of those four alleged sales, the City lost the video footage of two of them, but it claims to have snippets from the video of the alleged sales saved as photographs. Affidavit Joseph Vayda ¶¶13, 25.

The City also admits it lost the footage from this file for Camera 10, the main view of the parking lot that captured all allegations related to the shooting and that the City relies on to make all of its allegations about what occurred in the parking lot on January 18, 2021 at The One Stop. City Memo. p. 11, ¶51(d).

All related allegations by Sergeant Graupman were based on this video recording. *See* City Memo., pp. 9-10; ¶¶39-50; City Exhibit 5-82-5-97; Aff. Graupman, ¶10. The City will not allow Licensee to rely on a copy of video being submitted to the SPPD as satisfying a request for video from the City's Department of Licensing and Inspections. City Exhibit 4-6. The defense does not have independent copies of any of the video footage lost by the City.

This is spoliation of evidence by the City. There needs to be testimony taken from all involved City employees over this lost evidence to examine the chain of custody and explore the City's destruction of evidence. It is unduly prejudicial to Licensee. It taints this entire proceeding as being less than properly prosecuted.

"Spoliation of evidence refers to the destruction of relevant evidence by a party * * *." *Hoffman v. Ford Motor Co.*, 587 N.W.2d 66, 71 (Minn. Ct. App. 1998) citing *Donohoe v. American Isuzu Motors, Inc.,* 155 F.R.D. 515, 519 (1994). The courts sanction a party for the spoliation of evidence, even where that party is not otherwise in violation of a court

order, and even where there has been no finding of bad faith. *Patton v. Newmar Corp*., 520 N.W.2d 4, 7–8 (Minn. Ct. App. 1994), *rev'd on other grounds*, 538 N.W.2d 116 (Minn. 1995).

In *Patton v. Newmar Corp*., 538 N.W.2d 116, 118 (Minn. 1995), the Pattons sued for injuries from a fire in their motor home. *Patton*, 538 N.W.2d at 117. The Pattons turned over parts of the motor home to their expert to examine. *Id.* at 117–18. The Pattons' expert lost the parts to the motor home. *Id.* The district court excluded the "testimony and documentary evidence obtained by [the Pattons'] expert during his investigation." *Id.* at 118. The exclusion resulted in summary judgment for Newmar Corp. *Id.*

On appeal, the Minnesota Supreme Court upheld the district court's sanction because the spoliation of evidence prejudiced the defense due to the absence of "the critical item of evidence" *Id*. at 119. The summary judgment decision was affirmed.

Just as in *Patton*, the City has lost the critical evidence it relied on to create the affidavits being used to support virtually all of the allegations the City makes against Licensee related to January 18, 2021. Just as in *Patton*, the Licensee does not have a copy of the lost video recordings. Just as in *Patton*, this creates significant prejudice on the defense because it cannot view the same evidence the City uses to support its bases for revoking Licensee's license. A sanction similar to that imposed in *Patton* is appropriate here.

The City does not even submit a sworn statement from anyone who last possessed the video recordings. This does little to alleviate concerns as to the integrity of all the

evidence the City relies on that allegedly supports the City's claims and its investigation into the evidence it has now destroyed.

A sanction is mandatory. *Patton*, 538 N.W.2d at 119 ("Because the critical item of evidence no longer exists to speak for the plaintiffs' claims or to the defendant's defense, the trial court is not only empowered, but is *obligated to determine the consequences of the evidentiary loss*.)(emphasis provided).The sanction should bar the City from presenting any evidence that the video recording of two alleged sales purportedly would show:

> a) Camera 6 - 1/18/2021 at 12:18:14 - 12:18:51 - sale of prohibited flavored product Blackwoods Russian Cream Cigars. City Exhibits 4-2; 5-12, 16-3; and
>
> b) Camera 6 - 1/18/2021 at 12:19:18 - sale of prohibited flavored product - Dutch Honey Fusion and Blue Dream Fusion Cigars. City Exhibits 4-3 (top), 5-13, 16-4.[24]

*See City*'s Memo. p. 12; City Exhibits 5-11, 5-12, 5-13, 16.[25]

All allegations that came from viewing video from the destroyed Camera 10 video footage should also be excluded. That would include all evidence supporting the City's listed *Undisputed Facts* 39-50. *See* City Memo., pp. 9-10; ¶¶38-50. This should include Sergeant Graupman's Incident Report. City Exhibit 5-82-5-97. Sergeant Graupman relied exclusively on the video from Camera 10 to create his Incident Report. *Id.*

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[24] City Exhibit 4-5, 5-15 & 16-6 should be excluded too as not relevant because it shows a patron with menthol cigarettes in hand (but no sale is alleged) and makes a derogatory statement against The One Stop about an issue for the prior adverse action. Its clearly an attempt to improperly influence this Court. This is wholly inappropriate and further shows the City's bad faith in handling this case. It also seriously calls into question the real reasons for this action; thereby supporting Mr. Abukhudeer's allegations that this prosecution is motivated by unlawful discriminatory motives related to his family's perceived nationality and their religious beliefs. *See* Decl. Z. Abukhudeer, ¶¶29-33.

[25] Multiple exhibits due to duplicate copies submitted by the City.

The One Stop cannot examine the same video recordings and defend itself. The One Stop cannot examine the same video recordings to determine whether there is any exculpatory evidence. Neither can the Court. The City's spoliation of this evidence has unduly prejudiced The One Stop's ability to defend itself and the Court's ability to examine the merits. Indeed, by allegedly losing this evidence, the City has made it impossible to review and rely on the same evidence it uses to support this case. The exclusion of that evidence is appropriate and should be ordered as a sanction if the City does not voluntarily withdraw the Notice of Violations.

A sanction must be imposed for the City's spoliation of evidence. The One Stop is prejudiced with no access to the underlying video recording. As a sanction, all evidence the City has that flows from the lost video recordings should be excluded.

**E. Flavored Tobacco Products**

***i. Defined***

Under the Saint Paul Code of Ordinances, Sec. 324.07 (f), related to the licensed tobacco sales, "No person shall sell, offer for sale, or otherwise distribute any flavored products." Saint Paul Code of Ordinances, Sec. 324.03 (3), defines *flavored product*:

> *Flavored product* means any tobacco 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 ***, 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,*** or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such product ***, that the product *** has or produces a taste or smell other than tobacco shall constitute presumptive evidence that the product *** is a flavored product.

***ii. Presumption Available***

The Section creates a presumption that a tobacco product is a flavored product if the manufacturer or distributor state it has a banned flavor, e.g., menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, fruit or any candy, dessert, alcoholic beverage, herb, or spice. This statement may be on the package, in a product's description, or on any other publicly disseminated materials. If it is, the product is presumed to be banned.

***iii. Proof Without a Presumption***

A product does not get the presumption if the manufacturer or distributer have not made a public statement that the product contains a banned flavor. In that case, to ban the product, it is required that the tobacco product "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 …" Saint Paul Code of Ordinances, Sec. 324.03 (3).

In other words, if the package or its advertised description does not state that the product contains a taste or smell other than tobacco, then a prohibited product cannot be

visually identified. In this situation, it will be necessary for the City to prove the tobacco product's taste or smell contains a banned scent or flavor.

**F. Applying the Flavored Product Definition**

Although not identified as sold on January 18, 2021 or as found on February 8, 2021 during The One Stop inspection, these products show why visual evidence supported by low quality images is not enough to tell if a product is banned. Based on the quality of the video and photographic exhibits the City has provided, if these following products were included, they could not be definitively identified and differentiated.

The product on the left is the honey flavored Swisher Sweets Leaf cigar. This product could meet the presumption in the Code to be considered banned because the label has the word "honey" on it. *See* Saint Paul Code of Ordinances, Sec. 324.03 (3). The original Swisher Sweets Leaf cigar product in the middle would not be presumed a banned product. This is due to the package not stating the product *has or produces a taste or smell other than tobacco. Id.* Despite both packages claiming to have *all natural tobacco*, the product listing *honey* would be presumed banned and the *original* product would not.

The difference in the coloring of the two packages is minor and the design is the same except for a couple of words. It would be difficult to determine the differences due to the quality of most of the photos and video that the City has submitted as evidence.

The remaining Swisher Sweets package on the right highlights even greater problems. This package is labeled "Sweet Aromatic" which does not imply the product *has or produces a taste or smell other than tobacco*. *Sweet Aromatics* may refer to the natural taste and scent of tobacco. If it does, Swisher Sweets Sweet Aromatics would not be presumed to be a banned product under the Code. In other words, this product may be sold under the flavored tobacco ban despite the name suggesting that it has a sweet aroma.

If the blurry photographs relied on by the City contained all three of these Swisher Sweets products, it would not be possible to tell which is which. Studying the blurry photos would not tell you whether what is being sold is a permissible product or not. Yet that is what the City asks this Court to rely on to make a summary decision.

Not only does this create an evidentiary hurdle that the City must overcome, this makes knowing what is permissible under the law difficult for tobacco license holders. *See*

Decl. Z. Abukhudeer ¶12.[26] It also makes the City's identification of the products in the exhibits it has submitted inconclusive. As explained below, the City's evidence cannot support granting a summary disposition. The motion should be denied.

**G. *Evidence* of Banned Tobacco Sales**

Applying the above to the City's evidence, the exhibits submitted do not meet the requisite standard to allow for a summary disposition of this case. There are two sales that the City identifies that are supported by the following cropped portions of the exhibits:

[26] It also makes the Code unconstitutionally vague. The Due Process Clause of the Fourteenth Amendment prohibits government from adopting and enforcing with civil or criminal penalties, laws that fail to provide adequate notice of proscribed conduct. *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391 (1926); *Small Co. v. Am. Sugar Ref. Co.,* 267 U.S. 233, 239 (1925)."An enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because courts assume that man is free to steer between lawful and unlawful conduct, courts insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application." *See Columbia Natural Resources v. Tatum*, 58 F.3d 1101 (6th Cir. 1995) citing *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). Licensee understands that this Court may not make constitutional decisions. Licensee raises this issue to preserve it for further proceedings.

*See* City Exhibit 4-4. Viewing the video exhibit of these sales does not show that the alleged sales were for the sale of an identifiable prohibited flavored product. *See* City Video Exhibit Cam 6: 12:44:00 to 12:46:10. The products remain unidentifiable.

The other sales alleged to have occurred on January 18, 2021, have no video to back them up. They should be excluded. The support for these alleged violations consists of a photograph in City Exhibits 4-3 (top), 5-13, 16-4 (cropped and enlarged part pasted below), which is supposed to be proof of the sale of "Dutch Honey Fusion and Blue Dream Fusion Cigars."

See City Exhibit 5-13.

The other photograph with no video backup is in City Exhibits 4-2, 5-12, 16-3 and alleged to be proof of the sale of the prohibited flavored product "Blackwoods Russian Cream Cigars." A cropped and enlarged part of that evidence is:

*See* City Exhibit 5-12.

All four alleged violations, because of the quality of the photographs and any existing video that backs them up, are disputed. You simply cannot tell what products are being sold based on the visual evidence alone. If the Court does not exclude the second set of exhibits as a spoliation sanction, the Court should find they fail to establish the

brand of product being sold in each photo. City Exhibits 4-2, 5-12, 16-3 and City Exhibits 4-3 (top), 5-13, 16-4.

If the products' brands are not established, then the City fails to meet its burden of proof to establish these prohibited sales occurred on January 18, 2021. The evidentiary exhibits are inconclusive. As the non-moving party, the Court should construe this in the Licensee's favor and deny the City's motion.

**H. Zig Zag 'Rillo Size Cigar Wraps**

During the inspection on February 8, 2023, the City identified tobacco products it believed were non-compliant flavored products. The One Stop then removed those products it had stocked. City Exhibits 5-20-5-26, Affidavit of Joseph Voyda, ¶24. The City does not explain how any of the removed items fit the Code's definition of a *flavored product* under Saint Paul Code of Ordinances, Sec. 324.03 (3).

Rather than showing how the products fit the codified definition, the City relies on a conclusory blanket allegation by Mr. Voyda that only lists the purported non-compliant products by name. Affidavit of Joseph Voyda, ¶24. This is insufficient to meet a preponderance of the evidence standard when the products are examined and analyzed.

For example, the City lists the tobacco products sold as *Zig Zag - Purple, Blue and Pink* as prohibited.[27] City Memo., p. 14, ¶63. The City has not shown how any of the Zig

[27] This product is called *Zig Zag Rillo Size Cigar Wraps*, followed by the color, by the manufacturer National Tobacco Company, L.P.

Zag ‘Rillo Size Cigar Wraps listed fit the definition of a banned product under Saint Paul Code of Ordinances, Sec. 324.03 (3).

To explain, see the packaging for Zig Zag ‘Rillo Size Cigar Wraps Purple:

This package does not list any information to suggest that the product contains a taste or smell, other than the taste or smell of tobacco. It appears to contain a compliant saleable product.

To be banned under the Code, however, it is required that the tobacco product “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 …” Saint Paul Code of Ordinances, Sec. 324.03 (3). If the package does not state that the product contains a taste or smell other than tobacco, then a prohibited product cannot be visually identified.

Here, there is no evidence or proof before the Court supporting the City’s burden of proving this essential element. Zig Zag ‘Rillo Size Cigar Wraps Purple’s package does

not state it has any flavor other than tobacco. Neither does its name. A color is not a flavor or scent. The presumption under the Code is not met by the package alone.

Zig Zag 'Rillo Size Cigar Wraps Purple is described by a distributor as:

> Another great product is on sight. Introducing the legendary Zig Zag Rillo Size CIGAR WRAPS Purple, a wrapper with a purple foil that is suitable for any occasion. Made with the finest tobacco products out of the Dominican Republic, you can now expect a wrap that is concocted from the finest plants that were grown under impeccable climatic conditions, featuring the optimal delivery of high humidity and sun rays during the entire growth process. Made with a French recipe that dates back to the 1800s, these wraps are manufactured and distributed by National Tobacco, a company that prevails over competition by the art of continuously setting high standards that are impossible to top. Packaged into resealable pouches for the purpose of freshness and quality preservation you can now expect the best tasting wraps that would be a great home for your filler tobacco.[28]

Under this description, *Purple* only refers to the color of the packaging foil—no flavor or scent is mentioned or implied. Based on the product's packaging, the product name, and this description, the presumption in the Code is not met.

[28] *See* https://www.tobaccostock.com/products/zig-zag-rillo-size-cigar-wraps-4-for-99-cents-15-pouches-of-4-purple (last visited 7/28/2023).

The same is true for Zig Zag ‘Rillo Size CIGAR WRAPS Pink shown here and listed as found during the February 8, 2023 inspection:

Zig Zag ‘Rillo Size Cigar Wraps Pink are descreibed by the same distributor as:

> These slow burning wraps are exclusively designed to appease the toughest critics. The Zig Zag Rillo Size CIGAR WRAPS Pink are sturdy cloaks that are made with ruggedness in mind, allowing for a tight pack of filler tobacco without falling apart. What's so great about these is that they originate from a recipe that is over a century long, a recipe that withstood the hands of not only time but cultural change and still remained as one of the most popular wraps in the world. Grown with quality out of the Dominican Republic, these overwraps are grown with optimal care and expertly cured under intermittent sun and humid conditions. Manufactured by National Tobacco with the use of an olden French recipe, these impeccable veneers withstood the test of cultural change and time in all the right ways. Packed into resealable pouches, you can now expect that

> you're getting the optimal preservation of freshness and quality for long duration all periods.[29]

Because this description does not mention or insinuate any flavor or smell that the product contains other than tobacco, it cannot be presumed to be non-compliant under the Code. Therefore, the City must prove that the allegedly non-conforming product "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 …" Saint Paul Code of Ordinances, Sec. 324.03 (3).

Visual identification alone will not suffice under the Code. There is nothing other than visual evidence before the Court. The City has failed to satisfy this essential element. Without this essential element, the City's claim that The One Stop was selling or offering prohibited flavored tobacco products fails.

**I. City Fails To Meet its Rule 56 Burden**

This essential evidence is needed for the City to prevail here. But the City fails to properly support this motion with exhibits or evidence of flavored tobacco products that are not genuinely disputed. It is impossible to learn which products were sold from the video recording the City lost. It is impossible to learn which products were sold from the blurry photographs the City submitted. Fact questions exist as to whether the sale of banned products took place on January 18, 2021.

[29] https://www.tobaccostock.com/products/zig-zag-rillo-size-cigar-wraps-4-for-99-cents-15-pouches-of-4-pink?_pos=1&_sid=8d9ea5728&_ss=r (last visited 7/31/2023).

Similarly, fact questions are in dispute over whether the products removed on February 8, 2021 violated the Code. Thus, the City's evidence does not meet Rule 56 standards. There are genuine issues of material fact disputed that preclude granting this motion.

As a result, the City's motion should be denied.

## IV. The City Has Not Proven That Licensee Violated St. Paul Code §310.06.

### A. §310.06 (b)(6)(a) Not Raised/Waived

The City alleges The One Stop violated Saint Paul Code of Ordinances Sections "310.06 (b)(6)(a) , (b)(6(c), (b)(7) and (b)(8)." Although Saint Paul Code of Ordinances § 310.06 (b)(6)(a) is cited in the heading to Issue 4 by the City, there is no substantive argument related to it. *See* City Memo, pp. 19-20. As a result, it will be considered waived or not raised and not addressed. The remaining sections are addressed below.

### B. § 310.06 (b)(6)(c)

Under Saint Paul Code of Ordinances § 310.06 (b)(6)(c), the City must show:

> 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.

The City must show a *pattern or practice* by the Licensee of violating tobacco-related laws or a *pattern or practice* that shows a lack of fitness or good character. *Id.*

Although true that Licensee was found to have been selling flavored tobacco products in the Prior Action, that is a single offense and it should be remembered it occurred before The One Stop had even been open for a year.

Ever since the February 8, 2021 inspection, a period of almost 2 ½ years, no other violations have been alleged to have occurred. What the City fails to mention is the only inspection that The One Stop ever purportedly failed, was the one alleged here on February 8, 2021. Aff. Z Abuhkudeer, ¶¶7-8. The One Stop has had no compliance issues since then. *Id*. Ever since it opened, The One Stop has passed each of the annual undercover identification checks performed by the City. *Id*.

The February 8, 2021 inspection was the One Stop's first inspection. As Voyda's affidavit provides, typically a first-time failure leads to educating the licensee and not an adverse action. Aff. of Voyda, ¶5. Here, that education worked as no further violations have been alleged, but an adverse action was still brought.

The One Stop's Prior Action violations are to viewed as a single appearance. If any liability is found in this adverse action, then that would be two appearances. But a pattern and practice requires more than two.

*Pattern* is commonly understood as meaning "a reliable sample of traits, acts, tendencies, or other observable characteristics of a person, group, or institution; a discernible coherent system based on the intended interrelationship of component parts;

frequent or widespread incidence."[30] To make a pattern, there must be over two items and there needs to be shown there is a continuing, frequent, or widespread occurrence of those items. Both are absent here.

*Practice is* commonly understood to mean, " to do or perform often, customarily, or habitually; : a repeated or customary action."[31] To be a custom or a habit something must occur more than twice and it needs to be often, ongoing or a habit. The City has not shown that is the case here.

The City has not shown that The One Stop has a habit or custom of violating tobacco related laws. With only one inspection and no pending allegations of any tobacco related licensing wrongs occurring, no pattern or practice of being unfit or lacking in good character has been shown.

Because the alleged violations here occurred 2 ½ years ago and Licensee has passed every single annual undercover age inspection since opening in 2019, a practice and pattern can be shown of *complying with* the tobacco laws. There should be no patterns or practices found of The One Stop violating any laws.

That multiple shootings have occurred at Licensee's business premises does not show that Licensee is unfit or not of a good character. These shootings would occur in that part of town with or without The One Stop there. The City should do more to

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[30] "Pattern." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/pattern. (last accessed 7/30/2023).

[31] "Practice." Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/practice. (last accessed 7/30/2023).

address the gang and gun violence itself. It is unsubstantiated and wrong to assign responsibility to The One Stop and its tobacco license for shootings that have occurred in the neighborhood.

It is much easier to lay blame for unsolved crimes on a scapegoat; it probably scores political points as well. But The One Stop is not responsible for the shootings. To judge Licensee's character, fitness, and good character to run The One Stop in its Eastside neighborhood, simply look at the record from the prior hearing and the testimony of Sergeant Michael Dunaski. As the Judge in the Prior Action described it:

> Sgt. Dunaski is very familiar with east St. Paul. His grandparents lived there when he was growing up and he is committed to it. He has known the Abukhudeer family for a number of years, going back to John who ran Sam's Dairy. As part of his community policing model, he gets to know store owners, to understand whether they are part of the problem or part of the solution. He sees Zak and Maan [Zak's cousin who operates a wireless phone store from the same premises] as part of the solution. They have been burglarized and had things stolen from them. They have put themselves at risk. But they share information, and help him get a jump on criminal activity. They can text ahead if they hear something or see something, let police know who or how many people they should be looking for. They know the community very well, know people by nicknames the police don't always know. With increasing drug and gang crimes, businesses like [The One Stop] who are police-friendly can be very helpful. The difficulty with [The One Stop]'s location includes its proximity to the bus stop and the laundromat. Between keeping their own business safe and how people may occasionally take advantage of a situation, he does not blame them if occasionally there are problems. Problems can flare up in a matter of seconds, they cannot have people outside every second. In 21 years in that location, he knows that the community needs the store. It provides an important service to the community, and [The One Stop] and the Abukhudeer

> family have helped him as an officer. No one is perfect, but they do a lot in a challenging area. Consistent ownership and employees are helpful to the police.

*Prior Action*, at *10 (internal citations omitted). The One Stop is an asset to this neighborhood and Saint Paul.

The City has not shown that The One Stop is engaged in a pattern or practice of unlawful behavior related to its license. The City has not shown that The One Stop is unfit to operate and responsibly hold its license. The City has not shown that Mr. Abukhudeer lacks good character. One thing the City has shown, it has singled out Mr. Abukhudeer and The One Stop and is treating them differently.

**C. §310.06(b)(7)**

The City alleges The One Stop has violated Saint Paul Code of Ordinances 310.06(b)(7), which provides in full:

> 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.

The City relies only on Sargent Graupman's self-imposed standard as proof that due to The One Stop's performance of its licensed activities, the shooting situation was created and that was a serious danger to public health, safety, or welfare. The One Stop agrees the shooting was dangerous, but the City has not shown how The One Stop's actions in the licensed activity, or even failure to act, could have created that serious danger.

There are so many factors in play here that to blame The One Stop for the shooting is naïve, overly simplistic, and irrational. If the goal is a safer place to live, the City's resources would be better spent trying to solve the crime, or better yet, figure out a way to reduce the number of firearms on the streets.

The City has not supported the allegation that Licensee's activities in the licensed activity (selling tobacco) have created a serious danger to public health or his activities have been unsafe (selling tobacco). The City has not even shown a tenuous tie between the shooting and selling tobacco products. There was no violation of any condition to Licensee's license.

The City takes the remarkable, and offensive, position that Licensee allowed violent conduct to occur at The One Stop. City Memo, p. 20. There is absolutely nothing in the videos of the incident from January 18, 2021 that show any violent act being allowed to occur on the Licensed Premise. There is nothing on the video that shows loitering in the parking lot of the Licensed Premises. Nothing in the video shows any act on the Licensed Premises that prompted, or even had any relation at all, to the shooting.

The City's position is The One Stop should have sought to discourage its customers from patronizing the business and doing laundry because the City considers waiting for your clothes to dry to be loitering. No definition of loitering presented is fulfilled under these circumstances. The City's position is that because the Licensee

allegedly did not discourage loitering the shooting occurred. This is not only illogical and offensive, it also shows an ulterior motive being pursued by the City.

This is a perfect example of the overly aggressive nature of this enforcement action and of the complete disregard of Licensee's rights, of common sense, and reality. The City's actions here show a discriminatory motive against Licensee, based on his and his employee's Muslim faith and perceived nationalities, or discriminatory bias against the people of this Eastside neighborhood. The City has gone so far that it is blaming a small business for the City's own failure to maintain safe communities for its citizens.

The City is not just encouraging, but requiring, Licensee and its employees to place themselves in danger to stop violent acts from occurring. Are Licensee's employees supposed to approach a car parked for 10 minutes in the back of the parking lot after sunset that has dark tinted windows you cannot see through, and tell it to move along? That may be a reasonable request in the outer lying suburbs, but it is not on the Eastside of Saint Paul at the intersection of Maryland Avenue and Hazelwood Street.

The other option is to call the police to take care of the car parked in back with tinted windows. It is doubtful this will be placed high on the police priority list for sending a squad car over. But if The One Stop does call the police every time about an occupied car parked for 10 minutes in its parking lot, the number of police calls will climb. Here, the City is using the number of police calls made by The One Stop against it to take its license away. *See* City Memo. pp. 15, ¶77; 20.

This is a classic Catch-22 and not a trap that the City should be allowed to set. This places Licensee in a position where choosing any offered option makes him lose. Either choice provides grounds for the City to strip Mr. Abukhudeer of the property rights he has in The One Stop's tobacco license. This is not the type of option that should even be offered by the City.

Because the City cannot keep its streets safe, the City's offered options place Licensee's and its employee's safety in jeopardy. It is one thing that a police officer has to face this type of danger. Its what they signed up for. Being forced to face that type of danger by the City is not what this convenience store signed up for by opening its doors. The City's requirements of The One Stop are unreasonable and should be unacceptable. The City's motion should be denied.

**D. §310.06(b)(8)**

The City alleges The One Stop has violated Saint Paul Code of Ordinances Section 310.06(b)(8), which provides in full:

> 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.

The City has presented no evidence to establish that anything The One Stop is doing unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public. There are no affidavits from neighbors testifying that The One

Stop, or the way The One Stop is operated, maintained or permits conditions, reasonably annoy, injure or endanger the safety, health, morals, comfort or repose of the public.

The City has shown no violation of Saint Paul Code of Ordinances Section 310.06(b)(8) by The One Stop. As a result, the summary disposition motion should be denied.

## V. THERE ARE NO GROUNDS FOR AN UPWARD DEPARTURE .

The City requests capital punishment for this case: Revocation. The City correctly cites Saint Paul Code of Ordinances Section 310.05 (2021) as the controlling code section for determining presumptive penalties for code violations related to The One Stop's license.

Chapter 324 of the Saint Paul Code of Ordinances governs tobacco. Under Saint Paul Code of Ordinances 324.07 (i) (2021) any violation under this chapter subjects Licensee to the penalties under Chapter 310.[32] Under Chapter 310, presumptive penalties are calculated under a matrix according to the "[t]ype of [v]iolation" and the number of times a licensee has "appear[ed] before the [city] council." SPLC § 310.05(m), (v) (2021). The listed penalties are presumed to be appropriate for every case but may be deviated from if substantial and compelling reasons support doing so. SPLC §310.05 (m).

[32] Amended after the alleged violations occurred, violations of the tobacco chapter related to the display, possession or multiple incidents of sale of single cigarettes, menthol tobacco products and flavored tobacco products are now subjected to the presumptive penalties contained in Section 324.10.

Code § 310.05(m) provides a matrix of penalties for violations based on the number of appearances the licensee has had before the city council. St. Paul, Minn., Code of Ordinances § 310.05(m). The penalties stated in the matrices "are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where [it] finds and determines that there exist substantial and compelling reasons making it more appropriate to do so." St. Paul, Minn., Code of Ordinances §§ 310 .05(m). When deviating, the city council must "provide written reasons that specify why the penalty selected was more appropriate." Id. The request for an upward departure to revocation of the Cigarette/Tobacco license is not in line with the purpose of the penalty matrix. The One Stop is a convenience store that has not had a single violation in about 2 ½ years. To impose such a harsh punishment would deprive One Stop from fair treatment as a local business, deprive the community of a necessary store, and deprive the SPPD of a cooperative ally in catching criminals.

The case of Midway Amoco BP, is an illustration of when an upward departure is appropriate. *Midway University & Hamline LLC d/b/a Midway Amoco BP*, 562416 WL 2021, at *4. Yet our case is vastly different. Our case does not involve gunfire from the premises into neighboring buildings. *Id.* Our case does not involve large crowds continuously gathering in lots, dancing, and smoking marijuana. *Id.* And The One Stop has not contributed to danger or a sense of fear. Id.

The Administrative Judge, in The One Stop's First Appearance, noted that "even if the evidentiary hearing had resulted in findings of fact supporting some of the allegations regarding license condition 2 and permitting dangerous behavior on the licensed premises, that still would not come close to the conditions in the Midway Amoco BP case." Findings of Fact, Conclusions of Law, and Recommendation.

In our current case, we have disproven each claim against Licensee. Even so, even if there is some merit discovered in these claims, it is a cruel overreach to impose revocation. The area around The One Stop has become much more violent following the COVID-19 lockdowns and the murder of George Floyd. That said, The One Stop has been one of the few stores that has endured. "Because of its challenging location, and the dearth of options for shopping, The One Stop is needed in the neighborhood" Findings of Fact, Conclusions of Law, and Recommendation. As an ally to the Police involved in fighting drugs and gang violence in the area, The One Stop is a well-respected "part of the solution." Id.

We struggle to see what "substantial and compelling reasons" the city can come up with that make it more appropriate to impose another upward departure, being capital punishment. Revocation would only work contrary to the public good. And an attempt to depart from presumed penalties for a second time would eviscerate the purpose for having the penalty matrix to begin with.

Because Licensee is only facing it's second appearance, revocation would not be appropriate. As such,revocation would not be appropriate and would eviscerate the intent and purpose of the matrices. The City's upward departure request should be denied.

## Conclusion

The City's motion for summary disposition should be denied in full.

Respectfully submitted,

Dated: August 7, 2023

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***Attorney for Licensee***

## State of Minnesota

## Office of Administrative Hearings

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

License ID #: 20190001624

OAH Docket No.: 23-6020-39016

Judge Suzanne Todnem

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## Declaration of Zakariya Abukhudeer

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**State of Minnesota** )
)**ss.**
**County of Washington** )

Zakariya Abukhudeer, upon penalty of perjury, states as follows:

1. My name is Zakariya Abukhudeer and I operate The One Stop Market at 1541 Maryland Avenue East in Saint Paul, Minnesota. I hold the license for the store issued by the City of Saint Paul ("City") No.: 20190001624 in the above-action.
2. Since I have been licensed in mid-2019, we have made many changes to the operations at The One Stop. We have posted no loitering signs and require employees to enforce these signs by asking loiterers to disperse if they have been standing for more than around 10 minutes without entering or purchasing something in the store.
3. The safety and wellbeing of my employees is always my first concern.

4. Being that this area is well known to be a high-crime area with a lot of gang activity, we typically do not approach unknown cars in the parking lot for fear of our safety.
5. As became very evident during the last adverse action case the City brought against me, my employees safety is no concern to the City.
6. In that case, one of my employees went to the middle of a fight to break it up. That employee was struck with a crutch during the altercation. The same employee then was asking people to leave after shots were fired. The City saw all of this on video too. Nonetheless, the City still claimed I did not do enough to control the parking lot.
7. The inspection on February 8, 2021 was the first time the City inspected my store and the only inspection that found any violations. We learned from that inspection and have been in compliance ever since.
8. Since that time, I have not been found to have violated any tobacco-related ordinance. The incidents from the last case were all before the February 8, 2021 inspection.
9. During the February 8, 2021 inspection, the inspector highlighted for us the products that can and cannot be sold under the flavored tobacco ban.
10. We removed all items the inspector said were not allowed under the flavored tobacco ban. Since that time, over 2 ½ years ago, we have not had a single violation. We have passed every annual inspection since we opened where the City sends in an undercover underage person to buy cigarettes. Every time we have carded the

underage person and not sold to them, resulting in us passing those random annual inspections.

11. This shows a pattern or practice of routine code compliance.

12. The City's ban on flavored tobacco products significantly reduced our revenue at The One Stop by about 50% of all tobacco sales compared to prior to the ban.

13. The ban is written in such a way that it is too vague for us to fully understand and it leads to unfair enforcement actions.

14. For example, under the ban, the tobacco products have various colors on them and they are allowed because they do not have actual flavoring in them. However, there are other colored boxes that are banned because they have flavoring and it makes it incredibly hard to decipher.

15. As another example, a Swisher Sweets Honey is not allowed, yet the Swisher Sweets "Sweet Aromatic" is allowed under the ordinance.

16. On about June 17, 2020 we met with the City and police at the Saint Paul Police Department to discuss the store. Eric Hudak, a Licensing Manager at the Saint Paul Department of Safety and Inspections was there but the meeting was set up by the Eastside police. Also present was my brother Maan, Sergeant Mike Dunaski, head of the Saint Paul gang unit, and two other Saint Paul Police Officers.

17. At the meeting, Hudak asked if we knew the conditions on our tobacco license, to which we stated that we did. Hudak informed us that we must take down the signs displayed in our window front and must limit loitering. I attempted to explain

several factors that make it difficult to limit the loitering, including the nature of the pandemic at that time.

18. Instead of engaging with me, Hudak then asked me why I carry a gun. At that point, Sergeant Dunaski stated that it was reasonable for me to carry a gun given the circumstances in Saint Paul and lawful because I have a permit to carry it.

19. Hudak then left 10 minutes into the meeting.

20. Following Hudak's departure, I stayed and spoke with Sergeant Dunaski and the other officers to coordinate and develop a plan to deal with several troublemakers that frequent the store. This plan ended in trespassing several people from the property.

21. What I wanted explained to Hudak was that the City cannot keep adding conditions to my license through their differing interpretations of it. Condition 2 requires me to take *reasonable steps to discourage loitering*. The City seems to think I have an obligation to *eliminate all loitering*.

22. In this case, the City accuses me of violating the loitering condition by not monitoring the parking lot or doing any walkthroughs. We were monitoring the parking lot from the front window in the store as we always do, despite that not being a condition to my license.

23. On January 18, 2021, people from every car in the parking lot were either coming into our store and buying something or using the laundromat next door. We did not

consider any of them to be loitering. We saw no reason to ask anyone to move along.

24. The problems with loitering were shown in the last case. In that case we had two completely different definitions of loitering by two different St. Paul police officers and then another interpretation by St. Paul Licensing through Hudak.

25. The individual who was shot while in his car in our parking lot on January 18, 2021 is a regular patron to our store who lived in the neighborhood. He usually does his laundry at the laundromat next door to the store every other week or so.

26. It was not uncommon for him to be sitting in his car while waiting on his clothes to finish washing and drying.

27. The allegations that he was selling drugs in the parking lot is simply false. All you have to do is review the video and you can see there was no drug dealing going on that day. Between the time when he arrived at about 12:50 p.m. until 1:31 pm, every car that was in the parking lot had someone come into the store to purchase something.

28. It was a cold day and people were not standing outside but were sitting in their running cars to keep warm while on their phones, waiting for friends to meet them there, and doing laundry.

29. The City needs to realize the shooter was not on my property and there was nothing we could have done to stop him. He walked into a busy intersection on

Maryland Avenue, fired off about 6 rounds and fled on foot running away from my store.

30. As you can see on the video, the shooting happened so fast, with no warning at all and without any reason to believe anything was wrong. There was nothing we could have done to prevent it.

31. As the Court determined in my earlier case, my surveillance video recording system was accidently broken but replaced the next day. Nonetheless, the City alleged I violated condition #3 to my license for failing to maintain it.

32. As the ALJ found after the trial in the last case, the City was acting unreasonably when it failed to excuse the accidental damage done to my hard drive. But I guess the City did not put much faith in that decision since now the City is again claiming I failed to maintain my surveillance video recording system because the time was 6 minutes off. The reason is due to a power outage.

33. I understand the City lost the video footage I provided for this case. When comparing my video's timestamp being 6 minutes off due to a power outage to the City losing the video footage I provided, the former pales in comparison. This is ridiculous and shows the City has ulterior motives in its prosecution of these alleged licensing violations against me.

34. In the past, we have been targeted by City inspectors for not wearing COVID masks. On one occasion we had a police officer, Officer Obrestad, park in front of the store for 15 minutes. She then came in asking for video footage of the last 15

minutes. I asked her what this video was needed for and she stated it was for mask compliance.

35. At that point, I texted Sergeant Mike Dunaski who directed me to call 911 dispatch and I spoke with a sergeant stating that if this officer is not asking for this footage from neighboring businesses as well, I am not going to provide it. It was at that point that Officer Obrestad returned to her car and left the premises.

36. Our customers have been stopped by police when leaving the store and questioned. I have had customers call me saying the police pulled them over about a block from the store and they were immediately asked what they bought at the store.

37. I am unsure what vendetta the City has against us but it sure seems like the City's licensing enforcement division, or perhaps even a single individual at that department, is trying to drive us out of business with this overly aggressive enforcement actions.

38. It sure looks like we are being discriminated against because we are Arab and Muslim when I do not see similar enforcement actions taking place against other non-Arab and non-Muslim businesses.

39. I continue to receive positive feedback from Sergeant Dunaski who is head of the gang task force; however, it is contradicted by officers from the licensing enforcement division.

40. Since I began running the One Stop, we have assisted the police on many occasions. Including helping to identify at least 5 suspects in crimes related to

gangs and we even helped the police apprehend a murder suspect who was in our store. They have always expressed their gratitude and we do not mind helping them.

41. However, with the Department of Inspections licensing violations actions and the allegations and insinuations made by them it seems like the City would rather have us not doing business in the city.

**Further Affiant Sayeth Naught.**

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: August 7, 2023

By: *s/ Zakariya Abukhudeer*
Zakariya Abukhudeer

4828-6872-7276, v. 2

# State of Minnesota

## Office of Administrative Hearings

OAH Docket No.: 23-6020-39016

Judge Suzanne Todnem

In Re: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

License ID #: 20190001624

---

## Declaration of Faleh Alzerjawi

---

**State of Minnesota** )
)**ss.**
**County of Ramsey** )

I, **Faleh Alzerjawi**, upon penalty of perjury, states as follows:

1. My name is Faleh Aleerjawi and I was an employee at The One Stop Market at 1541 Maryland Avenue East in Saint Paul, Minnesota.
2. On January 18, 2021, I was working at The One Stop.
3. We were monitoring the parking lot as we always do.
4. I remember being busy and that we did not see any loiterers in the parking lot that day before the shooting.
5. There were no confrontations between customers. There were no arguments in the store. There were no fights in the parking lot. There was nothing to alert us that it would be anything other than a peaceful day.

6. People from every car in the parking lot were either coming into our store and buying something or using the laundromat next door.

7. We did not consider any of them to be loitering. We saw no reason to ask anyone to move along.

8. At about 1:30 p.m., I heard the gunshots and looked out the window and saw the shooter in the crosswalk at the intersection of Maryland and Hazelwood. He ran south down Hazelwood. I called 911 immediately.

9. After the shooting as we were inspected the storefront for damage, I saw the first police officer arrive.

10. I spoke to him briefly and explained what we could see from inside the store of the shooter and the shooting from monitoring the parking lot while operating the cash registers.

11. When people do laundry at the laundromat next door to the store it was not uncommon for them to be sitting in their cars while waiting on their clothes to finish washing and drying.

12. There was no one selling drugs in the parking lot that day that I recall. If there were, I would have called the police to have them chased off.

13. It was a cold day and people were not standing outside but were sitting in their running cars to keep warm while on their phones, waiting for friends to meet them there, and doing laundry.

14. The shooter was not on The One Stop's property that day that I know of. He walked into a busy intersection on Maryland Avenue, fired off about 6 rounds and fled on foot running away from my store.

15. The shooting happened so fast, with no warning at all and without any reason to believe anything was wrong. There was nothing we could have done to prevent it.

**Further Affiant Sayeth Naught.**

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: August 7, 2023

By: _*s/Faleh Alzerjawi*___
Faleh Alzerjawi

4828-6872-7276, v. 2

# Affidavit of Service Via US Mail & Email

**State of Minnesota** )
) **ss.**
**County of Hennepin** )

Bailey Brubaker, being duly sworn upon oath, states that on August 7, 2023 she served the following documents:

1. **Licensee's Responsive Memorandum of Law in Opposition to the City's Motion for Summary Disposition;**
2. **Declaration of Zakariya Abukhudeer; and**
3. **Declaration of Faleh Alzerjawi**

by mailing a true and correct copy of the documents by first class mail to the last known address listed below and by depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in the City of Minneapolis, State of Minnesota, and emailing a copy of the same to Therese Skarda at Therese.Skarda@ci.stpaul.mn, the last known email addresses for Ms. Skarda. No "bounce back" or other notice of non-delivery has been received.

Therese Skarda
400 City Hall
15 West Kellog Blvd.
St. Paul, MN 55102

**I declare under penalty of perjury that everything stated in this document is true and correct.**

/s/ Bailey Brubaker
Bailey Brubaker

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

July 31, 2023

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
julie.kraus@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **SECOND PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7853, majeste.phillip@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul. | OAH Docket No.: 23-6020-39016 |

On July 31, 2023, a true and correct copy of the **SECOND PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
julie.kraus@ci.stpaul.mn.us

OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**SECOND PREHEARING ORDER**

This matter is pending before Administrative Law Judge Suzanne Todnem.

Therese Skarda, Assistant City Attorney, appears on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law, PLC, appears on behalf of Respondent Zakariya Abukhudeer (Licensee).

On July 14, 2023, the City filed a Motion for Summary Disposition (Motion). On July 28, 2023, Licensee filed a request for an extension to file a response to the Motion.

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED:**

1. Licensee's response shall be filed and served by **August 7, 2023**.

2. Reply motions shall be filed and served by **August 14, 2023**.

3. No hearing will be held on the Motion.

4. Unless amended herein, the terms of the First Prehearing Order remain in effect.

Dated: July 31, 2023

SUZANNE TODNEM
Administrative Law Judge

[193886/1]

RECEIVED
By: OAH on 07/28/2023 2:14pm

July 28, 2023

MKT LAW
LITIGATION IS OUR BUSINESS

4927 34TH AVENUE SOUTH
100 NOKOMIS PROFESSIONAL BUILDING
MINNEAPOLIS, MINNESOTA 55417

www.mktlawoffice.com

mkt@mktlawoffice.com

612.999.2404 OFFICE
612.999.2405 FAX

MARK K. THOMPSON

***Via Email***

The Honorable Suzanne Todnem
Office of Administrative Hearings
600 N. Robert Street
Saint Paul, MN 55101

Re: *In the Matter of the Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul, License ID # 20190001624*
OAH No.: 60-6020-39016

Dear Judge Todnem:

II represent the licensee in the above proceeding. On May 16, 2023, the City provided documents under my discovery request that included video from the date of the relevant incident. The most relevant view of the incident from camera 10 was withheld. I first received a copy of the video recording from camera 10 when I was served with the Summary Disposition motion by the City on July 14, 2023. Before that time, I was unaware of the existence of the actual video footage of the incident.

As a result, and due to the voluminous amount of video footage that must be reviewed and the City's extensive exhibits in support of its motion, I must respectfully request the Court allow an extension of time to respond to the City's motion for summary disposition. I would suggest that instead of being due today, the licensee's response not be required to be filed until August 7, 2023. I understand this is a late request, so I will continue to work on finalizing our brief for filing today, but I hope the Court grants this request and lets us know before 4:30 pm. Thank you.

Sincerely,

MKT LAW, PLC

Mark K. Thompson

cc: City of Saint Paul via Therese Skarda (via email only)

RECEIVED
By: OAH on 07/14/2023 8:44am

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: 651-266-8710 | Fax: 651-298-5619

July 14, 2023

Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
Saint Paul, MN 55101

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
OAH Docket 23-6020-39016

Judge Todnem:

Please find enclosed courtesy copies of the following documents and exhibits which are also being uploaded to the OAH file today:

1) Notice of Motion and Motion for Summary Disposition
2) Memorandum of Law In Support of City's Motion for Summary Disposition
3) Affidavit of Dan Niziolek
4) Affidavit of Charles Graupman
5) Affidavit of Joseph Voyda

| **Exhibit No.** | **Description** |
|---|---|
| Ex. No. 1-1 to 1-2 | January 31, 2023, letter to opposing counsel with information that the Notice of Violation has been updated to include information on the adverse action recently resolved by City Council |
| Ex. No. 2-1 to 2-11 | January 31, 2023, Amended Notice of Violation and Request for Upward Departure to Revocation |



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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: 651-266-8710 | Fax: 651-298-5619

| | |
|---|---|
| Ex. No. 3-1 | Affidavit of Service for January 31, 2023, Amended March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation, Amended April 1, 2022, Notice of Violation and Request for Revocation and Service Letter |
| Ex. No. 3-2 | Affidavit of Service for Attachments from March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation and Attachments to April 1, 2022, Notice of Violation and Request for Revocation |
| Ex. No. 4-1 to 4-89 | Attachments from March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation and Attachments to April 1, 2022, Notice of Violation and Request for Revocation served February 10, 2023. |
| Ex. No. 5-1 to 5-99 | March 24, 2021, Affidavit of Service and Notice of Violation and Request for Upward Departure to Revocation with attachments |
| Ex. No. 6-1 to 6-5 | Signature Copy of RES PH 23-10 adopting the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued September 7, 2021, and Judge Schlatter issued December 6, 2022. |
| Ex. No. 7-1 to 7-15 | CN #21-026681 Amended Report of Sergeant Charles Graupman dated 6/14/2023 |
| Ex. No. 8-1 to 8-16 | September 7, 2021, Recommendation And Order On Motion For Summary Disposition by Administrative Law Judge LaFave |
| Ex. No. 9-1 to 9-31 | December 6, 2022, Findings of Fact, Conclusions of Law and Recommendation by Administrative Law Judge Schlatter |
| Ex. No. 10 | The One Stop Market January 2021 videos |
| Ex. No. 10-1 | SPPD Video Hash_Report_VMU |
| Ex. No. 11-1 to 11-31 | Saint Paul Legislative Code 310 |
| Ex. No. 12-1 to 12-8 | Saint Paul Legislative Code 324 |
| Ex. No. 13 | Saint Paul Legislative Code 324 (Amended by Ordinance 21-29 dated 11-3-2021) |



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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: 651-266-8710 | Fax: 651-298-5619

Ex. No. 14 to 14-5 Original Offense/Incident Reports for CN 21-011884, CN 20-062710, CN 20-144580 and CN 20-076456 (Public Narrative)

Ex. 15-1 to 15-2 June 18, 2020 email from Eric Hudak to Licensee with Code Provisions

Ex. 16-1 to 16-7 1541 Maryland Avenue East – DBA The One Stop Market Video Comparison Report Prepared by Joseph Voyda, DSI Licensing Inspector III

Sincerely,

/s/

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(651) 266-8710

Cc: Mark K. Thompson, MKT Law, PLC, 4927-34th Avenue South, 100 Nokomis Professional Building
Minneapolis, MN 55417



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in the delivery of services or employment practices.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

Julie Kraus, being first duly sworn, deposes and says that on the 14TH day of July she served the attached **NOTICE OF MOTION AND MOTION FOR SUMMARY DISPOSITION, MEMORANDUM OF LAW IN SUPPORT OF CITY'S MOTION FOR SUMMARY DISPOSITION, AFFIDAVIT OF DAN NIZIOLEK, AFFIDAVIT OF CHARLES GRAUPMAN, AFFIDAVIT OF JOSEPH VOYDA AND EXHIBITS 1-16** and a correct copy thereof in an envelope addressed as follows:

Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
Saint Paul, MN 55101

Mark K. Thompson
MKT Law, PLC
4927-34th 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.

Julie Kraus

Subscribed and sworn to before me
This 14TH day of July 2023

Notary Public

KAREN M. DOUMANY
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

**OAH Docket No. 23-6020-39016**

**STATE OF MINNESOTA**
**OFFICE OF ADMINISTRATIVE HEARINGS**

**FOR THE CITY OF SAINT PAUL**

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**NOTICE OF MOTION AND MOTION FOR SUMMARY DISPOSITION**

TO: Zakariya Abukhudeer, d/b/a The One Stop Market through his attorney, Mark K. Thompson, MKT Law, PLC, 4927 34th Avenue South, 100 Nokomis Professional Building, Minneapolis, Minnesota 55417:

PLEASE TAKE NOTICE that the Department of Safety and Inspections ("Department") of the City of Saint Paul, Minnesota ("City") brings the following motion before the Administrative Law Judge in the above-entitled matter.

**MOTION**

The Department moves the Administrative Law Judge to issue an order for summary disposition and recommendation for upward departure one step on the penalty matrix to revocation of the Tobacco Shop License held by Respondent on the basis that the following grounds for revocation involves no genuine issue of material fact:

Respondent violated his license condition #2 when he failed to take reasonable steps to discourage loitering on the property of the licensed premises; and

Respondent violated his license condition #3 when he failed to maintain the video cameras on the licensed premises; and

Respondent violated Saint Paul Legislative Code §324.07 (f) when he sold and displayed prohibited flavored tobacco products on January 18, 2021; and

Respondent violated Saint Paul Legislative Code §324.07 (f) when he sold and displayed prohibited flavored tobacco products on February 8, 2021; and

Respondent violated Saint Paul Legislative Code §§310.06(b)(6)(a), (b)(6)(c), (b)(7) and (b)(8).

This motion is made pursuant to Minnesota Rules 1400.5500(K) and 1400.6600 and Rule 56.03 of the Minnesota Rules of Civil Procedure. It is based upon the files, records, and proceedings herein, together with the attached Memorandum in Support of the Department's Motion for Partial Summary Disposition, and all supporting affidavits and exhibits.

Dated: 7/14/2023

Respectfully submitted,

Therese A. Skarda
#0240989
Assistant Saint Paul City Attorney
15 West Kellogg Boulevard, Ste. 400
Saint Paul, MN 55102

OAH Docket No. 23-6020-39016

**STATE OF MINNESOTA**
**OFFICE OF ADMINISTRATIVE HEARINGS**

**FOR CITY OF SAINT PAUL**

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the Premises Located at 1541 Maryland Avenue in the City of Saint Paul

**MEMORANDUM OF LAW IN SUPPORT OF CITY'S MOTION FOR SUMMARY DISPOSITION**

## INTRODUCTION

The City of Saint Paul ("City"), by its Department of Safety and Inspections ("Department"), respectfully submits this Memorandum of Law in Support of its Motion for Summary Disposition. On March 24, 2021, the Department initiated adverse action against the Cigarette/Tobacco license held by Zakariya Abukhudeer ("Respondent") d/b/a The One Stop Market LLC ("One Stop" or "Licensed Premises") by filing a Notice of Violation ("NOV") with supporting documentation and recommending an upward departure to Revocation.[1] This matter was placed on hold while previous violations were heard by Administrative Law Judges LaFave and Schlatter. On January 18, 2023, Saint Paul City Council adopted RES 23-10[2] which adopted the Findings of Fact, Conclusions of Law and Recommendations of both Administrative Law Judges and upwardly departed one box on the penalty matrix to a $1,000 fine.[3] On January 31, 2023, the Department sent an Amended Notice of Violation and Request for Upward Departure to Revocation to Respondent.[4] The Department seeks summary disposition of the adverse action against Respondent's license pursuant to the Saint Paul Legislative Code ("SPLC") based on the undisputed facts that Respondent failed to comply with the license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021, failed to maintain video in accordance with his license condition, sold prohibited flavored products on January 18, 2021, sold and had a large volume of prohibited flavored products offered for sale on February 8, 2021 and

[1] Exhibits 5-1 – 5-98.
[2] Exhibits 6-1 – 6-5.
[3] Exhibits 8-1 – 8-16, 9-1 – 9-31.
[4] Exhibits 2-1 – 2-11.

operated the licensed premises in a manner that violated several sections of SPLC §310.06 on January 18, 2021, and February 8, 2021. The Department believes that substantial and compelling circumstances exist to warrant upward departure to revocation of the Tobacco Shop License held by Respondent.

## UNDISPUTED STATEMENT OF FACTS SUPPORTING THE CITY'S MOTION FOR SUMMARY DISPOSITION

**Licensee, License Type, License Conditions.**

1) Respondent is the owner and operator of The One Stop Market, LLC, a convenience store located at 1541 Maryland Avenue East in the City of Saint Paul.[5]
2) Respondent d/b/a The One Stop Market, LLC holds a Tobacco Shop license as defined in Saint Paul Legislative Code Section 324.[6]
3) The City granted Respondent's Tobacco Shop License subject to the following license conditions:
   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 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 Saint Paul Police Department (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 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.

[5] Exhibits 6-1, 9-3, Affidavit Dan Niziolek, P. 13.
[6] Exhibit 6-1, 9-3 – 9-4, 12, Affidavit Dan Niziolek, P. 13.

d) 4. Signage placed on the inside door and/or outside of the window shall not take up more than 30 percent 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 in place in front of the windows.[7]

**Respondent's Prior Education, Training and Prior Violations**

4) The Department provides education and training on prohibited flavored tobacco products.[8]

5) The prior Adverse Action ("Prior AA") against Respondent involved the sale of prohibited flavored tobacco products and occurred less than 8 months prior to the current violations.[9]

6) On June 17, 2020, DSI Licensing Manager, Eric Hudak met with Respondent to discuss the sales of single cigarettes and flavored tobacco products shown on the June 1, 2020, video and provided a follow up email that included the ordinances which were relevant to the licenses he holds.[10]

7) On January 18, 2023, Saint Paul City Council adopted RES PH 23-10 which concluded the Prior AA and "adopted the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021 under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022 under OAH 80-6020-37157 in the matter of the Cigarette/Tobacco License held by Zakariya Abudhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.[11]

8) RES PH 23-10 imposed the upward departure to the second penalty box of a $1,000 fine against the Tobacco Shop License held by Respondent that was recommended by Judge LaFave and Judge Schlatter.[12]

9) In the Prior AA Judge LaFave found that "the video footage and screenshots clearly demonstrate that Respondent's employees engaged in numerous sales of single cigarettes and flavored tobacco products between a two-hour period on June 1, 2020".[13]

---

[7] Exhibit 5-19, Affidavit Dan Niziolek, P. 15.
[8] Exhibits 5-27 – 5-56, Affidavit of Joseph Voyda P. 5, 11, Affidavit Dan Niziolek, P. 24.
[9] Affidavit of Dan Niziolek P. 54(i), Exhibit 8-8.
[10] Exhibit 8-7, Affidavit of Dan Niziolek P. 54(h), Exhibit 15-1, 15-2.
[11] Exhibit 6-1 – 6-5.
[12] Exhibit 6-4, 8-16, 9-31.
[13] Exhibit 8-8.

10) In the Prior AA Judge LaFave found that the "police reports and supporting affidavit are sufficient to establish that Respondent sold single cigarettes to a CRI on July 20, 2020".[14]

11) In the Prior AA Judge LaFave found that the Department had "sufficiently demonstrated that it is entitled to summary disposition with respect to Respondent's sale of single cigarettes and flavored tobacco products on June 1 and July 20, 2020."[15]

12) In the Prior AA Judge Schlatter's Findings of Fact #18 states: "Police officers differed significantly in their understandings of how long a person or vehicle can remain on store property before they are "loitering" there. Loitering is not defined. Sergeant (Sgt.) Robert Stanway, the liaison officer between the Saint Paul Police Department (SPPD) and the Office of Safety and Inspections (OSI) believes that a person who remains on the property of a business for about five minutes without doing business there is loitering."[16]

13) In the Prior AA Judge Schlatter's Findings of Fact #19 states: "Sgt. Mike Dunaski, an SPPD officer whose district includes the area where OSM is located, and who regularly deals with illegal drug dealing, gang and other violence, homicides, robberies, etc., defines loitering differently. Sgt. Dunaski generally does not have concerns about loitering in the context of a business premises like OSM for about 15 minutes or so, even if the person or persons are not doing business there."[17]

14) In the Prior AA Judge Schlatter's Findings of Fact #20 states: Sgt. Dunaski stated that, whether someone is loitering depends on why they are there – a person may be waiting for someone, to give them a ride, get a ride, or go to the store. A person might be going to the laundromat. They might be looking for someone just to talk to, or for help finding work. They might be waiting for a bus. There are public sidewalks and a transit stop right there, too. Sgt. Dunaski looks at what people are doing – are there transactions? Are people handing things in and out of the car, changing money for things? Is the behavior consistent with drug transactions, or gang activity? Sgt. Dunaski sees a corner as a place to hang out. He was not aware of OSM failing to prevent loitering."[18]

---

[14] Exhibit 8-8.
[15] Exhibit 8-8.
[16] Exhibit 9-7, # 18.
[17] Exhibit 9-7, #18, 20.
[18] Exhibit 9-7, #20.

15) In her Memorandum for the Prior AA, Judge Schlatter found Sgt. Dunaski's opinion concerning timing and loitering "both highly credible and relevant" to the case.[19]

16) In her Memorandum for the Prior AA, Judge Schlatter discussed the City's request for a triple upward departure from a first-time matrix penalty of a $500 fine to revocation: "This case has multiple tobacco-related violations – an upward departure is justified. But unlike the City's case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota, this is not a case involving gunfire from the premises of the gas station into neighboring buildings on multiple occasions, neighboring buildings on multiple occasions, neighbors who feared for their safety, large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana, drug deals in the parking lot, physical assaults, and ultimately a homicide.[20]

**Current Adverse Action.**

17) On March 24, 2021, the Department took adverse action against Respondent by serving a NOV with supporting attachments on Respondent.[21]

18) On January 31, 2023, the Department served an Amended NOV upon Respondent which conveyed the Department's intent to move forward with the adverse action described in the March 24, 2021, NOV as the Prior AA against Respondent had concluded, and City Council had imposed a second level matrix penalty of $1,000.[22]

19) The January 31, 2023, Amended NOV lists the following substantial and compelling reasons to support an upward departure from the presumptive third box on the penalty matrix to of a $2,000 fine and 10-day suspension to revocation:

- 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, including successive sales of prohibited flavored products and possession of an amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021,
- 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 surveillance equipment in good working order,

[19] Exhibit 9-24, 9-25.
[20] Exhibit 9-31.
[21] Exhibits 5-1 – 5-99.
[22] Exhibits 2-1 – 2-11, 3-1, 6-4.

- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,

- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises, and

- the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law Judge LaFave found numerous violations of sales of prohibited flavored products and single cigarettes as well as violations of the clean indoor air act.[23]

20) On February 10, 2023, the Department re-served the attachments from the March 24, 2021, NOV upon Respondent at the request of respondent's attorney.[24]

21) On January 31, 2023, the Attorney for the Department confirmed the Respondent's request for an Administrative Hearing in writing.[25]

22) SPLC §310.05(m)(1) supports adverse action against a licensed business where there is a violation of the conditions placed on the license.[26]

23) SPLC §310.05(m)(2) supports adverse action where there is a violation of the provisions of the SPLC relating to the licensed activity.[27]

24) SPLC §310.06(b)(5) supports adverse action where a licensee has failed to comply with a condition set forth in their license.[28]

25) SPLC §310.06(b)(6)(a) supports adverse action where a licensee, or any person whose conduct may by law be imputed to the licensee, has violated, or performed any act which is a violation of, any of the provisions of Chapter 310 of the SPLC 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 with such activity."[29]

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[23] Exhibit 2-4, 2-5, Affidavit Dan Niziolek P. 52.
[24] Exhibit 3-2, 4-1 – 4-89.
[25] Exhibit 1-1 – 1-2.
[26] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-10, Affidavit of Dan Niziolek P. 36.
[27] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-10, Affidavit of Dan Niziolek P. 37.
[28] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-13, Affidavit of Dan Niziolek P. 38 a.
[29] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-13, Affidavit of Dan Niziolek P.38 b.

26) SPLC §310.06(b)(6)(c) supports adverse action where a licensee, or any person whose conduct may by law be imputed to the licensee, 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.[30]

27) SPLC §310.06(b)(7) supports adverse action where 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.[31]

28) SPLC §310.06(b)(8) supports adverse action where 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.[32]

29) SPLC §324.07(f) was updated since the date of this NOV, specifically identifying the sale of prohibited tobacco products as an offense that requires stricter penalties (10-day suspension for a first-time flavor violation and revocation for the second) and other enhancements.[33] The penalties in effect at the time of this violation were laid out in SPLC §310.05(m) $500 for a first violation, $1,000 for a second violation, 10-day suspension and a $2,000 fine for a third violation and revocation for a 4th (fourth) violation.[34]

30) SPLC §310.05(m) sets out presumptive penalties for certain violations of SPLC in order to establish a standard by which the council determines the amount of fines, the length of license suspensions and the propriety of revocations.[35]

31) Under SPLC §310.05(m), all 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.[36]

32) Under SPLC §310.05(m)(ii), [t]he occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.[37]

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[30] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-13, Affidavit of Dan Niziolek P.38 c.
[31] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-13, Affidavit of Dan Niziolek P. 38 d.
[32] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-14, Affidavit of Dan Niziolek P. e.
[33] Copy of SPLC §324 currently in effect, Exhibits 13-1 – 13-7, Copy of SPLC Section 310 in effect at the time of the violation, Exhibit 11-10, Affidavit Dan Niziolek P. 9.
[34] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-10, Affidavit Dan Niziolek P. 39.
[35] Copy of SPLC §310 in effect at the time of the violation, Exhibits 11-10, 11-11.
[36] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-10, Affidavit of Dan Niziolek P. 40.
[37] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-12, Affidavit of Dan Niziolek P. 41.

33) SPLC §310.17 states that [a]ny act or conduct by any clerk, employee, manager or agent 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 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.[38]

34) On January 18, 2021, officers from the Saint Paul Police Department ("SPPD") were sent to the Licensed Premises on a report of person who had been shot. The officers documented public information regarding this incident under CN 21011884.[39]

35) Sergeant Charles Graupman ("Graupman") has been with SPPD for 23-years and is currently the SPPD officer assigned to the Department of Safety and Inspections. Graupman was assigned to the FORCE Unit for 4 years and has experience that focused on street level narcotics dealing and problem property investigations that were centered around nuisance activity related to properties generating a high number of "quality of life calls", that negatively impacted the community. As a FORCE Officer, he conducted surveillance, cultivated informants, apprehended, and interviewed suspects and drafted, and executed search warrants related to unlawful weapons and narcotics sales and use. His experience and training with street level narcotics and hand to hand dealing equipped him with the necessary tools to identify criminal behavior. Graupman believes that it is very common for narcotics and gang/gun violence to occur near or on the premise of a business that is participating in the illegal sales of prohibited tobacco products and contraband. He believes that Criminal behavior often gravitates towards businesses that conduct illegal activity, as there is a feeling of "shelter" or "safe haven," by suspects, due to a lack of criminal behavior reporting to police by the said business.[40] As part of his duties, he reviews police reports and complaints that involve nuisance related actions and assists DSI licensing inspectors with monitoring, reviewing and recording activities at businesses.[41]

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[38] Copy of SPLC §310 in effect at the time of the violation, Exhibit 11-20, Affidavit of Dan Niziolek P. 42.
[39] Exhibits 5-98, 5-99, 14-1 – 14-5.
[40] Exhibits 7-2, 7-4, Affidavit Graupman P. 3, 4.
[41] Exhibit 7-2, Affidavit Graupman P. 3.

36) Graupman's report indicates that on January 19, 2021, he learned of the January 18, 2021, shooting at the Licensed Premises.[42]

37) Graupman reviewed the police reports associated with the shooting and learned that the victim had been shot in the parking lot of the licensed premises and that responding officers had recovered 6, 9mm casing near the scene, including one that had entered the front door of the business and lodged itself in a small ice cream freezer.[43]

38) On January 21, 2021, Graupman and Licensing Manager, Eric Hudak ("Hudak"), drafted and delivered a formal letter requesting surveillance video from Monday January 18, 2021, from 12:30 pm to 2:30 pm.[44]

39) Graupman reviewed the video footage which was produced by Respondent in accordance with that request and noted that the DVR time displayed on the surveillance video was approximately 6 minutes behind the actual time. Graupman's report indicates that this information was also documented in a separate report by Video Management Technician Richard Bertholf.[45]

40) Graupman reviewed CN 21011884 and created a supplemental case number, CN 21026681, under which he documented the results of his investigation into the January 18, 2021, incident, and his conclusions regarding the violations he observed.[46]

41) Graupman's observations as documented in his report related to the January 18, 2021, shooting is supported by video from Camera 10.[47]

42) Graupman observed and documented in his report that the original video from Camera 10 submitted by the Licensee in accordance with DSI's request shows that on January 18, 2021, at 12:19 p.m. a black Chevrolet SUV and a black Dodge Caliber arrive in the parking lot of the Licensed Premises and stayed for an extended period.[48]

43) Graupman observed and the video from Camera 10 shows that on January 18, 2021, at 12:50 p.m. a black Hyundai sedan arrives in the parking lot of the Licensed Premises, and backs into a parking spot.[49]

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[42] Exhibit 7-2.
[43] Exhibit 7-2, Exhibit 10-1.
[44] Exhibits 5-16, 7-3.
[45] Exhibit 7-4.
[46] Exhibits 7-1 – 7-15, Affidavit Graupman, P. 4, 7, 8.
[47] Exhibit 10-1 Video Recovered by SPPD, Affidavit Graupman P. 10, Exhibits 7-1 – 7-15.
[48] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4.
[49] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4.

44) Graupman observed and the video from Camera 10 shows that on January 18, 2021, at 12:50 p.m. until the time of the shooting at 1:31 p.m. the black Hyundai sedan remains in the parking lot of the Licensed Premises and that the occupants of these vehicles enter and exit their vehicles multiple times and are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business.[50]

45) Graupman observed and the video from Camera 10 shows that there were multiple interactions between the occupants of the vehicles with customers arriving and leaving the Licensed Premises and the parking lot for the Licensed Premises.[51]

46) Graupman's report details his findings based on his training and experience that the type of behavior he observed on Camera 10 "can be indicative of narcotics transactions" and that "this suspicious behavior could be deemed loitering on its own right, but no request for a police response was made by the business." [52]

47) Graupman observed and the video from Camera 10 shows that at no time did he observe an employee perform a walkthrough of the parking lot or monitor the activity.[53]

48) Based on the Video from Camera 10 and Graupman's report, the black Chevrolet SUV and the black Dodge Caliber were parked in the parking lot of the Licensed Premises for an extended period.[54]

49) Based on the Video from Camera 10 and Graupman's report, the black Hyundai sedan was parked in the parking lot of the Licensed Premises from 12:50 p.m. until 1:31 p.m., (41 minutes).[55]

50) Graupman reported and the video from Camera 10 shows that, at approximately 13:31 hours, a male in the crosswalk raised a gun and fired towards the black Hyundai sedan, which was occupied and still parked in the parking lot of the Licensed Premises.[56]

51) Graupman supplemented this original report after he discovered 3 clerical errors and watched the video of camera 10 that was recovered by SPPD. He notes:

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[50] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4.
[51] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4.
[52] Exhibit 7-4.
[53] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4.
[54] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4.
[55] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-4, 7-5, Affidavit of Graupman P. 8.
[56] Exhibit 10-1 Video Recovered by SPPD, Exhibit 7-5.

a) "It should be noted that in my original police report I made a clerical error on page 3. Under the participants tab, I listed 1541 Maryland Ave E. St. Paul, MN 55106, as the Twins Market & Meet. This should read The One Stop Market, 1541 Maryland Ave E. St. Paul, MN 55106."

b) "It should be noted that in my original report on page 3, I made a clerical error under the participants tab. I listed 1541 Maryland Ave E. St. Paul, MN 55106, as Twins Market & Meet. The correct labeling should be, The One Stop Market, 1541 Maryland Ave E. St. Paul, MN 55106."

c) "It should be noted that in my first supplemental report under paragraph #6, I made a clerical error regarding the video surveillance time.

The first sentence reads "At 12:31 hrs. the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood."

The sentence should read, "At 13:31 hrs. the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood.""[57]

(d) "I was recently contacted by Assistant City Attorney Therese Skarda regarding an issue of missing camera footage (Camera 10) from the original flash drive footage (1-18-21), that was turned over from The One Stop Market, 1541 Maryland Ave E. to DSI via DSI Video Request made on (1-21-21) and received on (1-25-21), and made my observations that I noted in my original report, prior to turning it over to the CAO Office.

I informed CAO Skarda that there was additional video of the incident on (1-18-21), (CN 21-011-884, Agg Assault), that had been recovered by the St. Paul Police Department from The One Stop Market. I was advised by CAO Skarda that she had also received a discovery request for the store video related to (CN 21-011-884) and was directed to retrieve (2) copies of the SPPD video footage recovered by SPPD from The One Stop Market, review it and turn it over to the CAO office.

On 5/11/2023, I contacted SPPD video evidence technician William Conroy and ordered (2) copies of The One Stop Market Video Footage (1-18-21), ref (CN 21-011-884).

[57] Exhibits 7-1 – 7-15 is a printout of the same report contained in Exhibits 5-81 – 5-87 with the additional notations regarding the clerical errors and video issue.

On 05/18/2021, I recovered the (2) copies and reviewed the video which contained footage from only (Camera 10) and was placed on a CD / DVD disk. The footage matched my recollection of events, I had noted in my previous report on (2-10-21). The only slight difference I noted was the start time of the video began at 1238 hours and did not capture the arrival of the black SUV and Dodge Caliber. However, the time difference does not change the conclusions that I arrived at regarding the license violations I observed.

I advised CAO Skarda of my findings and turned the (2) copies over to CAO Legal Assistant Julie Kraus for the Adverse Action case.

It should be noted that the video footage contained on the flash drive that I had watched on (06/09/23), (referenced I above report), contained the (Camera 10), footage recovered by SPPD from the incident on 1-18-21 under CN 21-011-884"[58]

52) Graupman's review of the video footage led him to include information in his report which supports findings that the Respondent violated license condition #2 by failing to take reasonable steps to discourage loitering in front of or on the property of the licensed business and condition #3 by failing to maintain video equipment.[59]

53) Graupman's report indicates that after he viewed the video, he turned the video footage over to DSI Inspector Joseph Voyda ("Voyda") to review the interior footage to ensure that the business was complying with the conditions of their tobacco license.[60]

54) Voyda also reviewed the video and created a report and a supplemental report that documented the violations he observed, and Voyda included still photographs with the camera number and date and time stamp from the video which document several separate violations of Saint Paul Legislative Code Section 324.07 (f) including:

a) Camera 6 – 1/18/2021 at 12:18:14 – 12:18:51 – sale of prohibited flavored product – Blackwoods Russian Cream Cigars.[61]

b) Camera 6 - 1/18/2021 at 12:19:18 – sale of prohibited flavored product – Dutch Honey Fusion and Blue Dream Fusion Cigars.[62]

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[58] Exhibits 7-6, 7-7, 10-1 Video Recovered by SPPD.
[59] Exhibit 7-4.
[60] Exhibit 7-4.
[61] Exhibit 5-11, 5-12, Exhibit 16.
[62] Exhibit 5-11, 5-13, Exhibit 16.

c) Camera 6 - 1/18/2021 at 12:44:04 – sale of prohibited flavored product – Dutch Honey Fusion and Blue Dream Fusion Cigars.[63]

d) Camera 6 - 1/18/2021 at 12:46:01 – sale of prohibited flavored product – Backwoods Honey Bourbon Cigars.[64]

55) Voyda concluded that on January 18, 2021, Respondent sold prohibited flavored tobacco products. Voyda also noted in his report that he did not observe that any customers were checked to ensure that they were of age to purchase tobacco products. [65]

56) Voyda noted in his June 10, 2023, report that:

a) The video from two of the incidents (1/18/2021 12:18:14-51 and 1/18/2021 12:19:18) of prohibited flavor sales that he had documented in his report and with snippy photos using the video was missing when he watched it on June 10, 2023.

b) He does not know what happened to the video associated with those two prohibited flavor product sales or why the video segments are missing.

c) He did pull out still photographs of the two missing prohibited flavor sales and document them in his report.

d) Based on the still photographs he pulled off the 1/18/2021 video, he still believes that on 1/18/2021 at 12:18:14-51 and 1/18/2021 at 12:19:18 the licensee sold prohibited tobacco products.

e) He also believes that his still photographs accurately depict the two prohibited flavor sales because:

i) In his still photos, the cashier is wearing the same clothes and facemask, items such as the candy and other items on or near the cash register counter are sharing the same space as well
ii) He can see that the set of keys on the upper right of the IPad are in the same position as the video snips below.
iii) His photos contain the same date as the other violations.[66]

57) Blackwood's Russian Cream Cigars are a prohibited flavored product and cannot be sold within a Tobacco Shop.[67]

58) Dutch Honey Fusion and Blue Dream Fusion Cigars are a prohibited flavored product and cannot be sold within a Tobacco Shop.[68]

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[63] Exhibit 5-11, 5-13, 5-14.
[64] Exhibit 5-11, 5-14.
[65] Exhibit 5-11, Affidavit of Dan Niziolek P. 26-28.
[66] Exhibit 16.
[67] Affidavit Joseph Voyda P. 16.
[68] Affidavit Joseph Voyda P. 16.

59) Dutch Honey Fusion and Blue Dream Fusion Cigars are a prohibited flavored product and cannot be sold within a Tobacco Shop.[69]

60) Backwoods Honey Bourbon Cigars are a prohibited flavored product and cannot be sold within a Tobacco Shop.[70]

61) On February 8, 2021, Graupman and Voyda performed an inspection after licensing received a complaint that prohibited flavored tobacco products were being sold at the Licensed Premises.

62) During the February 8, 2021, inspection Voyda observed and photographed multiple violations of prohibited flavored products on display in plain sight within the licensed premises. Voyda documented these findings in his Inspector's report and with photographs of the violations he observed.[71]

63) The prohibited flavored tobacco products documented and photographed by Voyda during the February 8, 2021; complaint inspection included:

a) Dutch – Irish Fusion
b) Java Fusion
c) Berry Fusion,
d) Honey Fusion
e) Blue Dream Fusion
f) Rum Fusion
g) Zig Zag – Purple, Blue and Pink
h) Backwoods Black Russian
i) Honey Berry
j) Russian Cream
k) Dark Stout Honey Bourbon and Honey
l) Honey Black & Mild Wine[72]

64) Dutch – Irish Fusion is a prohibited flavored product and cannot be sold within a Tobacco Shop.[73]

65) Java Fusion is a prohibited flavored product and cannot be sold within a Tobacco Shop.[74]

66) Berry Fusion is a prohibited flavored product and cannot be sold within a Tobacco Shop.[75]

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[69] Affidavit Joseph Voyda P. 16.
[70] Affidavit Joseph Voyda P. 16.
[71] Exhibits 5-17 – 5-26, Affidavit of Dan Niziolek P. 29-31.
[72] Exhibits 5-20 – 5-26, Affidavit of Joseph Voyda, P. 24.
[73] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[74] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[75] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.

67) Honey Fusion is a prohibited flavored product and cannot be sold within a Tobacco Shop.[76]

68) Blue Dream Fusion is a prohibited flavored product and cannot be sold within a Tobacco Shop.[77]

69) Rum Fusion is a prohibited flavored product and cannot be sold within a Tobacco Shop.[78]

70) Zig Zag – Purple, Blue and Pink is a prohibited flavored product and cannot be sold within a Tobacco Shop.[79]

71) Backwoods Black Russian is a prohibited flavored product and cannot be sold within a Tobacco Shop.[80]

72) Honey Berry is a prohibited flavored product and cannot be sold within a Tobacco Shop.[81]

73) Russian Cream is a prohibited flavored product and cannot be sold within a Tobacco Shop.[82]

74) Dark Stout Honey Bourbon is a prohibited flavored product and cannot be sold within a Tobacco Shop.[83]

75) Honey, Black & Mild Wine is a prohibited flavored product and cannot be sold within a Tobacco Shop.[84]

76) Graupman documented his observations and findings from the February 8, 2021, investigation, and additional investigative work he performed under Saint Paul Police case number, CN 21026555.[85]

77) Graupman also documented in CN 21026555 that in the past one-year period between 2/9/2020 and 2/9/2021 "this property had generated 786 calls for police service. "529 of the calls were self-generated activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" calls having direct and negative impact on the surrounding neighborhood residents." .[86]

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[76] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[77] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[78] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[79] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[80] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[81] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[82] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[83] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[84] Affidavit of Joseph Voyda, P. 24, Affidavit of Dan Niziolek P. 31.
[85] Exhibits 7-1 – 7-15.
[86] Exhibit 7-2.

## STANDARD OF REVIEW

Minnesota Rule 1400.5500(K) gives an administrative law judge the authority to "recommend a summary disposition of the case or any part thereof where there is no genuine issue as to any material fact . . ." Summary disposition is the administrative equivalent of summary judgment. *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004).[87] Summary disposition is appropriate where "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits . . . show that there is no genuine issue of material fact and that either party is entitled to judgment as a matter of law." *Fabio v. Bellomo*, 504 N.W.2d 758, 761 (Minn. 1993). No genuine issue of material fact exists "[w]here the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party." *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69 (Minn. 1997).

The Department, as the moving party, has the initial burden of demonstrating that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law. *See Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988). To avoid summary disposition, Respondent must show that specific facts that would have a bearing on the outcome of the case are in dispute. *See Hunt v. IBM Mid Am. Emps. Fed. Credit Union*, 384 N.W.2d 853, 855 (Minn. 1986). The evidence must be viewed in the light most favorable to Respondent, the nonmoving party. *Grondahl v. Bulluck*, 318 N.W.2d 240, 242 (Minn. 1982). Importantly, Respondent may not offer mere denials, general assertions, or speculation in attempting to defeat summary disposition. *See Gutbrod v. Cty. of Hennepin*, 529 N.W.2d 720, 723 (Minn. Ct. App. 1995).

## ARGUMENT

**ISSUE #1. Undisputed facts support a determination that Respondent violated license condition #2 for failing to take reasonable steps to discourage loitering on the property of the Licensed Premises.**

SPLC section 310.06(b)(5) supports adverse action where the licensee fails to comply with a condition set forth in the license.[88] License condition #2 of Respondent's license provides that

[87] *See also* GEORGE A. BECK, MINNESOTA ADMINISTRATIVE PROCEDURE 114 (2d ed. 1998) (observing that the Office of Administrative Hearings has generally followed summary judgment standards in considering motions for summary disposition).
[88] Undisputed Fact 24.

"[t]he licensee shall take reasonable steps to discourage loitering in front of or on the property of the licensed business."[89]

As noted by Graupman after his review of the video recovered at the Licensed Premises, two vehicles, a black Chevrolet SUV and a black Dodge Caliber arrive in the parking lot of the Licensed Premises at 12:19 hours and stay for an extended period.[90] Graupman's report also details that at 12:50 hours, a black Hyundai sedan arrives and backs into a parking space and remains there until 1:31 hours.[91] Graupman notes that from the time that the black Hyundai sedan arrives in the lot until the shooting at 1:31 hours no store employee is seen walking through the parking lot of the Licensed Premises.[92] Graupman also detailed that the occupants of the black Hyundai were engaging in behavior that he believed could be indicative of narcotics transactions.[93] That behavior included entering and exiting vehicles and approaching customers.[94]

The Prior AA against the Respondent provides guidance as to what factors should be considered when determining whether the Respondent took "reasonable steps to discourage loitering in front of or on the property of the licensed business"[95]. In the Prior AA Judge Schlatter found that two of the Saint Paul Police Officers who testified at the hearing differed significantly in their understandings of how long a person or vehicle can remain on store property before they are "loitering".[96] However, Judge Schlatter found the testimony of Sgt. Mike Dunaski, highly credible on this point and found that Sgt. Dunaski did not have concerns about loitering in the context of a business premises "for about 15 minutes or so, even if the person or persons are not doing business there."[97] Sgt. Dunaski also stated that he looks at what people are doing when he looks for loitering.[98]

Respondent is responsible for the conduct of his employees and for ensuring that the license conditions he agreed to are followed. He has failed to comply with the license condition 2 by not addressing the loitering and drug sale type behavior that ultimately evolved to a shooting on January 18, 2021. The 41 minutes that the black Hyundai sedan was allowed to remain unchecked

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[89] Undisputed Fact 3(b).
[90] Undisputed Fact 42.
[91] Undisputed Fact 44.
[92] Undisputed Fact 47.
[93] Undisputed Fact 46.
[94] Undisputed Facts 44, 45.
[95] Undisputed Facts 12-16.
[96] Undisputed Fact 12.
[97] Undisputed Facts 13, 15.
[98] Undisputed Fact 14.

in the parking lot far surpasses the 15-minute guideline for determining if someone is engaging in drug transactions and loitering laid out by Sgt. Dunaski. Graupman, like Sgt. Dunaski has the training and experience to identify behavior indicative of drug transactions and loitering. Graupman's observations also led him to conclude that there was behavior consistent with loitering and drug transactions occurring on the Licensed Premises. The documented behavior shows that the Respondent failed to take reasonable steps to discourage loitering in violation of his License Condition #2 at the Licensed Premises on January 18, 2021.[99] The conduct observed by Graupman on Cameral 10, the failure of either the Respondent or his employees to address or report the vehicles who remained in the parking lot for 41 minutes, well over 15 minutes, and other undisputed facts support summary disposition on this allegation.

**Issue #2 Undisputed facts support a determination that Respondent violated license condition #3 by failing to maintain the video cameras on the licensed premises.**

SPLC section 310.06(b)(5) supports adverse action where a licensee has failed to comply with a condition set forth in their license.[100] License condition #3 of Respondent's Tobacco Shop License provides that "[t]he license holder shall maintain video surveillance cameras inside and outside the establishment in accordance with [SPPD] recommendations."[101] Graupman and the SPPD video technician both reported that the DVR time on the video footage produced by Respondent was 6 minutes behind the actual time.[102] Respondent violated condition #3 of his license because he had a duty to maintain his surveillance cameras in a manner that ensured the recordings he produced included an accurate time stamp. Accordingly, undisputed facts show that Respondent failed to comply with a condition imposed by his license and summary disposition on this allegation is appropriate.

**ISSUE 3. Undisputed facts support a determination that Respondent violated SPLC section 324.07(f) by allowing the sale of prohibited flavored tobacco products on January 18, 2021 and February 8, 2021.**

[99] Undisputed Facts 52.
[100] Undisputed Fact 24.
[101] Undisputed Fact 3(c).
[102] Undisputed Fact 39.

SPLC section 310.05(m)(2) supports adverse action against a license where there has been a "violation of provisions of the [SPLC] relating to the licensed activity."[103] Tobacco products are regulated under Chapter 324 of the SPLC. Section 324.07(f) provides in part that "[n]o person shall sell, offer for sale, or otherwise distribute any flavored [tobacco] products."[104] Voyda's review of the January 18, 2021, video footage revealed six transactions involving the sale of prohibited flavored tobacco products.[105] These are documented on video, in the still shots pulled from the video and in Voyda's reports.[106]

Graupman and Voyda's February 8, 2021, complaint inspection yielded multiple prohibited flavored products offered for sale within the licensed premises.[107] The violations discovered are documented both with photos and in Voyda's report. Undisputed facts support summary disposition on this allegation.

The January 18, 2021, and February 8, 2021, violations occurred after the Respondent received education and training on what was a prohibited flavor product, was caught selling prohibited flavored products, and benefited from a personal meeting with DSI Licensing Manager Hudak to discuss the sale of prohibited flavor product in which he was provided with a follow up email that contained the relevant ordinances.[108]

Respondent has knowingly and repeatedly violated SPLC section 324.07 (f), despite being informed about the applicable rules and regulations. The substantiated complaint along with the Voyda's reports and the video and still photos all support summary disposition and a recommendation supporting adverse action on this issue.

**ISSUE 4. Undisputed facts demonstrate that Respondent's operation of the Licensed Premises has violated SPLC §§310.06 (b)(6)(a), (b)(6(c), (b)(7) and (b)(8).**

SPLC §310.06(b)(6)(c) supports adverse action where a licensee, or any person whose conduct may by law be imputed to the licensee, 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." SPLC §310.06(b)(7) supports adverse action where the "activities of the licensee in the licensed activity created or have created

[103] Undisputed Fact 23.
[104] Undisputed Fact 29.
[105] Undisputed Fact 54, 57-60,
[106] Undisputed Facts 54, 56.
[107] Undisputed Fact 57-76.
[108] Undisputed Facts 4-7.

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." SPLC §310.06(b)(8) supports adverse action where "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."[109]

Graupman's review of the video footage from the Licensed Premises from the January 18, 2021, shooting in the parking lot of the licensed premises led him to conclude that the Respondent failed to manage the licensed premises in accordance with his license conditions. Respondent also allowed the sale of prohibited tobacco products to repeatedly occur on the licensed premises. This behavior created a safe haven or shelter for criminals and criminal activity that endangered the public and created serious safety risk.[110]

Voyda reviewed video footage from the Licensed Premises from January 18, 2021 and observed 6 instances of illegal sales of prohibited flavored products and a failure to check any identification of customers to determine if they were of age to purchase tobacco products.[111] The February 8, 2021 inspection by Graupman and Voyda yielded evidence of 20 different types of prohibited flavored products openly displayed on shelves and available for purchase.[112] The history report of calls for service generated by Graupman document a high number of quality of life calls for service over a one year period.[113]

Monitoring the parking lot by video, walking through to monitor the activity in his parking lot, asking those who loiter to leave or calling the police and/or enforcing the City's tobacco laws all would have gone great lengths to prevent criminal behavior that led to an individual being shot in the parking lot and a stray bullet going through the front of the licensed premises. The undisputed facts clearly demonstrate that, by failing to comply with license conditions, failing to actively manage the licensed premises, allowing violent conduct to occur on the property and failing comply with the rules and regulations associated with running this type of a licensed business, Respondent has endangered the public through his operation of the licensed premises. Accordingly, summary disposition is appropriate on these allegations.

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[109] Undisputed Fact #11.
[110] Undisputed Fact #35.
[111] Undisputed Fact #55.
[112] Undisputed Fact #23.
[113] Undisputed Fact #21.

**ISSUE 6. <u>Upward departure from the presumptive penalty of a $2,000 fine and a 10 day suspension to revocation is appropriate as the Department has undisputed facts demonstrate that Respondent has repeatedly engaged in the offering and illegal sale of prohibited flavored tobacco products and allowed dangerous behavior to occur on the property of the Licensed Premises, which demonstrates a pattern of conduct of failure to comply with laws reasonably related to the licensed activity from which an inference of lack of fitness or good character may be drawn.</u>**

SPLC §310.05(m) includes a penalty matrix with presumptive penalties for certain violations. Although matrix penalties are presumed to be appropriate, §310.05(m)(ii) states that the occurrence of multiple violations shall be grounds for departure from such penalties at the City Council's discretion. [114] SPLC goes on to require that substantial and compelling reasons must be articulated for an upward departure.

In this matter, Respondent's last imposed penalty was $1,000. The next box on the matrix penalty is a $2,000 fine and a 10-day suspension. The Department asserts that the following substantial and compelling reasons exist to support upward departure from the presumptive penalty of a 10-day suspension to revocation of the Tobacco Shop License held by Respondent:

- 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, including successive sales of prohibited flavored products and possession of and amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021,
- 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 surveillance equipment in good working order,
- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,
- the fact that these additional serious violations occurred after a June 18, 2020, meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises, and
- the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law Judge LaFave found numerous violations of sales of

[114] Undisputed Fact #34.

prohibited flavored products and single cigarettes as well as violations of the clean indoor air act.

## CONCLUSION

The City has a duty to ensure that individuals licensed to sell cigarettes and tobacco products comply with their license conditions and the laws related to the licensed activity, show good fitness or character to hold those licenses, conduct their activities in a manner that protects the public health, safety, and welfare, and maintains their business in a manner that does not unreasonably annoy, injure, or endanger the safety, health, morals, comfort, or repose of the public.

The record before the ALJ shows that Respondent has been knowingly, blatantly, and repeatedly engaging in activities that violate multiple conditions of his Tobacco Shop license and numerous sections of the SPLC. Respondent's actions have endangered the safety of both patrons and the public and it appears that no consequence can deter Respondent's behavior. Under these circumstances, allowing Respondent to retain his Tobacco Shop license would be a gross dereliction of the Department's public protection function and a betrayal of the trust placed in the City by its citizens. Accordingly, the City respectfully requests an order for summary disposition and a recommendation that upward departure from the presumptive $2000 and 10-day suspension penalty to revocation of Respondent's license is warranted under SPLC sections 310.06(b)(5), (b)(6)(a), (b)(6)(c), (b)(7), and (b)(8) and under SPLC sections 310.05(m)(1) and (m)(2).

Dated: 7/14/2023

Respectfully submitted,

THERESE A. SKARDA
#240989
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15 West Kellogg Boulevard, Ste. 400
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Cigarette/Tobacco License held by the Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

**AFFIDAVIT OF DAN NIZIOLEK**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Dan Niziolek, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Deputy Director 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 include management of the City's Licensing division including oversight of inspectors 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 Deputy Director for the City of Saint Paul since March 19, 2014.

4. My previous work experience includes: Twenty-two years with the City of Minneapolis. Serving in positions that included: 1) frontline regulatory/ community safety and livability positions (i.e. Minneapolis Police Department and Licensing Division), 2) regulatory management positions (i.e. Manager of Problem Properties Division, Minneapolis Development Review, and Minneapolis Animal Care and Control as well as Deputy Director for Minneapolis Regulatory Services Department), and 3) elected official (i.e. Minneapolis City Council Member).

5. My education and training include: BA in Sociology (Criminology emphasis) from the University of Minnesota and years of on the job training in numerous government services.

6. Licensing Manager, Eric Hudak ("Hudak") is currently out on an extended medical leave. As his direct supervisor, I have received and reviewed files, police reports, videos, statutes, and relevant code provisions contained in Exhibits #1 through 16 ("Documentation") related to violations and the basis for potential adverse action against the Tobacco Shop License ("License") held by Zhariya

Abukhudeer ("Licensee/Respondent") for the premises known as The One Stop Market LLC located at 1541 Maryland Avenue ("Licensed Premises").

7. Attached as Exhibit 11 is a true and correct copy of Saint Paul Legislative Code ("SPLC") § 310 titled Uniform License Procedures. This is the version that was in effect at the time of this violation.
8. Attached as Exhibit 12 is a true and correct copy of SPLC § 324 titled Sales Prohibited. This is the version that was in effect at the time of this violation.
9. Attached as Exhibit 13 is a true and correct copy of SPLC § 324 titled Sales Prohibited. This is the updated version of the code that includes updated penalties for the sale of prohibited flavored products. I believe that it indicates City Council's intent to take prohibited flavored tobacco sales more seriously. Now the presumptive penalty for a first flavor or single cigarette violation is a 10-day suspension. The presumptive penalty for a second flavor or single cigarette violation is revocation.
10. In my experience administering cigarette regulations, I am familiar with packaging of flavored and menthol products.
11. 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.

**Licensee/Respondent Information**

12. Attached as Exhibits 5-19 and 5-20 are true and correct copies of documents pulled from AMANDA our case management system which provide information on the Licensee, license conditions and the Licensed Premises.

13. Exhibit 5-20 contains a true and correct copy of a document entitled STAMP – Ownership Zoning Information. This documents that ZamZam Inc owns the property at 1541 Maryland. I know that this property has a Tobacco Shop License with conditions and that Zakariya Abukhudeer is the responsible party for the Tobacco Shop License at the Licensed Premises. The NOV's in this case were mailed to the owner address for ZamZam provided on this document and to the Licensee/Respondent's attorney, Mr. Thompson.

14. Exhibit 6-1 – 6-5 is a copy of the Resolution adopted by City Council in the prior Adverse Action against the Licensee/Respondent. In that Resolution, City Council found that repeatedly sold single cigarettes and prohibited flavored products and allowed patrons to smoke inside the licensed premises.

**License Conditions**

15. Exhibit #5-19 contains 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/Respondent for The One Stop Market LLC. As noted in Exhibit #5-19 they are:

"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."

"2. The licensee shall take reasonable steps to discourage loitering in front of the 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 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."

"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."

**Request for Adverse Action**

16. After reviewing the Documentation, Hudak approved adverse action and upward departure to Revocation of the Tobacco Shop License held by Licensee/Respondent and asked that the matter be forwarded to the City Attorney's Office for review and issuance of a Notice of Violation.

**Violations**

**Failure to take reasonable steps to discourage loitering in front of or on the property in violation of License Condition #2.**

17. I believe that the Documentation supports Adverse Action as the Licensee/Respondent failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021, and Respondent's license condition #2 requires Licensee/Respondent to do so.

18. I base my belief on my review of the videos contained in Exhibits 10, 10-1, the reports of Sgt. Graupman (Exhibits 7-1–7-15), the public case number on the shooting (Exhibits 5-98, 5-99, 14-1 - 14-5) and the information I reviewed in Judge Schlatter's Findings of Fact, Conclusions of Law and Recommendation related to this issue (Exhibits 9-7, 9-24 – 9-31).

19. When I reviewed the videos, I saw no evidence of any attempt to monitor the parking lot. Allowing a vehicle to sit in the parking lot, unchecked, for an amount

of time that was well outside of the 15-minute threshold that Sergeant Dunaski testified to in the previous One Stop Adverse Action and which was discussed by Administrative Law Judge Schlatter (Exhibits 9-7, 9-24 – 9-31).

20. I also observed the same concerning behavior flagged by Sergeant Graupman (Exhibit 7-4) including:

a. occupants of the vehicles entering and exiting their vehicles multiple times,

a. occupants of the vehicles approaching customers and entering customer vehicles which is indicative of narcotics transactions,

b. failure of store employees to perform a walkthrough,

c. failure of store employees to ask occupants of the vehicles to leave,

d. failure of store employees to call police and report the behavior.

21. Based on my experience, what I observed was clearly the failure to take reasonable steps to discourage loitering in front of or on the property in violation of license condition #2.

**Failure to maintain video equipment in violation of License Condition #3.**

22. I believe that the Documentation supports Adverse Action as the Licensee/Respondent failed to maintain his video equipment in violation of Licensee/Respondent's license condition #3 which requires him to do so.

23. I base my belief on Graupman's report (Exhibit 7-4) which indicates that both Graupman and Video Management Technician Ricard Bertholf noted that the DVR time on the surveillance video recovered from the Licensed Premises was approximately 6 minutes behind the actual time.

**Sale of Prohibited Flavored Tobacco Products on January 18, 2021.**

24. The Department provides education and training for Licensees who sell tobacco products. I have reviewed Exhibits 5-27-5-56 and believe they are good examples of past education and training materials sent to all Tobacco Shop Licensees.

25. I have reviewed Exhibits 15-1 and 15-2, this is an email sent out by Hudak after a meeting with the Licensee/Respondent on June 17, 2020 that tells me that Hudak discussed the Licensee/Respondent's responsibilities and regulations with respect to tobacco products. It appears that Hudak even emailed Licensee/Respondent a copy of the ordinances related to the sale of tobacco.

26. I believe that the Documentation supports Adverse Action as the Licensee/Respondent sold prohibited flavored tobacco products on January 18, 2021, in violation of Saint Paul Legislative Code §324.07 (f) (Exhibit 12).

27. I base my belief on the report of DSI Inspector, Joseph Voyda (Exhibit 5-11), the still photos he pulled from the video he watched (Exhibits 5-12 – 5-15), his comparison report (Exhibit 16), his expertise and the quality of his past work in the area of tobacco regulations and enforcement, as well as my knowledge of prohibited flavored products.

28. Inspector Voyda's expertise and work in combination with the photos in Exhibits 5-12 – 5-15 form my basis that the following prohibited products were sold at the following times on January 18, 2021:

a. 12:18:14 Backwoods Russian Crème Cigars,
b. 12:19:18 Dutch Honey Fusion and Blue Dream Fusion Cigars,
c. 12:44:04 Dutch Honey Fusion Cigars,
d. 12:46:01 Backwoods Honey Bourbon Cigars.

**Sale of Prohibited Flavored Products on February 8, 2021.**

29. I believe that the Documentation supports Adverse Action as the Licensee/Respondent possessed and sold prohibited flavored tobacco products on February 8, 2021, in violation of Saint Paul Legislative Code §324.07 (f) (Exhibit 12).

30. I base my belief on the report of DSI Inspector, Joseph Voyda (Exhibits 5-17 – 5-26), which includes the still photos he took during a compliant inspection at the Licensed Premises, as well as my knowledge of what prohibited flavored products look like.

31. I can see from the photos in Exhibits 5-20–5-26 that the following prohibited products were offered for sale and being sold on February 8, 2021:

a. Dutch Irish Fusion
b. Dutch Java Fusion
c. Dutch Berry Fusion
d. Dutch Honey Fusion
e. Dutch Blue Dream Fusion
f. Dutch Rum Fusion
g. Zig Zag Purple
h. Zig Zag Blue
i. Zig Zag Pink
j. Backwoods Black Russian
k. Backwoods Honey Berry
l. Backwoods Russian Crème
m. Backwoods Dark Stout
n. Backwoods Honey Bourbon
o. Backwoods Honey
p. Black & Mild Wine.

**Failure to manage the Property in accordance with Saint Paul Legislative Code §310.06.**

32. I believe that the Documentation supports Adverse Action as the Licensee (or any person whose conduct may be imputed to the Licensee) failed to manage the licensed business premises appropriately and/or permitted a pattern or practice of conduct of failing 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; the activities of the Licensee in the licensed activity created or have created a serious danger to the public's health, safety or welfare and 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 numbers of the members of the public.

33. I base my belief on my understanding of Saint Paul Legislative Code Sections 310.06 (b)(6)(a), (b)(6)(c), (b)(7) and (8).

34. I also base my belief on my review of the following:

a. Videos recovered from the January 18, 2021, shooting which show a failure to monitor Licensed Premises (Exhibits 10 and 10-1).

b. Graupman's Report (Exhibits 7-1 – 7-13) which indicate that:

   i. Graupman reports in CN 21026681 that at 12:19 hours he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.

   ii. Graupman reports in CN 21026681 that at 12:50 hours he observed a black Hyundai sedan arrive and back into a parking space in the parking lot near the S/W corner next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions, based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.

   iii. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.

iv. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

c. My review of the calls for service that Graupman pulled (Exhibits 5-57 – 5-80)

d. Graupman's summary in Report 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents (Exhibit 7-2).

e. Inspector Voyda's reports and photos (Exhibits 5-11 – 5-15) which note that his observations of the video from January 18, 2021, showed that no customers were carded by the clerk for tobacco purchases.

f. The repeated sales of prohibited flavored tobacco products on January 18, 2021, documented by Inspector Voyda in his report and with still photos (Exhibits 5-11 – 5-15, 16).

g. The presence of a large amount of prohibited flavored tobacco products documented by Inspector Voyda in his report and with photos related to the February 8, 2021, incident date (Exhibits 5-17 – 5-26).

**Basis for Upward Departure Request.**

35. I believe that adverse action and upward departure is appropriate based on the following SPLC code sections (Exhibit 11):

36. 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.

37. 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.

38. SPLC § 310.06 (b) titled Basis for Action which supports adverse action in several situations including:

a. § 310.06(b)(5) "The licensee or applicant has failed to comply with any condition set forth in the license…"

b. § 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;"

c. § 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."

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

e. § 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."

39. At the time of this violation SPLC § 310.05 (m)(1) laid out the following matrix penalties.

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

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

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

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

40. 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."

41. 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."

42. 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 violations 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."

43. Consistent with the procedures outlined in SPLC, after Hudak approved a recommendation for adverse action and made a penalty recommendation, the matter was then forwarded to the Saint Paul City Attorney's Office for review and creation of a Notice of Violation ("NOV").

44. Based on SPLC and the Documentation I have reviewed, I support the recommendation for upward departure from the most recent $1,000 matrix penalty to revocation.

45. Attached as Exhibit #5-1 through 5-98 is a true and correct copy of the March 24, 2021, Notice of Violation and Request for Upward Departure to Revocation and all supporting documentation.

46. After the first Adverse Action against The One Stop was completed and RES PH 23-10 (Exhibits 6-1 – 6-5) was adopted by City Council upwardly departing from $500 to $1,000, I directed Assistant City Attorney, Therese Skarda to proceed with this second Adverse Action.

47. I have reviewed the original March 24, 2021, NOV along with the supporting documents and reports. (Exhibits 5-1 – 5-99).

48. I understand that Hudak directed that the original March 24, 2021, NOV be updated with the information from the Adverse Action that had just concluded.

49. The January 31, 2023, Amended Notice of Violation contains the additional information that the Department believed was necessary to support this Adverse Action.

50. Exhibit 2-1 – 2-11 is a true and correct copy of the January 31, 2023, Amended Notice of Violation and Request for Upward Departure to Revocation ("Amended NOV").

**Substantial and Compelling Reasons for Upward Departure Request.**

51. I have reviewed all Documentation, including the reports of Sergeant Graupman (Exhibits 7-1 – 7-15), DSI Inspector Joseph Voyda (Exhibits 5-11 – 5-26 and 16), the video (Exhibits 10 and 10-1) as well as the Reports from Administrative Law Judges LaFave and Schlatter (Exhibit 8-1 – 8-16 and 9-1 – 9-31) and the resolution adopted by City Council for the previous Adverse Action (Exhibit 6-1 – 6-5).

52. I believe that the information contained within these exhibits provide documentation of the necessary substantial and compelling reasons for the Department's recommendation of an upward departure.

53. I also believe the reports and photos accurately depict and support the allegations contained in the NOV and that substantial and compelling reasons exist for upward departure from the second box on the penalty matrix to the fourth box which is revocation.

54. The substantial and compelling reasons identified included:

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, including successive sales of prohibited flavored products and possession of an amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021,

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 attempt to check identification of individuals who appear to be underage before selling them tobacco products,

h. the fact that these additional, serious violations occurred after a June 18, 2020, meeting with the Department, representatives of the Saint Paul Police Department and Licensee/Respondent to discuss the problems at the Licensed Premises, and

i. the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law LaFave found numerous violations of sales of prohibited flavored products and single cigarettes as well as violations of the clean indoor air act.

j. Graupman's report (Exhibits 7-1 – 7-13) and the videos (Exhibit 10, 10-1) which depict the violations that show the failure of the Licensee/Respondent and his employees to take appropriate action and their actions violated License Condition #2 and 3, Saint Paul Legislative Code 324, which 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).

FURTHER YOUR AFFIANT SAYETH NOT.

DAN NIZIOLEK

Subscribed and sworn to before me
DATE July 11, 2023

Notary Public

STEPHANIE LYNN HARRINGTON-HILLIKER
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2024

OAH Docket No. 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

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

**AFFIDAVIT OF CHARLES GRAUPMAN**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Charles Graupman, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Sergeant with the Saint Paul Police Department ("SPPD"). I provide this Affidavit in support of the Department's Motion for Summary Disposition.

2. On January 18, 2021, I was assigned to the Department of Safety and Inspections ("Department") to act as a police liaison and assist in licensing investigations.

3. I have been a duly sworn police officer with the city of St. Paul for 23 years and previously worked as a Police Officer for the city of Cannon Falls for just under 1 year. During my employment with the St. Paul Police Department, I was assigned to the Force (Focusing Our Resources On Community Empowerment) Unit, for approximately 4 years. This unit focused on street level narcotics dealing and problem property investigations that were centered around nuisance activity related to properties generating a high number of "quality of life calls", that negatively impacted the community. As a FORCE Officer, I conducted surveillance, cultivated informants, apprehended, and interviewed suspects and drafted, and executed search warrants related to unlawful weapons and narcotics sales and use. I am currently assigned to the VICE Unit

as the DSI Police Sergeant Liaison and have worked in this assignment for 3 years. One of the main duties of my current assignment is to identify businesses that are generating a high number of "quality of life" calls, pose a significant public safety threat to the community and consume a vast amount of police resources. I conduct investigations of these said businesses that are related to their current license conditions. I assist the Department of Safety & Inspection with providing evidence of licensing violations and criminal activity for review and adverse action by the City Attorney's Office, Civil Division.

4. My experience and training with street level narcotics and hand to hand dealing has equipped me with the necessary tools to identify criminal behavior. It is very common for narcotics and gang/gun violence to occur near or on the premise of a business that is participating in the illegal sales of prohibited tobacco products and contraband. Criminal behavior often gravitates towards businesses that conduct illegal activity, as there is a feeling of "shelter" or "safe haven," by suspects, due to a lack of criminal behavior reporting to police by the said business.

5. I am aware of a prior Adverse Action against The One Stop Market that concluded in 2023 with City Council adopting a Resolution to impose a $1,000 matrix penalty.

6. I have reviewed a copy of Exhibits 5-81, 5-89 and 5-98 - 5-99. They are true and correct copies of the public reports written by Saint Paul Police Officers in the course of their duties.

7. Exhibit 5-82 – 5-97 is a true and correct copy of the report I wrote after being notified of an aggravated assault with shots fired that occurred on January 18, 2021, at 1541 Maryland Avenue East in the City of Saint Paul.

8. Exhibit 7-1 – 7-15 is a true and correct copy and the most current version of my report, ("My Report") referenced above. It contains the additional information that I added to the

original CN after I discovered a few clerical errors and documented them (Exhibit 7-5), responded to a discovery request from opposing counsel and learned of missing video from the video recovered by DSI and reviewed video recovered by SPPD (Exhibits 7-6 and 7-7, 10 and 10-1). Exhibits 5-82 – 5-97 and 7-1 – 7-15 look different because our reporting writing system was updated – but the words are the same, but only Exhibit 7-1 – 7-15 contains my amendments because they were made under the updated system.

9. Before writing My Report, I reviewed copies of video produced by the Licensee in accordance with a request I produced and served on Respondent on January 21, 2021, (Exhibit 7-4, Exhibit 10).

10. My report was written after I watched video recovered from that incident and accurately conveys my observations and conclusions based on my experience and training.

11. Exhibit 5-57 – 5-80 is a run report that I ran using the search function in the records management system at Saint Paul Police. This report details the calls for service to the Licensed Premises at 1541 Maryland from 02/20/2020 through 02/08/2021.

12. As documented in My Report (Exhibit 7-2) the data in Exhibit 5-57 – 5-81 shows that between 2/9/2020 and 2/9/2021, The One Stop Market generated 786 calls for police service and that 529 of those calls were self-generated police activities and 59 of the calls were deemed quality of life calls which have a direct and negative impact on the surrounding neighborhood residents.

13. I have also reviewed reports written by DSI Inspector Joseph Voyda (Exhibits 5-11 – 5-15 and 5-17 – 5-26 and Exhibit 16. Having observed the video on January 8, 2021, and been present during the February 8, 2021, inspection, I believe his reports to accurately describe the licensing and tobacco violations observed at the licensed premises.

FURTHER YOUR AFFIANT SAYETH NOT.

CHARLES GRAUPMAN

Subscribed and sworn to before me
DATE

Notary Public

ANNETTE MARIE WALD
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

#TQMRFDTQ0DFPSBv1

OAH Docket No. 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF SAINT PAUL

In the Matter of the Cigarette/Tobacco Licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in the City of Saint Paul.

**AFFIDAVIT OF JOSEPH VOYDA**

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Joseph Voyda, being first duly sworn on oath, deposes and states as follows:

1. I am a duly appointed Inspector 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 include licensing investigations and inspections, providing detailed information to license holders pertaining to the City of Saint Paul's Legislative Code and language on State Statutes. It is core to our business licensing function to regularly help drop-in customers that visit DSI's offices seeking general business requirement information primary to provide initial information on alcohol licenses, lawful gambling, pedestrian skyway system, parking ramp and cigarette/tobacco regulations.

3. I have served as an Inspector for the City of Saint Paul from May of 2018 to present.

4. My experience as a Business Licensing Inspector includes knowledge of the City of Saint Paul's Legislative code, inspections in cigarette tobacco compliance checks for flavor, price and youth compliance checks. Auto repair license, gambling, liquor, and parking ramp

inspections. I regularly conduct inspections both scheduled and after complaints. After inspections I document pictures, statements and other observed findings. Gathering this information grants better accessibility for others to review and allows for potential future enforcement/adverse actions. I developed a spread sheet for tobacco licensing inclusive of flavor and price compliance/violations, youth compliance check results and an overall pass/fail list for licensed properties with tobacco licenses at the start of inspections per year to provide for more accurate tracking and generating quick reports for the administration to respond to inquiries.

5. My education and training and duties related to tobacco products and flavored products which are prohibited in Saint Paul includes:

- I am the primary Inspector assigned to conduct tobacco flavor and pricing compliance checks. These tobacco flavor and pricing compliance checks have included menthol and other flavored products prohibited since November 1, 2018.
- I am educated on what flavored products look like and have worked to hand deliver educational materials to all the retail tobacco establishments to provide further training to clerks and managers. These include educational mailings produced with a great partnership with ANSR (Association for Nonsmokers-MN).
- I am the primary Inspector designated to respond to complaints and questions on this topic area.
- I retain a wealth of knowledge of the City of Saint Paul's Legislative code 324 which relates to prohibited products.
- My number one priority in my job is to answer questions to assist license holders by educating them on both prior to violations and to bring their operation into compliance with ordinance so they can be successful.

- I move to enforcement through adverse action if education is not successful or if the violations are such that it is clear to me that the license holder is aware of the regulations but chooses not to follow them.

6. Attached as Exhibit #11 is a true and correct copy of Saint Paul Legislative Code ("SPLC") § 310 titled Uniform License Procedures that was in effect at the time of this violation.

7. Attached as Exhibit #12 is a true and correct copy of SPLC § 324 titled Tobacco that was in effect at the time of this violation.

8. 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.

9. When I am uncertain as to whether a product is a prohibited flavored product, I look it up on either the manufacturers website or on a distributor's website as these locations provide the flavor profile for the product. For example, Backwoods Russian Cream is described as having a coffee and vodka flavor.

10. I received and reviewed files, police reports, videos, statutes and relevant code provisions contained in Exhibits #5-1 though 5-99, 7-1 – 7-15 and 14-1 through 14-5 ("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").

11. I have reviewed Exhibits 5-27 – 5-56 and they are examples of educational materials and notices of ordinance changes that are sent to Tobacco Shop and Tobacco Product Shop Licensees.

12. I am personally familiar with the Licensee; I met him when he submitted his application and have seen him since.

13. I am aware of the License Conditions for this Licensed Business. Exhibit #5-19 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 agreed to by the Licensee for The One Stop Market LLC. As noted in Exhibit #5-19 they are:

"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."

"2. The licensee shall take reasonable steps to discourage loitering in front of the 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 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."

"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."

13. I have reviewed the video produced by the Licensee after a request from the Department for the Licensee's video from January 18, 2021 and the video that was produced by the Saint Paul Police Department. That video has been marked as Exhibits #10 (video produced by the Licensee) and 10-1 (video that was produced by the Saint Paul Police Department) and my reports and the still photos I pulled using the snippy tool from that video are marked as Exhibits 5-11 – 5-15 and 16.

14. When reviewing the January 18, 2021, video, I observed and documented with photos, 4 separate sales of prohibited flavored products within the Licensed Premises.

15. Those instances are:

    a. Camera 6 - 12:18:14 through 12:18:51 – Backwoods Russian Cream Cigars (Exhibit 5-12 (two photos)).

    b. Camera 6 – 12:19:18 Dutch Honey Fusion and Blue Dream Fusion Cigars (Exhibit 55-13 (top photo)).

    c. Camera 6 12:44:04 Dutch Honey Fusion Cigars (Exhibit 5-13 (bottom photo) and Exhibit 5-14 (top photo)).

    d. Camera 6 12:22:00 Backwoods Honey Bourbon Cigars (Exhibit 5-14 (bottom photo)).

16. Based on my prior experience and training I know that Backwoods Russian Cream Cigars, Dutch Honey Fusion Cigars, Blue Dream Fusion Cigars, and Backwoods Honey Bourbon Cigars are prohibited flavored tobacco products and cannot be sold or offered for sale by a Tobacco Shop Licensee within the City of Saint Paul.

17. While reviewing the video produced by the Licensee of the January 18, 2021, incident, I also noticed that no customers were being carded by the clerk.

18. I have reviewed the report I wrote and the photographs I took after my February 8, 2021, Inspection that has been marked as Exhibit #5-17, 5-18, 5-20 through 5-26.

19. My inspection on February 8, 2021, was in response to a complaint.

20. I created my report and took the photographs at the Licensed Premises after I conducted an inspection at the Licensed Premises in response to a complaint.

21. During that inspection I observed and documented at least 20 prohibited flavored tobacco products on the shelves at the Licensed Premises.

22. During that visit, I spoke with the Licensee and educated him on the violations that I found.

23. During that visit, the Licensee told me that "it wouldn't happen again".

24. The prohibited flavored tobacco products that I observed and documented during my February 8, 2021, Inspection included:

    a. Dutch Irish Fusion
    b. Java Fusion,
    c. Berry Fusion,
    d. Honey Fusion,
    e. Blue Dream Fusion,
    f. Rum Fusion,
    g. Zig Zag Purple,
    h. Zig Zag Blue,
    i. Zig Zag Pink,
    j. Backwoods Black Russian
    k. Backwoods Honey,
    l. Backwoods Berry,
    m. Backwoods Russian Cream,
    n. Backwoods Dark Stout,
    o. Backwoods Honey Bourbon,
    p. Backwoods Honey,
    q. Black & Mild – Wine.

25. I have reviewed the report I wrote on June 10, 2023. It is a true and accurate copy of the report I wrote after Assistant City Attorney, Therese Skarda told me that she could not find

the videos for two of the prohibited flavor violations I observed and documented in my report and with photos after watching the January 18, 2021 video produced by the Licensee.

FURTHER YOUR AFFIANT SAYETH NOT.

JOSEPH VOYDA

Subscribed and sworn to before me
DATE 7/10/2023

Annette Wald
Notary Public

ANNETTE MARIE WALD
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

#TIOBHNQN0DGJCMv1

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: 651-266-8710 | Fax: 651-298-5619

January 31, 2023

The One Stop Market LLC
1541 Maryland Avenue
Saint Paul, MN 55106
Attn: Mark K. Thompson, MKT Law, PLC, 4927 34th 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 your request of December 15, 2022, please find a copy of the April 1, 2022, Notice of Violation for The One Stop Market, LLC with attachments. My legal assistant's records indicate that this was served on you on April 1, 2022. The purpose of the April 1, 2022, Notice of Violation, was to inform you that the Department intended to take additional adverse action against your license once the current adverse action was completed.

You were also served with a March 24, 2021, Notice of Violation and Request for Upward Departure on March 24, 2021.

It is my understanding that your client contests the allegations in both the March 21, 2021, Notice of Violation and Request for Upward Departure and the April 1, 2022, Notice of Violation. Therefore, I have asked my Legal assistant Shawn McDonald to request separate administrative hearings for these matters.

I am enclosing Amended Notice of Violations for both the March 21, 2021, and the April 1, 2022, Notices. These have been updated to include information on the adverse action recently resolved by City Council and the requested penalty.

They are also reflective of your request for administrative hearings.

Additional information added to the notices has been noted with strikeout and underlines.



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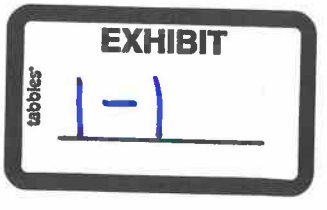

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I would anticipate that the Office of Administrative Hearings will be reaching out to set the dates for scheduling conferences soon.

Please let me know if you have additional questions.

Thank you,

Therese



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EXHIBIT
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~~March 24, 2021~~ January 31, 2023

**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 34th 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 the Notice of Violation and request for upward departure to Revocation related to license violations which occurred after the first Notice of Violation was sent to your client.

In relation to these violations, the Department of Safety and Inspections ("Department") is recommending 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 to Revocation based on:

- Evidence that the Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021,
- Evidence of failure to maintain video in accordance with his license condition,
- Evidence of multiple additional incidents of sales of flavored products on January 18, 2021 documented on video provided by licensee,
- Evidence of a large volume of flavored products observed by Inspector Voyda during his inspection on February 8, 2021 and documented report and through photos,



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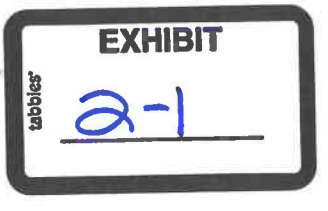

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- Evidence that the licensed premises were being operated in a manner that violated several sections of Saint Paul Legislative Code Section ~~306~~ 310 on January 18, 2021 and February 8, 2021.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

- 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.



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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 (f) which prohibits the sale 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 portion of the Saint Paul Legislative Code relating to the sale of flavored products is:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – Revocation:**



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On January 18, 2023, Saint Paul City Council considered and adopted the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021, under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022, under OAH 80-6020-37157 in the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul. Under resolution RES PH 23-10 imposed a second level matrix penalty of $1,000 on the cigarette/tobacco license held by Licensee.

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) also states that the occurrence of multiple violations **shall** be grounds for departure from such penalties at the council's discretion (emphasis added). 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.

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, including successive sales of prohibited flavored products and possession of an amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021.
- 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 surveillance equipment in good working order,



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- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,
- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises, and
- the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law Judge LaFave found numerous violations of sales of prohibited flavored products and single cigarettes as well as violations of the clean indoor air act; and

The Department believes that the report of Inspector Voyda, video and photographic evidence support the violations and the Department plans on asking the City Council to impose the costs as allowed under 310.05 (k). 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.

The Department is recommending an upward departure, one box on the penalty matrix to Revocation under Saint Paul Legislative Code §310.05. This is the matrix penalty that was in effect at the time of the violation. The relevant sections of Saint Paul Legislative Code §§ 310 and 324 that were in effect at the time of these violations are included as attachments to this correspondence and will be included in the materials sent to the Administrative Law Judge.

**List of Violations in Chronological Order:**

**Violation #1 – Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021.**

**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 January 18, 2021 Saint Paul Police responded to a call at the Licensed Premises on a report of a person who had been shot in the parking lot and taken to Regions hospital with non-life threatening injuries. Saint Paul Police documented the incident under Saint Paul Police Case Number ("CN") 21011884. Responding officers recovered six (6) 9mm casings near the scene. Officers also spoke with employees who advised that a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer.



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On January 19, 2021, Sgt. Graupman, the Sgt. currently assigned to DSI learned of this incident.

On January 21, 2021, Sgt. Graupman drafted and delivered a formal letter requesting surveillance video from Monday, January 18, 2021 from 12:30 p.m. to 2:30 p.m. on Monday, January 18, 2021.

On January 25, 2021 the requested video was turned in at DSI. Sgt. Graupman viewed the video and made the following observations which DSI alleges support adverse action on the basis that the Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021:

- 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
- 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
- Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
- Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

**Violation #2 - On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.**



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EXHIBIT
tabbies
2-6

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: 651-266-8710 | Fax: 651-298-5619

**License Condition Violated:** License Condition #3 which states: "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:** Sgt. Graupman noted in CN 2106681 that when he viewed the video turned in to DSI by the Licensee he noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This information was also documented in a separate supplemental report by Video Management Technician Ricard Bertholf.

**Violation #3 – On January 18, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:** DSI Inspector Joseph Voyda viewed the January 18, 2021 video and pulled still photographs of 6 separate sales of flavored products, specifically:

- Camera 6 – 1/18/2021 at 12:18:14 – Backwoods Russian Crème Cigars
- Camera 6 – 1/18/2021 at 12:19:18 – Dutch Honey Fusion and Blue Dream Fusion Cigars
- Camera 6 – 1/18/2021 at 12:44:04 – Dutch Honey Fusion Cigars
- Camera 6 – 1/18/2021 at 12:46:01 – Backwoods Honey Burbon Cigars

**Violation #4 - The Licensee (or any person whose conduct may be imputed to the licensee) managed the property engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or**



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tabbies EXHIBIT 2-7

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**welfare and 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 the members of the public.**

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

**Synopsis of Alleged Facts:**

- Video recovered of January 18, 2021 shooting shows a failure to monitor Licensed Premises.
    - 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Cheverolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
    - 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
    - Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
    - Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.
- Sergeant Graupman documented in his CN 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and



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EXHIBIT
tabbies
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investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents.

- Inspector Voyda noted that his observations of the video from January 18, 2021 showed that no customers were carded by the clerk for tobacco purchases.
- Repeated sales of prohibited flavored tobacco products on January 18, 2021 and the presence of a large amount of prohibited flavored tobacco products on February 8, 2021.

**Violation #5 – On February 8, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:**

On February 8, 2021 Sgt. Graupman and DSI Inspector Voyda went to the Licensed Premises to follow up on a licensing complaint. They made contact with 2 employees working behind the front counter. They verbally identified one of the employees as the Licensee, Zakariya Abukhudeer. Inspector Voyda informed them that the purpose of this inspection was to ensure that the Licensed Premises was compliant with Saint Paul Legislative Code 324.07(f). During the Inspection, Inspector Voyda located and photographed multiple boxes containing prohibited flavored products behind the sales area. Inspector Voyda advised the Licensee to remove the prohibited products from the premises.

~~The Licensee has four (4) options:~~

~~1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **April 1, 2021,** I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for revocation of the licenses.~~

~~2. If you wish to admit the facts but you contest the upward departure to revocation, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **April 1, 2021.** The~~



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EXHIBIT
tabbies 2-9

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~~matter will then be scheduled before the City Council to determine whether to revoke the license. You and your client will have an opportunity to appear before the Council and make a statement.~~

~~4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 1, 2021.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation. Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).~~

**~~If you have not contacted me by April 1, 2021, I will assume that you do not contest the Revocation of your licenses. In that case, the matter will be placed on a City Council Consent Agenda for approval of the recommended penalty.~~**

You have requested an Administrative Hearing on this Notice of Violation. My legal assistant, Shawn will contact the Office of Administrative Hearings to request the Administrative Hearing.

Sincerely,

/S/
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:
January 18, 2021 Surveillance video observations from Inspector Joseph Voyda
A copy of January 21, 2021 letter from the Department of Safety and Inspections requesting January 18, 2021 video.
A copy of February 8, 2021 Inspector's report from Inspector Joseph Voyda



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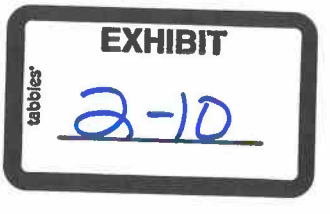

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License Group Comments Text
Adverse Action Comments Text
STAMP- Ownership/Zoning Information
Photos
Vendor tobacco education packet
Saint Paul Police Department address/Intersection Report from 2/10/2020 to 2/10/2021
Saint Paul Police Report Case Number: 21026555
Saint Paul Police Report Case Number: 21026681
Saint Paul Police Report Case Number: 21011884
Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021, under OAH 60-6020-37157
Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022, under OAH 80-6020-37157
Saint Paul City Council Resolution RES PH 23-10



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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 31st day of January, he served the attached **AMENDED MARCH 24, 2021 NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION, AMENDED APRIL 1, 2022 NOTICE OF VIOLATION AND REQUEST FOR REVOCATION, AND SERVICE LETTER** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 31st day of January 2023

Notary Public

REGINA M. ETOLL
Notary Public-Minnesota
My Commission Expires Jan 31, 2023

EXHIBIT
tabbies
3-1

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

Shawn McDonald, being first duly sworn, deposes and says that on the 10th day of February, he served the attached **ATTACHMENTS FROM MARCH 24, 2021, NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION AND ATTACHMENTS TO APRIL 1, 2022, NOTICE OF VIOLATION AND REQUEST FOR REVOCATION** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 10th day of February 2023

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
tabbies
3-2

# 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Surveillance Video Observations

## January 18, 2021 – From 12:00 p.m. to 2:30 p.m.

**Violations found:**

USB Flash Drive labeled 1/18/2021:

Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars

Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars

Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars

Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars

Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

**Violations Found:**

City of Saint Paul's Legislative Code 324.07(f) - (h-3) – Flavor violations

**NOTE:** No customers were carded by the clerk for tobacco purchases at the 'The One Stop Market' counter and no violations observed from the 'One Stop Wireless' counter.

See attached documents for pictures of violations and the request for video letter dated January 18, 2021

Joseph Voyda
Licensing inspector III

February 10, 2021

EXHIBIT
4-1

'Backwoods' Russian Cream Cigars

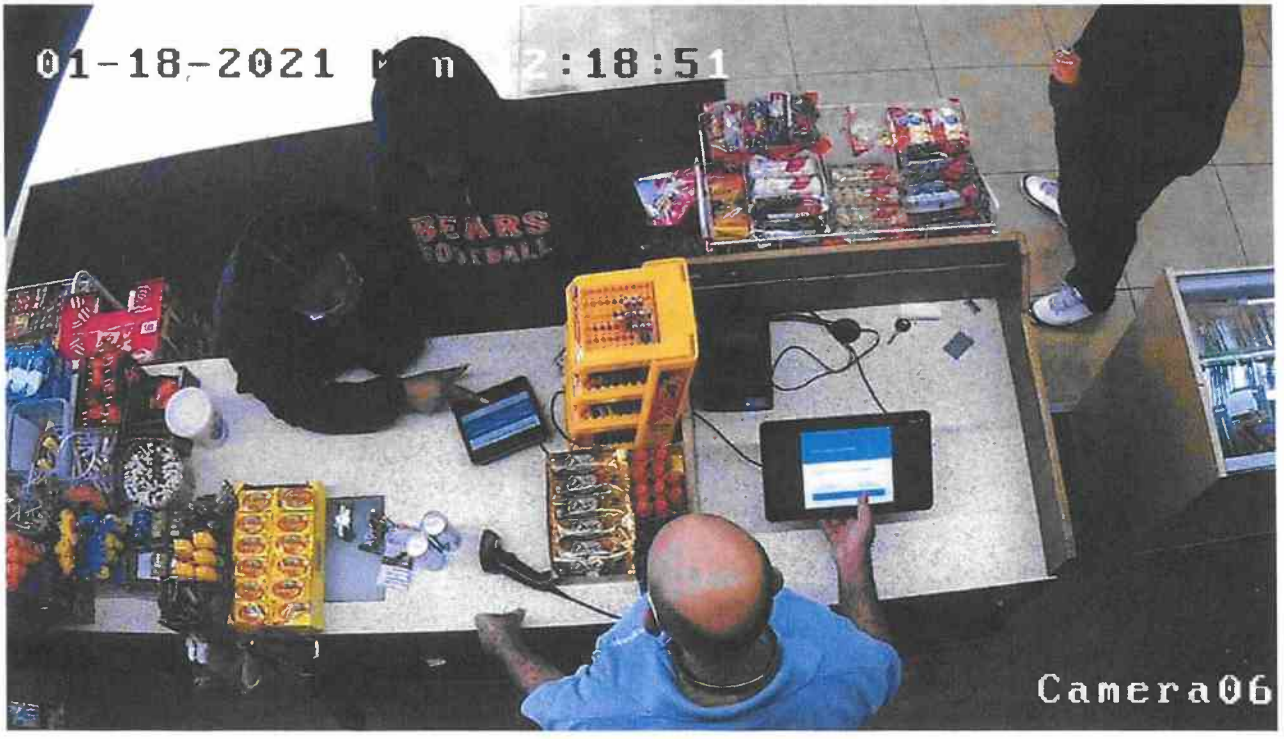


EXHIBIT
4-2

'Dutch' Honey Fusion and Blue Dream Fusion Cigars

'Dutch' Honey Fusion Cigars

EXHIBIT
4-3

'Backwoods' Honey Bourbon cigars

EXHIBIT

4-4

It appears that they didn't have any 'Newport' cigarettes at this time of day or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

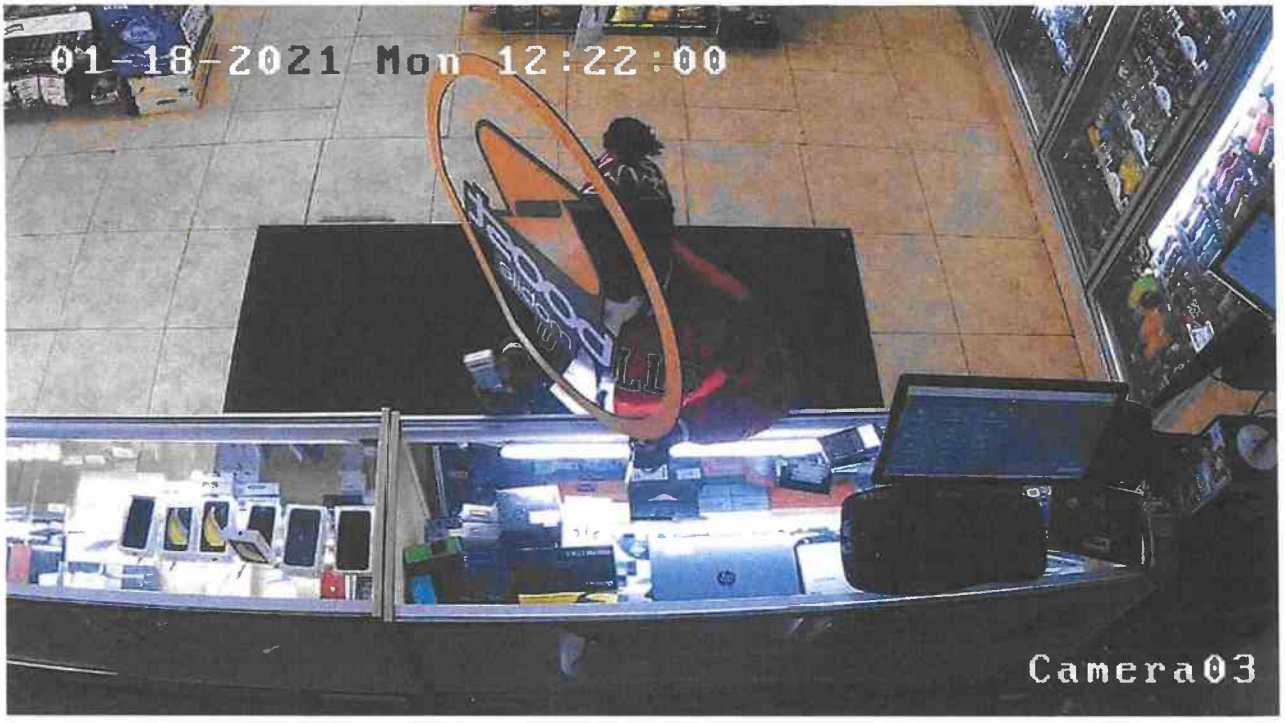


EXHIBIT
4-5

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

January 21, 2021

The One Stop Market LLC
The One Stop Market
1541 Maryland Ave E.
St. Paul, MN 55106

**HAND-DELIVERED: 01-21-2020 @ 1:30 P.M**

Mr. Abukhudeer,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following period:

**Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. Monday, January 18, 2021**

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 no later than 4:00 p.m. on Monday, January 25, 2021. Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have previously been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Attorney Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042

An Equal Opportunity Employer

EXHIBIT
4-6

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X Cervantes, Director*

CITY OF SAINT PAUL

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

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

# 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Complaint Inspection for Flavored Tobacco Products

## February 8, 2021

**Evidence of violations to be added to current Adverse Action**

**Violations Found:**

City of Saint Paul's Legislative Code -Licenses 324.07(f) & Zoning Code 65.535 (a) (b) – Flavor violations, distance requirement, and not zoned for a product shop to sell flavored tobacco.

**NOTE:** Education to the licensee on the flavor violations found and education given that 1541 Maryland Avenue East – DBA: The One Stop Market, was not a Tobacco Product Shop.

See attached documents for pictures of violations and the 'Inspectors Report' dated February 8, 2021

Joseph Voyda
Licensing inspector III

February 8, 2021



EXHIBIT
4-7

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

*Telephone: 651-266-8989*
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# Inspector's Report

Inspectors Name: Joseph Voyda

Date: 2/8/2021

Business/Property Name: The One Stop Market

Property Address: 1541 Maryland Avenue East

Reason for Visit: Complaint for flavored product being sold

Observations: Multiple flavor violations found behind counter

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

Behind the counter/register

Action Taken: ☐ Education / warning

☐ Request for Adverse Action

Other: Additional violations found from a complaint received to DSI to be added to the current Adverse Action

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

Upon arrival on February 8, 2021. I spoke with the licensee Zakariya Abukhudeer. I introduced myself as an Inspector for the City of Saint Paul with DSI I introduced the Saint Paul Police officer that works with DSI. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco product being sold.

In plain sight located behind the counter/cash register were multiple flavor tobacco product violations (See Attached Photos – 20 Total). I asked Zakariya if there were any other flavor products that were present or hidden, his response was "no we don't sell menthol and no other flavor products". Continuing the inspection, I advised Zakariya to move all products off the premises. I educated Zakariya on the flavor violations that were discovered, he agreed and said, "it wouldn't happen again".

Types of flavored tobacco products found: 'Dutch' - Irish Fusion, Java Fusion, Berry Fusion, Honey Fusion, Blue Dream Fusion and Rum Fusion, 'Zig Zag' – Purple, Blue and Pink. 'Backwoods' – Black Russian, Honey Berry, Russian Cream, Dark Stout, Honey Bourbon, and Honey. 'Black & Mild' – Wine.



EXHIBIT
4-8

License Group Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

2/8/2021 Complaint inspection - Multiple flavor violations found JNV
5/26/2020 To CAO for adverse action. Violation of condition # 2 & #3
5/4/2020 recieved an email from licensee that he was not able to provide a copy of requested video.KS
4/27/2020 Letter sent requestiing inside video for 3/3020 due by 5/4/20.KS
4/6/2020 ALJ dismissed KS
02/04/2020 Spoke with licensee to question his confusing written request for a PH. He changed his mind and advised he'd send another letter to request an ALJ.
01/09/2020 Sent to the CAO for adverse action - MN Dept. of Revenue seizure for invoice - tobacco JNV

License Group Conditions Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

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.
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 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 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.
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 place in front of the window.

Adverse Action Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

10/21/2020 Notice of Prehearing Conference sent. SM
09/10/2020- Sent Notice of Violation with an 09/25/2020 deadline to respond. SM
1/15/20- NOV sent with a 1/29/20 deadline to respond. SM
3/9/20- Sent Notice of Prehearing Telephone Conference. SM

EXHIBIT
4-9

# STAMP - Ownership / Zoning Information

New Search Help using this report

**Run Date:** 02/08/21 03:35 PM

**House#:**

**Street Name:**

**Last updated from Ramsey County data on:**

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

1541 Maryland Ave E - Sam'S Dairy / 1543 Maryland Ave E - Ultimate Wash / 1545 Maryland Ave E - 55106-2931 - Other Applications

| | | | | |
|---|---|---|---|---|
| **PIN:** 222922430040 | **Census Track:** 30704 | **Census Block:** 3004 | **Council Ward:** 6 | **District Council:** 2 |
| **Year Built:** | **Foundation Sq Feet:** | **Loan Company:** | **Land Value:** 209000 | **Building Value:** 251000 |

**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:**

**Zoning:** B1 / B2

**Legal Desc:** SECTION 22 TOWN 29 RANGE 22 W 180 FT OF S 173 FT OF (SUBJ TO ST AVE & ESMTS) OF SE 1/4 OF SEC 22 TN 29 RN 22

**Owner:**
Zamzam Inc
1149 97th Ln Nw
Coon Rapids MN 55433-4585
612-986-7315

EXHIBIT
4-10

Dutch
2 PREMIUM CIGARILLOS
WARNING:
This product contains nicotine. Nicotine is

Dutch
2 PREMIUM CIGARILLOS
WAR
incr
canc

NATURAL LEAF WRAPPER
Dutch
BERRY FUSION
Made in the Dominican Republic
Distributed by ITG Brands, LLC
Greensboro, NC 27420
Sale only allowed in the United States
SURGEON GENERAL WARNING: Tobacco Use Increases the Risk of Infertility, Stillbirth and Low Birth Weight.

SLOW BURN
Dutch
WARNING:
Tobacco smoke increases the risk of lung cancer and heart disease, even in nonsmokers.

EXHIBIT
4-11

ZIG-ZAG
WRAPS
Purple
WARNING:
This product
contains
nicotine
SAVE
SAVE
MORE
Dutch
ZIG-ZAG
WRAPS

LIMITED EDITION
BACKWOODS
BLACK
RUSSIAN
1 CIGAR
WARNING:
This product
contains
BACKWOODS
HONEY
BERRY
BACKWOODS

EXHIBIT

4-12

BACKWOODS
5 HONEY
BACKWOODS
BLACK
1 CIGAR
BACKWOODS
HONEY
BOURBON
5 CIGARS
WARNING: Tobacco
increases the risk
cancer and heart
BACKWOODS
DARK
STOUT
WARNING: Tobacco
BACKWOODS
1 HONEY BERRY

EXHIBIT

4-13

BACKWOODS
HONEY
BOURBON
CIGAR

BACKWOODS
CREAM
BACKWOODS
STOUT

STOUT
STOUT

Black
Mild
Black
Mild
WINE

EXHIBIT
4-14

EXHIBIT

4-15

EXHIBIT

4-16

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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*Saint Paul, Minnesota 55101-1806*

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*Web: www.stpaul.gov/dsi*

March 01, 2018

Dear Cigarette/Tobacco License Holder,

Thanks to your hard work and cooperation, the results of 2017 compliance checks for the sale of tobacco to juveniles were very promising with 92% of Saint Paul's licensed vendors passing their initial inspection. The Department of Safety and Inspections (DSI) is required to conduct inspections at all cigarette/tobacco retail locations in the city to monitor for compliance with State Statute prohibiting tobacco sales to minors. Compliance checks consist of a person under the age of 18 entering your establishment and attempting to purchase cigarettes or other tobacco products. There may be multiple compliance inspections conducted throughout the year at any given location. The continued efforts of Saint Paul's licensed vendors to prevent juvenile access to tobacco are appreciated by many.

Effective November 1, 2018, NEW flavored tobacco regulations take effect that prohibit the sale of menthol, mint and wintergreen tobacco products including cigarettes at a vast majority of licensed cigarette/tobacco retail establishments in Saint Paul. Only liquor stores that hold a Cigarette/Tobacco license and tobacco product shops will be allowed to continue selling menthol, mint and wintergreen flavored tobacco products. Tobacco product shops continue to be the only establishments permitted to sell any other flavored tobacco products. It is strongly encouraged that you work with your supplier to verify that products are compliant with the City's flavored tobacco restrictions prior to placing on display or offering for sale.

Please be reminded that single cigars and/or cigars in original packages of three or less must sell at a retail price of not less than $2.60 per cigar before sales tax and cigars in original packages of four or more must sell at a retail price of $10.40 or greater before sales tax.

The City of Saint Paul appreciates your continued cooperation in complying with these and all other federal, state and local laws regulating tobacco and tobacco-related products. Failure to comply with all applicable requirements will result in adverse licensing action. If you have questions regarding cigarette/tobacco retailer requirements, you may contact a DSI Licensing Inspector at 651-266-8989 and/or email DSI-InformationAndComplaints@ci.stpaul.mn.us.

Respectfully,

Barry Brown
DSI Licensing Inspector



EXHIBIT
4-17

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

March 2018

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## Cigarettes

### NOT ALLOWED ✗

**Examples of menthol cigarettes: Newport, Marlboro menthol, Kool true menthol, and Camel Crush**

*Menthol cigarettes can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops.*

### ALLOWED ✓

**Examples of non-menthol cigarettes: Marlboro, American Spirit, Pall Mall, and Camel unflavored**

*Cigarettes that are not flavored are allowed to be sold in all licensed tobacco vendors.*



EXHIBIT
4-18

## Cigars and Cigarillos

### NOT ALLOWED

**Examples of flavored cigars and cigarillos: Strawberry, Raspberry Cream, Mango, White Grape, Wintergreen, Arctic Ice, and Grape**

*Menthol, Mint, and Wintergreen flavored cigars and cigarillos can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored cigars and cigarillos can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored cigars and cigarillos: Garcia Vega, Swisher Diamonds, White Owl Silver, and unflavored Black & Mild**

*Cigarillos and cigars that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Smokeless Tobacco and Pouches

### NOT ALLOWED

**Examples of flavored smokeless tobacco: Wintergreen Grizzly, Cherry Skoal, Wintergreen Camel, Camel Snus Winterchill, General Swedish Snus Mint and Camel Snus Mint**

*Menthol, Mint, and Wintergreen flavored smokeless tobacco can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored smokeless tobacco can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored smokeless tobacco: Copenhagen Snuff, Grizzly Premium Straight, Skoal Classic Straight, and Camel Snus Robust**

*Smokeless Tobacco that is not flavored is allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
4-19

## E-cigarettes and E-juice

### NOT ALLOWED

**Examples of flavored e-cigarettes and e-juice: Peach, Menthol, and Fruit Stripe e-juice; Cherry Crush blu, Cool Menthol NJOY, Menthol Vuse Vibe, Chai Vuse, and Sex on the Beach Starbuzz**

*Menthol, Mint, and Wintergreen flavored e-cigarettes and e-juice can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored e-cigarettes and e-juice can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored e-cigarettes and e-juice: FIN Rich Tobacco, Rich Tobacco NJOY, Original Vuse VIBE, and Classic Tobacco blu**

*E-cigarettes and e-juice that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Tobacco and Hemp Cigar and Blunt Wraps

### NOT ALLOWED

**Examples of flavored wraps: Strawberry, Grape Ape, Blueberry Bomb and Mango/Pineapple hemp wraps, Watermelon, Chicken & Waffles, and Menthol wraps**

*Menthol, Mint, and Wintergreen flavored wraps can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored wraps can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Example of non-flavored wraps: Natural hemp wraps and Double Platinum Zer0 blunt wraps**

*Tobacco and hemp cigar and blunt wraps that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
4-20

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

Limit the sale of tobacco products flavored with menthol, mint or wintergreen to adult-only tobacco product shops and liquor stores that are licensed to sell tobacco.

**These changes take effect on November 1, 2018.**

*For more information, please contact DSI Licensing:*
*651-266-8989 or DSIComplaints@ci.stpaul.mn.us*

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

## Frequently Asked Questions

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: cigarettes, e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt and hemp wraps, shisha, and smokeless tobacco.

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco is restricted under the ordinance. Menthol, mint, and wintergreen flavored tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Other flavored tobacco products can only be sold in adult-only tobacco product shops.

**How does the ordinance define a 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 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 shall constitute presumptive evidence that the product or device is a flavored product.

Continued...

## Frequently Asked Questions (continued)

**What if I'm not sure if the product is flavored?**

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.

**What are the penalties?**

The penalties for selling tobacco to people under the age of 18 years are:

*First violation*—$200.00 fine
*Second violation*—$400.00 fine
*Third violation*—$800.00 fine and a 7-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

All other license violations incur the following penalties:

*First violation*—$500.00 fine
*Second violation*—$1,000.00 fine
*Third violation*—$2,000.00 fine and a 10-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

**What are other tobacco ordinance provisions I should remember?**

1. Non-premium cigars, such as little cigars and cigarillos, must be priced at $2.60 each plus sales tax, after coupons and discounts have been applied. A pack of four or more cigars must be sold for at least $10.40 plus sales tax. The minimum price of cigars is as follows:
   - 1 single cigar = $2.60 + sales tax
   - 2-pack = $5.20 + sales tax
   - 3-pack = $7.80 + sales tax
   - 4-pack or larger = $10.40 + sales tax
2. Tobacco product shops are required to prohibit entry to people under 18 years of age.
3. Cigarettes should not be sold in packages fewer than 20.
4. No tobacco or tobacco-related devices should be sold from a vehicle or other movable place of business.
5. Tobacco should not be sold from a vending machine unless the facility does not permit those under 18 to enter at any time.

**Who can I contact for more information?**

For more information, please contact:

Inspector Barry Brown
Barry.Brown@ci.stpaul.mn.us
651-266-9143

License Manager Eric Hudak
Eric.Hudak@ci.stpaul.mn.us
651-266-9132

EXHIBIT
4-22

# St. Paul's New Menthol Sales Requirement

As of November 1, 2018, menthol, mint and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco.

EXHIBIT
4-23

## General reminders about the sale of tobacco:

- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco product shops (a store where at least 90 percent of revenue comes from tobacco sales). Menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.

- Cigars must be sold for a minimum price of $2.60 each plus sales tax. The minimum price of cigars is as follows:

    - Single cigar = $2.60 + sales tax
    - 2 Pack = $5.20 + sales tax
    - 3 Pack = $7.80 + sales tax
    - 4 Pack or larger = $10.40 + sales tax

- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless minors under the age of 18 years are prohibited from entering at all times.

- Penalties and adverse actions will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As of November 1, 2018, menthol, mint and wintergreen tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. This restriction includes all tobacco products such as cigarettes, cigars, blunt wraps, e-cigarettes and e-juice, smokeless tobacco products, and shisha. If a tobacco product has a taste or smell of menthol, mint, or wintergreen, these restrictions apply.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department:

**651-266-8989** or **DSIComplaints@ci.stpaul.mn.us**

**Association for Nonsmokers-Minnesota**
**2395 University Avenue West, Suite 310**
**Saint Paul, MN 55114**

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EXHIBIT
4-24

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT

4-25

Stop Sales to Minors
stopsalestominors.org

Training for retailers to prevent tobacco sales to minors.

# MINNESOTA TOBACCO RETAILER TRAINING

The Minnesota tobacco retailer training is designed to help tobacco retailers comply with Minnesota and federal laws that regulate the sale of tobacco, electronic delivery devices, or e-cigarettes, and tobacco-related devices.

## FORMAT

The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.

| Section 1: Tobacco and Health & State and Federal Laws | Section 2: Compliance Checks and Penalties | Section 3: Avoiding Illegal Sales |
|---|---|---|
| 10 minute video | 5 minute video | 15 minute video |
| 10 question quiz | 5 question quiz | 10 question quiz |

Access this ***free*** training at www.stopsalestominors.org

Also available in Somali and Spanish

This training was created in 2016 by the Association for Nonsmokers-Minnesota, with assistance from the Public Health Law Center, and made possible with support from the Minnesota Department of Health.

ANSR

MDH Minnesota Department *of* Health

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

2395 University Ave W, Ste 310, St. Paul, MN 55114 | 651-646-3005 | www.ansrmn.org

EXHIBIT
4-26

DEPARTMENT OF PLANNING &
ECONOMIC DEVELOPMENT
*Dr. Bruce Corrie, Director*

CITY OF SAINT PAUL
*Melvin Carter, Mayor*

*25 West Fourth Street, Ste. 1300*
*Saint Paul, MN 55102*

*Telephone: 651-266-6565*

Dear Business Owner,

On November 1, 2017, the Saint Paul City Council adopted ordinance 17-28, limiting the sales of menthol, mint, wintergreen and fruit-flavored tobacco products to adults-only tobacco shops and liquor stores. The ordinance takes effect on November 1, 2018.

We understand this may have a significant impact on your business, and that you may be considering changes to deal with that impact. To assist with this transition, the City of Saint Paul's Business Resource Center has multiple resources available to help. The Business Resource Center can assist with:

- **General Consultation:** Our staff can make personalized recommendations that fit the unique needs of your business plan;
- **Financial Assistance:** The City and State offer multiple low-interest loans and grants for businesses located in Saint Paul interested in expanding or making capital improvements;
- **Connecting with City departments or other agencies:** Our partner agencies can assist with business planning, technical services, skills training, marketing and more.

The Business Resource Center is available Monday through Friday from 8:30 a.m. to 4 p.m. at **651-266-6600**, or online at **stpaul.gov/BusinessResources**. You may also reach out through email at **BusinessResources@ci.stpaul.mn.us**.

City staff from the Department of Safety and Inspection (DSI) and/or from Planning and Economic Development (PED) will be visiting your store in the coming weeks to personally answer questions or address concerns. We look forward to meeting you.

Thank you for doing business in Saint Paul. We are appreciative of your contributions to your community. Please do not hesitate to reach out for assistance.

Thank you,

Martin Schieckel
Director of Economic Development, Department of Planning and Economic Development



EXHIBIT
4-27

# CITY OF SAINT PAUL - BUSINESS RESOURCE CENTER

## 651-266-6600

## BusinessResources@ci.stpaul.mn.us

When you contact the business resource center,
Economic Development staff can assist you with:

## TECHNICAL SERVICE PROVIDERS

The City of Saint Paul's Department of Planning and Economic Development (PED) staff can help connect you to partner organizations that offer expertise in numerous areas. The following organizations can provide you with resources and information on loans and financial counseling, business planning, general technical information and/or services, skills training and/or workforce development, facade improvements, marketing and/or tax preperation and/or information.

If you have questions, please contact the Business Resource Center at **651-266-6600** or **BusinessResources@ci.stpaul.mn.us.**

| Organization | Contact | Description | Services | Languages |
|---|---|---|---|---|
| African Economic Development Solutions (AEDS) | 651-646-9411<br>info@aeds-mn.org | Builds wealth within communities of Black heritage through economic development activities | $ | English, Somali, Swahili |
| Asian Economic Development Association | 651-222-7798<br>info@aeda-mn.org | Expands opportunities for economic success for low-income Asian Americans | $ | English, Hmong, Thai, Vietnamese, Lao, Spanish |
| East Side Neighborhood Development Corporation, Inc. | 651-288-8744<br>adejoy@esndc.org | Engages with the community to create affordable housing and support affordable housing | $ | English, Somali, Swahili |
| Latino Economic Development Center | 651-724-5332 | Transforms community by creating economic opportunity for Latinos | $ ! | English, Spanish |
| Metropolitan Economic Development Association (MEDA) | 612-332-6332<br>info@meda.net | Business services for minority entrepreneurs | $ ✓ | English |
| North East Neighborhoods Development Corporation | 612-771-6955<br>info@nendc.net | Improves economic conditions for area residents and businesses | $ ! | English, Hmong |
| WomenVenture | 612-224-9540<br>info@womenventure.org | Provides women with tools to achieve economic success through small business ownership | $ ! ✓ | English |

$ Loans & financial counseling
Business planning
General technical information/services
Skills training/ workforce development
Facade imiprovements
! Marketing
✓ Tax preperation/ information

stpaul.gov/BusinessResources | @cityofsaintpaul | City of Saint Paul

EXHIBIT
4-28

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following price

EXHIBIT 4-29

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales tax

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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PERMIT #30325

EXHIBIT 4-30

YOU MUST BE AT LEAST
AGE OF AGE TO ENTER.
THIS IS A TOBACCO PRODUCTS SHOP.

EXHIBIT

4-31

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

# Tobacco Compliance Education Form

**Case #**_____

Affix Label Here

For Office Use Only
Compliance Check I.D.#_____
Business I.D. #_____
Pre Ordinance_____
Post Ordinance_____

**Business Type:**

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

**Date:** ☐☐ / ☐☐ / ☐☐ **Time:** ☐☐ : ☐☐ a.m. / p.m

MM DD YY

**Was purchase attempted?** ☐Yes ☐No

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

Inspector ☐☐☐

Cigar prices: Single $_____ Double $_____ Triple $_____ Quadruple $_____

**Was educational packet left at location?** Yes or No

**Picture of window signs taken?** Yes or No

**Instructions posted to read read I.D.?** Yes or No

**E-cig packaging report present?** Yes or No

**Clerk Information:** ☐Female ☐Male **Driver's License #** _____

Name of Clerk: _____

Notes / Issues: _____

EXHIBIT
4-32

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, flavored tobacco products and cigar pricing requirements*

As of April 13, 2016, Saint Paul prohibits the sale of flavored tobacco products, except for menthol, mint or wintergreen products, in stores with a tobacco license where minors can enter such as gas stations, corner stores, and grocery stores. Tobacco products shops (shops which make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18) are exempted from the flavor restriction. Below are examples of flavored products that can only be sold in tobacco products shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors. Saint Paul also requires a minimum price for cigar products, which is described below.

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Cigars

**Examples: "Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape", "White Grape" and "Wine" cigars and cigarillos**

*Explanation: ""Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape" and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor. These products are NOT allowed by ordinance.*

**Examples: Dutch Masters Palma, Swisher "Diamonds", White Owl "Black", and Black & Mild cigars and cigarillos**

*Explanation: tobacco products that are not flavored are allowed by ordinance.*

EXHIBIT
4-33

# NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

# ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

## E-cigarettes and E-juice

**Examples: EZ Cig "Licorice", blu "Cherry Crush" and Shisha Time "Blueberry" e-cigarettes; Haus by Mystic "Berry" e-liquid**

*Explanation: "Licorice" is a candy flavor and "Cherry Crush", "Blueberry" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Vuse "Menthol", NJOY and blu e-cigarettes; Hells Vapors "Menthol" e-liquid**

*Explanation: "Menthol" is a flavor allowed by ordinance; tobacco products that are not flavored are allowed by ordinance.*

## Smokeless Tobacco and Pouches

**Examples: Skoal Pouches "Berry Blend" and Skoal "Berry"**

*Explanation: "Berry Blend" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Copenhagen "Wintergreen" and Camel Snus "Mint"**

*Explanation: "Wintergreen" and "Mint" are flavors allowed by ordinance.*

EXHIBIT
4-34

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Shisha

**Examples: Al Fakher "Pineapple", Starbuzz "Apple Martini" or Fantasia "Bubble Gum" shisha**

*Explanation: "Pineapple" is a fruit flavor, "Apple Martini" is an alcoholic beverage flavor and or "Bubble Gum" is a candy flavor. These products are NOT allowed by ordinance.*

**Example: Al Fakher "Mint" shisha**

*Explanation: "Mint" is a flavor allowed by ordinance.*

### Cigar wraps/blunt wraps

**Example: Hood Wraps "Da Bomb Blueberry" cigar wraps**

*Explanation: "Da Bomb Blueberry" is a fruit flavor. This product is NOT allowed by ordinance.*

**Example: Zig Zag "Straight Up" cigar wraps**

*Explanation: "Straight Up" is not a flavor. Products that are not flavored are allowed by ordinance.*

EXHIBIT
4-35

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

1. Set a minimum price of $2.60 per unit up to 4 units for cigar products after coupons and discounts have been applied. This means that all cigar products must be priced as follows:
    - 1 single cigar = at least $2.60 + sales tax
    - 2-pack or "double" pack = at least $5.20 + sales tax
    - 3-pack of cigars = at least $7.80 + sales tax
    - 4 pack of cigars = at least $10.40 + sales tax
    - Pack of 5 or more cigars = at least $10.40 + sales tax
2. Limit the sale of flavored tobacco products (except for menthol, mint or wintergreen ) to adult-only tobacco-only stores.
3. Require tobacco-only stores to prohibit entry to people under 18 years of age.

**These changes take effect on April 13, 2016.**

*For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143.*

## Frequently Asked Questions

**Which cigars must follow this pricing structure?**

All cigar products such as little cigars and cigarillos must be priced at $2.60 each plus sales tax. A pack of four or more cigars must be sold for at least $10.40 plus sales tax.

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt wraps, shisha, and smokeless tobacco. The following is the ordinance language defining each of these products:

> *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.
>
> *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.
>
> *Tobacco or tobacco product* 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 cigarettes, cigars, little 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.. 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.
>
> *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

## Frequently Asked Questions (continued)

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco, menthol, mint or wintergreen is restricted under the ordinance and can only be sold in tobacco-only shops.

**How does the ordinance define a 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, menthol, mint, or wintergreen, 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 chocolate, cocoa, vanilla, honey, 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, menthol, mint, or wintergreen, shall constitute presumptive evidence that the product or device is a flavored product.

**What if I'm not sure if the product is flavored?**

Tobacco products labeled with a flavor other than plain tobacco, menthol, mint, or wintergreen are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored- the City recommends not selling the item. The City will also compile a list of example products; however, with new flavors and products continually entering the market, the list cannot be considered exhaustive. The burden is on the retailer to prove a product is not flavored- therefore we recommend not selling any products you are unsure about.

**What if the product contains mint and another flavor, for example, *Mint Chocolate Chip*?**

If the product contains multiple characterizing flavors, one being mint and another being a restricted flavor, then it is considered a flavored product that cannot be sold by regular tobacco vendors and can only be sold in tobacco-only shops.

**When does this go into effect?**

These changes go into effect April 13, 2016. Inspectors will begin checking and enforcing the ordinance after this date.

**What are the penalties?**

Violation of this ordinance will be treated the same as other tobacco license violations.

> *First violation*—Two hundred dollar ($200.00) fine.
> *Second violation*—Four hundred dollar ($400.00) fine.
> *Third violation*—Eight hundred dollar ($800.00) fine and a 7 day suspension of the license.
> *Fourth violation*—Revocation of the tobacco license.

**Who can I contact for more information?**

For more information, please contact Inspector Barry Brown at *barry.brown@ci.stpaul.mn.us* or 651-266-9143 *Inspector Tom Ferrara at Tom.*Ferrara@ci.stpaul.mn.us or 651-266-9087, or License Manager Eric Hudak at Eric.Hudak@ci.stpaul.mn.us or 651-266-9132.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

February 01, 2016

Dear Licensed Tobacco Vendor,

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014). Child-resistant packaging is required whether or not the e-juice contains nicotine. You should be prepared to provide documentation of child-resistant packaging when requested by the DSI Licensing Inspector. This documentation, called a full protocol testing laboratory report, summarizes the testing that has been conducted to prove a package is child resistant and should be provided by your manufacture or supplier.

The United States Consumer Products Safety Commission provides a Guide to Child-resistant Packages, including the different types that are available, and a list of companies that manufacture and test child-resistant packaging. You may find it at http://www.cpsc.gov. This is just one resource for your use.

If you fail to comply with this requirement, you may be subject to the administrative penalties found in the St. Paul Licensing Code.

Thank you for complying with this State law. If you have questions, please contact Barry Brown DSI Licensing at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Sincerely,

Barry Brown
Licensing Inspector,
Department of Safety and Inspections
barry.brown@ci.stpaul.mn.us
651-266-9143

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales to

EXHIBIT
4-39

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger – $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

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MAILED FROM
ZIP CODE 55121
PERMIT #10325

EXHIBIT
04-4

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

### Standard Driver's License

Date of Birth

Expiration Date

### Under 18 Provisional Driver's License

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT 14-4

Association for Nonsmokers- Minnesota
North Suburban Tobacco Compliance Project
2395 University Ave. W., Suite 310
Saint Paul, MN 55114

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Call 651-646-3005

EXHIBIT
24-4

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

October 15, 2018

Cigarette/Tobacco License Holder,

**Effective November 1, 2018 your place of business may no longer sell, offer for sale or otherwise distribute *any* favored tobacco product to include menthol, mint and/or wintergreen** in accordance with Chapter 324 of the Saint Paul Legislative Code, attached.

Unannounced inspections of your place of business may be conducted at any time to assess compliance with applicable tobacco regulations and may include the use of a minor (person 17 years of age or younger) to attempt the purchase of tobacco products. Violations discovered and/or failure to comply with state and/or city regulations will result in adverse action taken against your license up to and including license revocation.

License Holders who have questions regarding this notice, flavored tobacco or any of the rules governing the sale and distribution of tobacco within the City of Saint Paul are strongly encouraged to contact Joseph Voyda at (651) 266-9014 or Thomas Ferrara at (651) 266-9087.

The City of Saint Paul appreciates your cooperation.

Respectfully,

Eric Hudak,
Licensing Manager, Department of Safety and Inspections

EXHIBIT
4-43

Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

**THE COUNCIL OF THE Saint Paul Legislative Code is hereby amended to read as follows:**

**************

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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~~, menthol, mint or wintergreen,~~ 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 ~~menthol, mint or wintergreen~~, shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.



(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.



EXHIBIT
4-44

(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

**********

SECTION 2

Section 324.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products. ~~This restriction shall not apply to retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time.~~

(g) Sale to minors prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of eighteen (18) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an Off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 of the Saint Paul Legislative Code.



EXHIBIT

4-45

# ADDITIONAL INFORMATION

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## WHAT IF I'M NOT SURE IF THE PRODUCT IS FLAVORED?

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.



EXHIBIT
4-46

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 21026555 | 02/08/2021 11:34:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21024162 | 02/05/2021 02:08:26 | 1541 | | ALARMS | ADV |
| 21023897 | 02/04/2021 17:50:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018711 | 01/28/2021 13:31:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018477 | 01/28/2021 03:06:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 21015441 | 01/23/2021 15:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21014392 | 01/21/2021 23:22:05 | 1541 | | ALARMS | ADV |
| 21012617 | 01/19/2021 14:53:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011884 | 01/18/2021 13:38:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 21011172 | 01/17/2021 09:06:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011178 | 01/17/2021 09:02:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011177 | 01/17/2021 09:02:30 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21010901 | 01/16/2021 22:28:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21010899 | 01/16/2021 22:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21008387 | 01/13/2021 08:40:02 | 1541 | | ALARMS | FA |
| 21007862 | 01/12/2021 13:21:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 21007271 | 01/11/2021 16:55:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21004609 | 01/07/2021 17:28:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003921 | 01/06/2021 18:11:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003154 | 01/05/2021 17:50:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001670 | 01/03/2021 18:50:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001139 | 01/02/2021 21:13:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001108 | 01/02/2021 20:30:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20271166 | 12/22/2020 17:10:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269831 | 12/20/2020 20:43:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20269639 | 12/20/2020 16:39:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269467 | 12/20/2020 09:59:49 | 1541 | | ALARMS | FA |
| 20267843 | 12/18/2020 05:41:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20267523 | 12/17/2020 19:37:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265790 | 12/15/2020 17:28:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265029 | 12/14/2020 18:22:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20262773 | 12/11/2020 19:16:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20261876 | 12/10/2020 19:01:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20260979 | 12/09/2020 18:06:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260868 | 12/09/2020 16:43:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260791 | 12/09/2020 15:02:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260178 | 12/08/2020 17:20:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20259487 | 12/07/2020 18:42:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258652 | 12/06/2020 17:01:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258127 | 12/05/2020 20:15:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258120 | 12/05/2020 20:03:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20256624 | 12/03/2020 21:58:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20256151 | 12/03/2020 08:53:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20253589 | 11/28/2020 19:58:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20253454 | 11/28/2020 17:14:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251544 | 11/25/2020 21:26:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20251180 | 11/25/2020 15:23:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251162 | 11/25/2020 14:36:02 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20250630 | 11/24/2020 20:28:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250591 | 11/24/2020 19:18:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250525 | 11/24/2020 17:47:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20250454 | 11/24/2020 16:48:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249836 | 11/23/2020 19:52:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20249782 | 11/23/2020 18:40:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249660 | 11/23/2020 16:36:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246931 | 11/19/2020 18:09:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246115 | 11/18/2020 18:45:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20245156 | 11/17/2020 14:59:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20244937 | 11/17/2020 09:40:14 | 1541 | | ALARMS | ADV |
| 20244406 | 11/16/2020 15:29:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242160 | 11/12/2020 20:33:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242035 | 11/12/2020 16:57:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20240866 | 11/10/2020 18:11:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20239035 | 11/07/2020 20:33:55 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20238976 | 11/07/2020 19:06:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238351 | 11/06/2020 22:36:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238181 | 11/06/2020 18:33:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20237928 | 11/06/2020 13:43:12 | 1541 | | THEFT EXCEPT AUTO THEFT | GOA |



EXHIBIT
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# Saint Paul Police Department
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Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20236981 | 11/05/2020 10:43:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236649 | 11/04/2020 20:39:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236517 | 11/04/2020 18:09:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236448 | 11/04/2020 16:48:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20234946 | 11/02/2020 18:08:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20232783 | 10/30/2020 19:22:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231967 | 10/29/2020 17:21:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231297 | 10/28/2020 19:39:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231151 | 10/28/2020 17:05:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20230555 | 10/27/2020 20:36:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20229558 | 10/26/2020 16:12:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20229085 | 10/25/2020 22:30:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228992 | 10/25/2020 19:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228915 | 10/25/2020 17:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228603 | 10/25/2020 00:48:51 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20228145 | 10/24/2020 14:33:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227513 | 10/23/2020 16:40:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227273 | 10/23/2020 10:22:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227247 | 10/23/2020 09:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227001 | 10/22/2020 21:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226779 | 10/22/2020 16:32:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226645 | 10/22/2020 12:47:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226505 | 10/22/2020 08:03:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226078 | 10/21/2020 16:24:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224910 | 10/19/2020 21:48:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224871 | 10/19/2020 20:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224781 | 10/19/2020 18:34:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224740 | 10/19/2020 17:54:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224684 | 10/19/2020 16:57:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224617 | 10/19/2020 15:34:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223438 | 10/17/2020 21:42:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223230 | 10/17/2020 16:32:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20222663 | 10/16/2020 19:53:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221994 | 10/15/2020 21:54:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221980 | 10/15/2020 21:32:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20221875 | 10/15/2020 18:52:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221787 | 10/15/2020 17:41:00 | 1541 | | VEHICLE MAINTENANCE-WASH | RR |
| 20221753 | 10/15/2020 17:12:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221053 | 10/14/2020 18:52:00 | 1541 | | STOLEN PROPERTY-RECEIVING | RR |
| 20220805 | 10/14/2020 14:30:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220476 | 10/14/2020 03:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220434 | 10/14/2020 00:26:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20220289 | 10/13/2020 21:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219708 | 10/13/2020 09:06:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219388 | 10/12/2020 19:59:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219335 | 10/12/2020 18:51:53 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20218444 | 10/11/2020 17:15:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20217917 | 10/10/2020 20:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215422 | 10/07/2020 17:55:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215354 | 10/07/2020 17:07:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20214700 | 10/06/2020 21:04:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213885 | 10/05/2020 21:43:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213840 | 10/05/2020 20:42:05 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20213617 | 10/05/2020 16:38:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20212316 | 10/03/2020 19:23:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211861 | 10/03/2020 00:55:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &RUN | RR |
| 20211650 | 10/02/2020 20:33:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211214 | 10/02/2020 11:12:26 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20210033 | 09/30/2020 19:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20209723 | 09/30/2020 14:45:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208797 | 09/29/2020 15:51:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208742 | 09/29/2020 14:52:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20208646 | 09/29/2020 12:57:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208475 | 09/29/2020 08:20:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20207089 | 09/27/2020 15:47:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206942 | 09/27/2020 11:07:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206542 | 09/26/2020 19:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206333 | 09/26/2020 15:04:35 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20206274 | 09/26/2020 13:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20205650 | 09/25/2020 18:11:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205539 | 09/25/2020 16:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205484 | 09/25/2020 15:37:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205470 | 09/25/2020 15:23:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204842 | 09/24/2020 21:29:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204636 | 09/24/2020 17:57:12 | 1541 | | THEFT EXCEPT AUTO THEFT | ADV |
| 20204483 | 09/24/2020 15:21:28 | 1541 | | THEFT-FROM AUTO | ADV |
| 20203918 | 09/23/2020 20:18:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203740 | 09/23/2020 17:34:00 | 1541 | | ASS-OOC ASSIST | RR |
| 20203680 | 09/23/2020 16:59:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203589 | 09/23/2020 15:44:40 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20202547 | 09/22/2020 13:34:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20202386 | 09/22/2020 10:31:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201689 | 09/21/2020 17:01:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201596 | 09/21/2020 15:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20201502 | 09/21/2020 13:34:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20200819 | 09/20/2020 17:55:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200734 | 09/20/2020 16:36:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200718 | 09/20/2020 16:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200659 | 09/20/2020 14:23:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200471 | 09/20/2020 07:42:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200174 | 09/19/2020 21:29:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199872 | 09/19/2020 16:42:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20199556 | 09/19/2020 10:14:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199522 | 09/19/2020 08:59:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198631 | 09/18/2020 13:45:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198431 | 09/18/2020 09:54:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198351 | 09/18/2020 08:47:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197985 | 09/17/2020 19:27:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197578 | 09/17/2020 12:51:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196819 | 09/16/2020 14:56:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196726 | 09/16/2020 13:05:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196073 | 09/15/2020 18:55:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195319 | 09/14/2020 20:49:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195263 | 09/14/2020 19:50:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20195250 | 09/14/2020 19:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195198 | 09/14/2020 18:43:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194963 | 09/14/2020 15:33:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194813 | 09/14/2020 12:34:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194220 | 09/13/2020 18:06:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194185 | 09/13/2020 17:22:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20194032 | 09/13/2020 13:41:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194001 | 09/13/2020 12:58:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20193978 | 09/13/2020 12:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193935 | 09/13/2020 10:51:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193562 | 09/12/2020 21:19:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193450 | 09/12/2020 18:53:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193405 | 09/12/2020 18:04:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193370 | 09/12/2020 17:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193246 | 09/12/2020 15:27:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193205 | 09/12/2020 14:34:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193107 | 09/12/2020 12:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192694 | 09/11/2020 21:06:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192626 | 09/11/2020 19:54:36 | 1541 | | 911 HANGUP | SNR |
| 20192589 | 09/11/2020 19:11:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192418 | 09/11/2020 16:29:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192400 | 09/11/2020 16:07:04 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20192237 | 09/11/2020 11:17:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192148 | 09/11/2020 08:43:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20191824 | 09/10/2020 21:44:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20190701 | 09/09/2020 16:30:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190615 | 09/09/2020 14:35:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190612 | 09/09/2020 14:31:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190575 | 09/09/2020 13:42:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190310 | 09/09/2020 05:31:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190230 | 09/09/2020 00:28:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189827 | 09/08/2020 15:57:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189594 | 09/08/2020 10:17:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189186 | 09/07/2020 19:33:36 | 1541 | | CRIMINAL DAMAGE TO PROPERTY | ADV |
| 20189060 | 09/07/2020 17:09:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20189040 | 09/07/2020 16:54:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189027 | 09/07/2020 16:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188956 | 09/07/2020 14:27:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188494 | 09/06/2020 19:58:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20188159 | 09/06/2020 11:52:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187706 | 09/05/2020 21:50:15 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20187551 | 09/05/2020 19:01:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187432 | 09/05/2020 16:49:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20186769 | 09/04/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20186207 | 09/04/2020 08:05:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20185873 | 09/03/2020 21:18:00 | 1541 | | AUTO THEFT-AUTOMOBILE | RR |
| 20185862 | 09/03/2020 20:53:57 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20185697 | 09/03/2020 18:37:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20185676 | 09/03/2020 18:23:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20184910 | 09/02/2020 21:42:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20183851 | 09/01/2020 17:37:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20183158 | 08/31/2020 21:20:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183099 | 08/31/2020 20:07:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183096 | 08/31/2020 20:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183014 | 08/31/2020 18:35:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182720 | 08/31/2020 13:58:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182704 | 08/31/2020 13:44:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20182625 | 08/31/2020 12:23:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20182549 | 08/31/2020 11:02:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182454 | 08/31/2020 08:43:24 | 1541 | | MISSING PERSONS | GOA |
| 20182067 | 08/30/2020 18:44:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182025 | 08/30/2020 17:43:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181787 | 08/30/2020 12:08:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181251 | 08/29/2020 18:12:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181058 | 08/29/2020 14:16:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180994 | 08/29/2020 12:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180992 | 08/29/2020 12:34:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180977 | 08/29/2020 12:21:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180923 | 08/29/2020 10:50:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

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|---|---|---|---|---|---|
| 20180882 | 08/29/2020 09:33:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180840 | 08/29/2020 07:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20180424 | 08/28/2020 19:49:22 | 1541 | | OTHER ASSAULTS | ADV |
| 20180422 | 08/28/2020 19:48:20 | 1541 | | PREVIOUS CN | PCN |
| 20180416 | 08/28/2020 19:40:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20180129 | 08/28/2020 14:33:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180088 | 08/28/2020 13:45:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180056 | 08/28/2020 13:11:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20179578 | 08/27/2020 21:48:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179435 | 08/27/2020 19:20:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179165 | 08/27/2020 14:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178706 | 08/26/2020 21:13:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178584 | 08/26/2020 18:39:16 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178157 | 08/26/2020 11:14:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178091 | 08/26/2020 09:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177719 | 08/25/2020 21:02:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177401 | 08/25/2020 15:49:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177290 | 08/25/2020 12:59:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176695 | 08/24/2020 18:29:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176691 | 08/24/2020 18:20:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176631 | 08/24/2020 17:26:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176528 | 08/24/2020 15:52:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176462 | 08/24/2020 14:20:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176389 | 08/24/2020 12:52:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176369 | 08/24/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176339 | 08/24/2020 11:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176270 | 08/24/2020 10:02:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175933 | 08/23/2020 20:21:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175916 | 08/23/2020 19:43:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175886 | 08/23/2020 19:06:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175789 | 08/23/2020 16:59:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175717 | 08/23/2020 14:31:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175630 | 08/23/2020 11:21:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20175241 | 08/22/2020 20:09:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175091 | 08/22/2020 16:57:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |



EXHIBIT
4-54

# Saint Paul Police Department
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(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20174464 | 08/21/2020 19:58:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174316 | 08/21/2020 17:17:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20174199 | 08/21/2020 14:44:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174168 | 08/21/2020 14:03:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174103 | 08/21/2020 12:28:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174030 | 08/21/2020 10:36:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20173253 | 08/20/2020 12:59:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20173241 | 08/20/2020 12:38:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20172410 | 08/19/2020 14:16:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172236 | 08/19/2020 10:08:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172145 | 08/19/2020 07:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20171790 | 08/18/2020 19:22:57 | 1541 | | OTHER ASSAULTS | SNR |
| 20171719 | 08/18/2020 18:16:44 | 1541 | | PREVIOUS CN | PCN |
| 20170815 | 08/17/2020 20:16:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170628 | 08/17/2020 17:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170608 | 08/17/2020 16:52:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170377 | 08/17/2020 12:31:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170365 | 08/17/2020 12:09:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170346 | 08/17/2020 11:52:36 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20170278 | 08/17/2020 10:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170211 | 08/17/2020 09:03:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169985 | 08/16/2020 22:48:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169722 | 08/16/2020 17:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20169581 | 08/16/2020 14:08:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20169430 | 08/16/2020 10:14:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169042 | 08/15/2020 19:43:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168961 | 08/15/2020 18:15:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168949 | 08/15/2020 18:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168860 | 08/15/2020 16:30:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168736 | 08/15/2020 13:21:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168705 | 08/15/2020 12:37:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168655 | 08/15/2020 10:56:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168651 | 08/15/2020 10:53:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168330 | 08/14/2020 21:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168297 | 08/14/2020 20:55:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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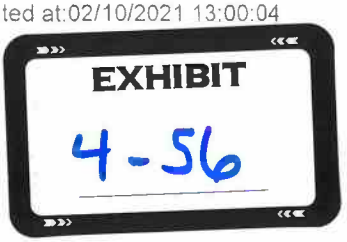
|---|---|---|---|---|---|
| 20168249 | 08/14/2020 20:02:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20168233 | 08/14/2020 19:36:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168148 | 08/14/2020 17:38:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168054 | 08/14/2020 15:58:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167955 | 08/14/2020 13:38:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167902 | 08/14/2020 12:26:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167836 | 08/14/2020 11:03:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20167456 | 08/13/2020 22:06:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167307 | 08/13/2020 18:37:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167198 | 08/13/2020 16:53:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166896 | 08/13/2020 09:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166607 | 08/12/2020 21:53:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166548 | 08/12/2020 20:33:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166333 | 08/12/2020 17:11:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166325 | 08/12/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166121 | 08/12/2020 12:41:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165911 | 08/12/2020 07:25:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165637 | 08/11/2020 21:52:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165547 | 08/11/2020 19:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165514 | 08/11/2020 18:46:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165355 | 08/11/2020 16:28:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165282 | 08/11/2020 14:39:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165226 | 08/11/2020 13:19:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165217 | 08/11/2020 13:12:37 | 1541 | 21 | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164999 | 08/11/2020 07:59:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164756 | 08/10/2020 22:05:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164453 | 08/10/2020 17:15:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164438 | 08/10/2020 16:56:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164307 | 08/10/2020 14:57:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164259 | 08/10/2020 13:42:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164205 | 08/10/2020 12:30:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163781 | 08/09/2020 19:39:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163684 | 08/09/2020 17:28:00 | 1541 | | WARRANT ARREST-WHERE NO CN IS REF ON WARRANT | RR |
| 20163521 | 08/09/2020 12:52:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |





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Incident date from 02/10/2020 to 02/10/2021
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Total Records: 786

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|---|---|---|---|---|---|
| 20163512 | 08/09/2020 12:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163501 | 08/09/2020 12:02:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163477 | 08/09/2020 10:30:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163422 | 08/09/2020 08:34:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162881 | 08/08/2020 17:10:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162598 | 08/08/2020 10:33:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162150 | 08/07/2020 20:18:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161975 | 08/07/2020 17:46:10 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161938 | 08/07/2020 17:16:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161910 | 08/07/2020 17:00:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161823 | 08/07/2020 15:18:21 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20161670 | 08/07/2020 12:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161567 | 08/07/2020 11:02:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161351 | 08/07/2020 04:50:52 | 1541 | | ALARMS | ADV |
| 20161058 | 08/06/2020 19:03:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20160972 | 08/06/2020 17:51:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160888 | 08/06/2020 16:55:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160810 | 08/06/2020 15:14:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160515 | 08/06/2020 10:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160486 | 08/06/2020 09:34:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160235 | 08/05/2020 23:22:26 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20160105 | 08/05/2020 20:28:53 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20159827 | 08/05/2020 16:26:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20159745 | 08/05/2020 15:06:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20159066 | 08/04/2020 21:31:49 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20158979 | 08/04/2020 20:04:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158912 | 08/04/2020 18:52:06 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20158791 | 08/04/2020 17:30:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158780 | 08/04/2020 17:23:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158663 | 08/04/2020 15:34:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158661 | 08/04/2020 15:31:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158558 | 08/04/2020 12:47:03 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |

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|---|---|---|---|---|---|
| 20158440 | 08/04/2020 09:06:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158401 | 08/04/2020 08:19:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157935 | 08/03/2020 18:54:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157821 | 08/03/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157784 | 08/03/2020 17:11:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157606 | 08/03/2020 14:02:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157516 | 08/03/2020 12:31:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157494 | 08/03/2020 11:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157374 | 08/03/2020 09:10:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157075 | 08/02/2020 22:07:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157018 | 08/02/2020 20:49:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156967 | 08/02/2020 19:41:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156851 | 08/02/2020 17:19:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156821 | 08/02/2020 17:04:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156791 | 08/02/2020 16:43:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156774 | 08/02/2020 16:29:11 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156719 | 08/02/2020 15:14:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156614 | 08/02/2020 12:58:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156497 | 08/02/2020 09:57:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156484 | 08/02/2020 09:39:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156142 | 08/01/2020 22:09:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156129 | 08/01/2020 21:52:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156053 | 08/01/2020 20:40:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156026 | 08/01/2020 20:24:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155963 | 08/01/2020 18:59:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155922 | 08/01/2020 18:07:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155911 | 08/01/2020 17:53:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155864 | 08/01/2020 17:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155813 | 08/01/2020 16:38:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155675 | 08/01/2020 13:13:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155478 | 08/01/2020 09:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155216 | 07/31/2020 23:29:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155115 | 07/31/2020 21:34:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154945 | 07/31/2020 18:42:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154764 | 07/31/2020 16:42:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20154635 | 07/31/2020 14:19:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154622 | 07/31/2020 13:51:12 | 1541 | | PERSON IN CRISIS | GOA |
| 20154541 | 07/31/2020 12:34:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20154470 | 07/31/2020 10:51:09 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20153934 | 07/30/2020 18:47:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153848 | 07/30/2020 17:44:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153288 | 07/30/2020 01:12:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153106 | 07/29/2020 20:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153097 | 07/29/2020 20:37:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152984 | 07/29/2020 18:31:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152950 | 07/29/2020 18:07:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152927 | 07/29/2020 17:51:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152885 | 07/29/2020 17:19:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152543 | 07/29/2020 10:17:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152009 | 07/28/2020 17:39:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151983 | 07/28/2020 17:12:55 | 1541 | | THEFT EXCEPT AUTO THEFT | SNR |
| 20151946 | 07/28/2020 16:47:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151943 | 07/28/2020 16:43:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151595 | 07/28/2020 09:04:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151389 | 07/28/2020 00:15:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151156 | 07/27/2020 19:02:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151143 | 07/27/2020 18:50:46 | 1541 | | PREVIOUS CN | PCN |
| 20151134 | 07/27/2020 18:39:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151099 | 07/27/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151001 | 07/27/2020 16:25:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150972 | 07/27/2020 15:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150822 | 07/27/2020 11:40:52 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20150819 | 07/27/2020 11:36:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150653 | 07/27/2020 07:29:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150423 | 07/26/2020 21:43:45 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20150411 | 07/26/2020 21:19:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150317 | 07/26/2020 19:18:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150313 | 07/26/2020 19:15:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150282 | 07/26/2020 18:44:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150230 | 07/26/2020 17:53:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |



EXHIBIT
4-59

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20150208 | 07/26/2020 17:33:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150172 | 07/26/2020 17:02:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150161 | 07/26/2020 16:51:51 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150031 | 07/26/2020 12:54:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150029 | 07/26/2020 12:47:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149640 | 07/25/2020 21:17:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149445 | 07/25/2020 17:22:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149419 | 07/25/2020 17:01:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149392 | 07/25/2020 16:45:22 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149221 | 07/25/2020 11:31:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148531 | 07/24/2020 17:23:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148513 | 07/24/2020 17:03:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20148183 | 07/24/2020 10:35:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20147748 | 07/23/2020 19:38:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146950 | 07/22/2020 21:13:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146827 | 07/22/2020 18:41:31 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146815 | 07/22/2020 18:30:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146763 | 07/22/2020 17:37:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146728 | 07/22/2020 17:08:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146692 | 07/22/2020 16:42:44 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146365 | 07/22/2020 09:11:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146041 | 07/21/2020 21:04:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145886 | 07/21/2020 18:04:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145757 | 07/21/2020 16:19:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145164 | 07/20/2020 21:55:23 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145081 | 07/20/2020 20:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145047 | 07/20/2020 19:27:00 | 1541 | | DISTURBANCE-DISORDERLY CONDUCT | RR |
| 20145043 | 07/20/2020 19:22:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144927 | 07/20/2020 17:29:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144885 | 07/20/2020 16:58:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144866 | 07/20/2020 16:46:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144707 | 07/20/2020 13:30:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144657 | 07/20/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144655 | 07/20/2020 12:16:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144580 | 07/20/2020 10:00:00 | 1541 | | ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD | RR |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20144295 | 07/19/2020 23:11:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144169 | 07/19/2020 20:12:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144132 | 07/19/2020 19:20:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144129 | 07/19/2020 19:06:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144095 | 07/19/2020 18:12:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143948 | 07/19/2020 14:03:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143872 | 07/19/2020 11:05:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143772 | 07/19/2020 07:34:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143433 | 07/18/2020 20:10:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143146 | 07/18/2020 15:39:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143031 | 07/18/2020 12:49:29 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20143027 | 07/18/2020 12:46:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143020 | 07/18/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142285 | 07/17/2020 17:00:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142274 | 07/17/2020 16:52:29 | 1541 | | PREVIOUS CN | PCN |
| 20142087 | 07/17/2020 12:25:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20141606 | 07/16/2020 21:04:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20141447 | 07/16/2020 18:35:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20140964 | 07/16/2020 08:38:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140832 | 07/16/2020 01:02:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140563 | 07/15/2020 17:05:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139967 | 07/14/2020 21:47:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139829 | 07/14/2020 18:42:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139350 | 07/14/2020 08:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20139086 | 07/13/2020 22:19:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138252 | 07/12/2020 21:44:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138154 | 07/12/2020 19:30:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138102 | 07/12/2020 18:13:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137988 | 07/12/2020 15:52:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137849 | 07/12/2020 11:05:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137190 | 07/11/2020 17:36:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137111 | 07/11/2020 16:17:55 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136981 | 07/11/2020 12:13:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136972 | 07/11/2020 11:57:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136922 | 07/11/2020 10:14:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20136491 | 07/10/2020 21:13:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136453 | 07/10/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136351 | 07/10/2020 18:39:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136300 | 07/10/2020 17:56:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136231 | 07/10/2020 16:49:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136218 | 07/10/2020 16:33:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136090 | 07/10/2020 13:25:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136043 | 07/10/2020 12:19:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135545 | 07/09/2020 20:18:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135509 | 07/09/2020 19:37:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135500 | 07/09/2020 19:30:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20135425 | 07/09/2020 18:26:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135416 | 07/09/2020 18:20:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135282 | 07/09/2020 16:49:01 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20135234 | 07/09/2020 16:05:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134645 | 07/08/2020 20:59:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134617 | 07/08/2020 20:16:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134416 | 07/08/2020 16:28:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134371 | 07/08/2020 15:15:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134360 | 07/08/2020 15:00:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134201 | 07/08/2020 10:14:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20133381 | 07/07/2020 09:10:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20133140 | 07/06/2020 22:52:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132802 | 07/06/2020 16:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132655 | 07/06/2020 12:19:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132509 | 07/06/2020 09:04:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131775 | 07/05/2020 09:09:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131146 | 07/04/2020 18:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20131114 | 07/04/2020 18:02:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20130946 | 07/04/2020 12:21:18 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20130415 | 07/03/2020 18:33:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129756 | 07/02/2020 21:02:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129691 | 07/02/2020 19:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129557 | 07/02/2020 16:52:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129539 | 07/02/2020 16:35:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT

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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20129028 | 07/01/2020 22:34:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128809 | 07/01/2020 17:32:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128709 | 07/01/2020 15:32:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128585 | 07/01/2020 12:23:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20128267 | 06/30/2020 23:37:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128174 | 06/30/2020 21:36:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128054 | 06/30/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127979 | 06/30/2020 17:23:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127686 | 06/30/2020 08:52:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20127324 | 06/29/2020 19:37:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127275 | 06/29/2020 18:28:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127202 | 06/29/2020 17:16:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127096 | 06/29/2020 14:32:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127054 | 06/29/2020 13:21:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127009 | 06/29/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127006 | 06/29/2020 12:11:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126913 | 06/29/2020 08:57:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20126571 | 06/28/2020 19:10:25 | 1541 | | ASS-ASSIST FIRE/AMBULANCE | ADV |
| 20126427 | 06/28/2020 14:48:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126341 | 06/28/2020 12:21:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125894 | 06/27/2020 20:57:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125771 | 06/27/2020 18:34:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125668 | 06/27/2020 16:45:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125572 | 06/27/2020 13:42:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125387 | 06/27/2020 05:25:02 | 1541 | | ALARMS | FA |
| 20125262 | 06/27/2020 00:19:04 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20125092 | 06/26/2020 20:50:05 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20125014 | 06/26/2020 20:16:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124963 | 06/26/2020 19:13:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124949 | 06/26/2020 19:01:07 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | ADV |
| 20124940 | 06/26/2020 18:48:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124910 | 06/26/2020 18:15:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124621 | 06/26/2020 13:02:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124576 | 06/26/2020 12:19:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124536 | 06/26/2020 11:32:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT
4-63

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20124479 | 06/26/2020 10:17:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124465 | 06/26/2020 09:58:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123894 | 06/25/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123851 | 06/25/2020 17:21:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123748 | 06/25/2020 15:10:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123527 | 06/25/2020 09:26:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123306 | 06/24/2020 23:10:04 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20123305 | 06/24/2020 23:09:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123271 | 06/24/2020 22:36:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123179 | 06/24/2020 20:48:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123104 | 06/24/2020 18:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123038 | 06/24/2020 17:19:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123035 | 06/24/2020 17:16:22 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20122895 | 06/24/2020 13:00:08 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20122542 | 06/23/2020 22:07:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122524 | 06/23/2020 21:36:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122464 | 06/23/2020 20:02:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122356 | 06/23/2020 17:51:07 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122310 | 06/23/2020 16:57:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122263 | 06/23/2020 16:03:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122067 | 06/23/2020 10:46:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122049 | 06/23/2020 10:14:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121728 | 06/22/2020 22:27:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121649 | 06/22/2020 20:38:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121574 | 06/22/2020 18:50:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121558 | 06/22/2020 18:33:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121533 | 06/22/2020 18:08:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121465 | 06/22/2020 16:52:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121455 | 06/22/2020 16:34:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121383 | 06/22/2020 14:49:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121212 | 06/22/2020 10:31:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121084 | 06/22/2020 07:37:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120837 | 06/21/2020 21:49:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120826 | 06/21/2020 21:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120706 | 06/21/2020 18:26:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



EXHIBIT
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# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20120654 | 06/21/2020 17:08:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20120589 | 06/21/2020 15:14:00 | 1541 | | WEAPONS-RECKLESS DISCHARG OF FIREARM | RR |
| 20119971 | 06/20/2020 19:38:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119966 | 06/20/2020 19:34:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119823 | 06/20/2020 17:15:39 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20119730 | 06/20/2020 14:48:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119717 | 06/20/2020 14:13:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119650 | 06/20/2020 12:29:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119643 | 06/20/2020 12:19:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119141 | 06/19/2020 20:21:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119042 | 06/19/2020 18:32:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20119009 | 06/19/2020 18:01:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118866 | 06/19/2020 14:47:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20118850 | 06/19/2020 14:27:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118847 | 06/19/2020 14:21:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118756 | 06/19/2020 11:12:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117774 | 06/17/2020 21:48:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117614 | 06/17/2020 16:57:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117539 | 06/17/2020 15:16:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117524 | 06/17/2020 14:44:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117344 | 06/17/2020 00:00:00 | 1541 | | PREDATORY OFFENDER | RR |
| 20116947 | 06/16/2020 17:32:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20116288 | 06/15/2020 17:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116148 | 06/15/2020 13:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116101 | 06/15/2020 12:34:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116100 | 06/15/2020 12:33:49 | 1541 | | OFF DUTY EMPLOYMENT | ADV |
| 20116081 | 06/15/2020 12:02:00 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20115725 | 06/14/2020 20:03:05 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20115644 | 06/14/2020 16:40:00 | 1541 | | FAMILY/CHILDREN-VIOLATION OF RESTRAINING ORDER | RR |
| 20114451 | 06/12/2020 20:23:25 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20113620 | 06/11/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20113480 | 06/11/2020 13:08:24 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20113294 | 06/11/2020 04:36:34 | 1541 | | PREVIOUS CN | PCN |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20113064 | 06/10/2020 19:26:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20112992 | 06/10/2020 17:12:00 | 1541 | | ROBBERY-HIGHWAY,STRONG ARM | RR |
| 20112798 | 06/10/2020 12:18:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20112366 | 06/09/2020 17:39:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111605 | 06/08/2020 15:46:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111581 | 06/01/2020 21:27:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20111031 | 06/07/2020 17:09:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20110961 | 06/07/2020 15:30:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110950 | 06/07/2020 14:43:45 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | Unfou |
| 20110389 | 06/06/2020 15:36:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110282 | 06/06/2020 11:09:54 | 1541 | | PREVIOUS CN | PCN |
| 20110021 | 06/05/2020 21:52:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20109975 | 06/05/2020 20:35:41 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20109199 | 06/04/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20108130 | 06/03/2020 11:38:44 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20106546 | 06/01/2020 21:44:21 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20106541 | 06/01/2020 19:55:11 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | CAN |
| 20104381 | 05/31/2020 15:16:46 | 1541 | | INVESTIGATE-AND ALL OTHER | Unfou |
| 20104237 | 05/31/2020 09:02:04 | 1541 | | PREVIOUS CN | PCN |
| 20103566 | 05/30/2020 21:00:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20103452 | 05/30/2020 18:52:45 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20101550 | 05/28/2020 16:58:48 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20100730 | 05/26/2020 16:30:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &RR RUN | |
| 20100343 | 05/26/2020 20:08:44 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &CAN RUN | |
| 20100303 | 05/26/2020 19:38:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100271 | 05/26/2020 17:00:00 | 1541 | | DRUGS-POSS OF MARIJUANA | RR |
| 20100201 | 05/26/2020 17:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100193 | 05/26/2020 17:35:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100069 | 05/26/2020 15:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099810 | 05/26/2020 10:11:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099803 | 05/26/2020 10:00:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20099457 | 05/25/2020 21:35:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099369 | 05/25/2020 20:13:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099189 | 05/25/2020 16:44:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099124 | 05/25/2020 15:11:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099030 | 05/25/2020 13:07:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098893 | 05/25/2020 10:01:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098546 | 05/24/2020 21:34:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098375 | 05/24/2020 18:15:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098279 | 05/24/2020 16:57:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098260 | 05/24/2020 16:44:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098098 | 05/24/2020 11:50:55 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20097520 | 05/23/2020 18:09:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20097433 | 05/23/2020 16:56:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20096748 | 05/22/2020 20:35:57 | 1541 | | DISTURBANCE-FIGHTS | ADV |
| 20096544 | 05/22/2020 17:01:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20096478 | 05/22/2020 15:30:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095920 | 05/21/2020 20:32:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095809 | 05/21/2020 18:06:51 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20095800 | 05/21/2020 17:55:30 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20095742 | 05/21/2020 16:59:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095725 | 05/21/2020 16:35:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094981 | 05/20/2020 17:29:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20094953 | 05/20/2020 17:08:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094857 | 05/20/2020 15:29:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094730 | 05/20/2020 12:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094224 | 05/19/2020 19:11:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094141 | 05/19/2020 17:40:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094043 | 05/19/2020 16:07:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093417 | 05/18/2020 20:28:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093221 | 05/18/2020 16:43:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093088 | 05/18/2020 13:22:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20092941 | 05/18/2020 09:29:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091219 | 05/15/2020 16:53:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091149 | 05/15/2020 15:19:11 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20089871 | 05/13/2020 16:21:15 | 1541 | | DISTURBANCE-DISORDERLY | ADV |



EXHIBIT
4-67

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| | | | | BOYS,GIRLS,PERSONS | |
| 20086225 | 05/07/2020 22:21:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086212 | 05/07/2020 22:01:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086019 | 05/07/2020 16:53:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20085993 | 05/07/2020 16:26:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20084080 | 05/04/2020 19:20:30 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20083431 | 05/03/2020 19:32:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20081239 | 04/30/2020 19:23:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20081128 | 04/30/2020 17:03:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20080635 | 04/29/2020 21:00:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20080522 | 04/29/2020 17:22:56 | 1541 | | PREVIOUS CN | PCN |
| 20079021 | 04/27/2020 12:12:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20079012 | 04/27/2020 11:44:16 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20078450 | 04/26/2020 14:24:00 | 1541 | | TRAFFIC VIOLATION-DRIVING AFTER REVOCATION | RR |
| 20077709 | 04/25/2020 13:12:45 | 1541 | | TRAFFIC VIOLATION-DANGEROUS CONDITIONS | GOA |
| 20077188 | 04/24/2020 18:42:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077165 | 04/24/2020 18:08:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077157 | 04/24/2020 18:00:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076625 | 04/23/2020 21:05:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076611 | 04/23/2020 20:39:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076587 | 04/23/2020 20:02:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076456 | 04/23/2020 15:56:00 | 1541 | | WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS | R |
| 20074088 | 04/19/2020 14:47:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20072950 | 04/17/2020 17:29:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20069618 | 04/11/2020 16:00:20 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20069142 | 04/10/2020 17:45:38 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20067853 | 04/08/2020 10:31:00 | 1541 | | ANIMAL CALLS-COMPLAINTS,NOT ANIMAL BITES | ADV |
| 20067636 | 04/07/2020 22:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20067424 | 04/07/2020 16:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20064894 | 04/03/2020 14:09:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20062710 | 03/30/2020 17:09:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20062358 | 03/30/2020 01:43:25 | 1541 | | ALARMS | FA |
| 20062353 | 03/30/2020 01:32:52 | 1541 | | ALARMS | FA |
| 20062147 | 03/29/2020 17:52:39 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061599 | 03/28/2020 14:08:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061053 | 03/27/2020 15:10:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20060568 | 03/26/2020 18:17:00 | 1541 | | INVESTIGATE-AND ALL OTHER | RR |
| 20060529 | 03/26/2020 17:14:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20059263 | 03/24/2020 12:41:28 | 1541 | | DISTURBANCE-FIGHTS | Unfou |
| 20057559 | 03/21/2020 03:50:37 | 1541 | | ALARMS | ADV |
| 20057310 | 03/20/2020 18:03:07 | 1541 | | ASS-ASSIST OTHER AGENCY | ADV |
| 20053196 | 03/05/2020 09:59:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20051608 | 03/11/2020 19:13:27 | 1541 | | INVESTIGATE-AND ALL OTHER | GOA |
| 20051403 | 03/11/2020 14:25:00 | 1541 | | CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER $500) | RR |
| 20051237 | 03/11/2020 10:25:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20050048 | 03/09/2020 16:53:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20049380 | 03/08/2020 17:17:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20048712 | 03/07/2020 18:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20048116 | 03/06/2020 20:53:43 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20048012 | 03/06/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20047335 | 03/05/2020 21:47:00 | 1541 | | OBSTRUCTING-FLEEING A POLICE OFFICER | RR |
| 20046623 | 03/04/2020 22:01:26 | 1541 | | CHECK WELFARE | GOA |
| 20046523 | 03/04/2020 19:16:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20044443 | 03/02/2020 07:47:35 | 1541 | | ALARMS | FA |
| 20044008 | 03/01/2020 16:58:54 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20041830 | 02/27/2020 17:40:30 | 1541 | | FRAUD | ADV |
| 20041608 | 02/27/2020 12:47:31 | 1541 | | CHECK WELFARE | ADV |
| 20041288 | 02/26/2020 22:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20039523 | 02/24/2020 15:26:00 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20038755 | 02/23/2020 13:08:45 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20038007 | 02/22/2020 11:38:30 | 1541 | | ASS-ASSIST OTHER AGENCY | GOA |



EXHIBIT
4-69

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20037969 | 02/22/2020 10:03:10 | 1541 | | FRAUD | ADV |
| 20037777 | 02/22/2020 01:08:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20036977 | 02/21/2020 00:19:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20036974 | 02/21/2020 00:05:03 | 1541 | | ALARMS | FA |
| 20036734 | 02/20/2020 17:33:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

**CN Detail for 21-026555**

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 70 INVESTIGATE-AND ALL OTHER | | | | |
| Location: | 1541 MARYLAND AV E | | | | |
| Locale: | Sam's Dairy [1541] | Sector/Grid: | 3 38 | | |
| Call Date: | 02/08/2021 11:34:24 | Disposition: | Advise/Assist | | |
| Occur Date: | 02/08/2021 | Priority: | 2A | Time Received: | 11:34:24 |
| OccurTime: | 11:34:24 | Source: | Officer | Time Sent: | 11:34:24 |
| Caller information | | Fire/Amb: | | Time Arrived: | 11:34:24 |
| Name: | | EDP: | | Time Cleared: | 11:49:00 |
| Address: | | Alarm: | | ECC Console: | 03 |
| Phone: | | | | | |



EXHIBIT 4-71

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:
INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Linssen, John R
District:
Site:
BodyCam? Yes Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 1541 MARYLAND AV E
ST PAUL, MN 55106
Date & time of occurrence: 02/08/2021 11:34:00 to
02/08/2021 11:49:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

**Other**

Abukhudeer, Zakariya
520 LAKE ELMO AV N
LAKE ELMO, MN 55042

*Nicknames or Aliases*

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

*Details*

Sex: Male Race: Other DOB: 10/12/1996 Resident Status:
Hispanic: Age: 24 from to

*Phones*

Home: 612-212-8558 Cell: Contact: 612-212-8558
Work: 651-771-4999 Fax: Pager:

*Employment*

Occupation: Licensee Employer: The One Stop Market LLC

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

---

**Identification**

SSN: License or ID#: License State:

**Physical Description**

| | | | | | |
|---|---|---|---|---|---|
| US: | | Metric: | | | |
| Height: | to | Build: | Hair Length: | Hair Color: | |
| Weight: | to | Skin: | Facial Hair: | Hair Type: | |
| Teeth: | | Eye Color: | Blood Type: | | |

**Other**

The One Stop Market
1541 MARYLAND AV E
ST PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: Employer:

**Identification**

SSN: License or ID#: License State:

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

| | | | |
|---|---|---|---|
| Suspect can be Identified: | | By: | |
| Photos Taken: | | Stolen Property Traceable: | |
| Evidence Turned In: | | Property Turned In: | |
| Related Incident: | | | |

Lab

| | | | |
|---|---|---|---|
| Biological Analysis: | | Fingerprints Taken: | |
| Narcotic Analysis: | | Items Fingerprinted: | |

Lab Comments:

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>LAKE ELMO, MN 55042 | 612-212-8558 |
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST PAUL, MN 55106 | |

## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I review police reports and complaints that involve nuisance related activity that negatively effects the quality of life of neighboring residents and citizens in the city of St. Paul. I also assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions that they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

Recently, Adverse Action had been taken by the Department of Safety & Inspection (DSI) against the One Stop Market, 1541 Maryland Ave E. for licensing violations conditions #2 & #3 and also included the alleged sales of single menthol cigarettes at the business. These violations were documented under SPPD CN's 20-076-456, 20-062-710, 20-144-580. A notice of violation letter was sent out on 9-10-20, by the City Attorney's Office recommending an upward departure two boxes on the matrix penalty scale to a $2,000 fine and a 10-day suspension of the cigarette/tobacco license.

In addition, on 1-18-21, St. Paul Police responded to the business on a report of a shooting under CN 21-011-884, in which one person sustained injury. As a result of this incident, a video request letter was mailed out on 1-21-21 and additional licensing violations, specifically related to license condition #2 was documented under CN 21-026-681. Also several flavored tobacco products were captured being sold to customers and noted by DSI Inspector Joe Voyda.

It should be noted that in the past one year period between (02/09/20 & 02/09/21), this property has generated

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

(786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

On 2-8-20 at 1134 hrs, I assisted DSI Licensing Inspector Voyda with a follow up inspection regarding a licensing complaint. During our visit I was wearing my SPPD issued Body Worn Camera (BWC), which captured the inspection. Upon entry, Inspector Voyda and I made contact with the (2) employees working behind the front counter and identified ourselves. One of the employees verbally identified himself as (ABUKHUDEER, ZAKARIYA), who is the licensee holder. ABUKHUDEER was then informed of the purpose of our visit and that it was in reference to a complaint received. Inspector Voyda added that the purpose was to ensure that the business was remaining compliant with City ordinance 324.07 (f). I stood by while Inspector Voyda spoke to ABUKHUDEER and began his inspection.

During the inspection, I observed Inspector Voyda locate and photograph multiple flavored tobacco products that were displayed in open view behind the sales counter. in the sales area. Inspector Voyda checked several other areas within the store and advised his inspection was complete. Inspector Voyda then advised ABUKHUDEER the business was not authorized to sell these items and to remove all flavored products from behind the sales area and off the premise. ABUKHUDEER complied with the orders and Inspector Voyda and I escorted AUKHUDEER out of the store and to his vehicle, where he secured the flavored tobacco products. Contact information was left with ALRUBAYE and we cleared from the scene.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

On 2-8-21, at 1134 hrs, St. Paul Police assisted the Department of Safety & Inspection with conducting an inspection at The One Stop Market, 1541 Maryland Ave E. This inspection was in reference to a previous complaint received by DSI of cigarette/tobacco license violations. During the inspection, on 2-8-20, licensing violations were observed by both the DSI Licensing inspector and a St. Paul, Police Sergeant. The violations witnessed included the presence of flavored tobacco products that were behind the front counter in the sales area. The business is currently not authorized to sell flavored tobacco products. Incident documented on Body Worn Camera and photos taken by Licensing Inspector.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Graupman, Charles A
*District:* East District
*Site:*
*BodyCam?* No *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106
*Date & time of occurrence:* 02/10/2021 15:10:00 to
02/10/2021 15:10:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## SOLVABILITY FACTORS

*Suspect can be Identified:*
*By:*
*Photos Taken:*
*Stolen Property Traceable:*
*Evidence Turned In:*
*Property Turned In:*
*Related Incident:*

*Lab*

*Biological Analysis:*
*Fingerprints Taken:*
*Narcotic Analysis:*
*Items Fingerprinted:*
*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|

## NARRATIVE

On 2/10/21, I received this case on transfer for review and investigation due to the documented code and life safety concerns related to the property. I then began by reviewing all of the included reports and information, as well as any pictures if applicable. The reports on all parties involved were reviewed to determine the course

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

---

of investigation, as well as the level and probability of solvability. This is all done for information gathering purposes, as well as possible future criminal charges.

The original report along with the associated reports noted with the case file have been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Case will be noted.

---

PUBLIC NARRATIVE

Last page of the report

EXHIBIT

4-78

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

CN Detail for 21-026681

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 74 INVESTIGATE-CODE ENFORCEMENT | | | | |
| Location: | 375 JACKSON ST | | | | |
| Locale: | ST PAUL SAFETY AND INSPECTION | Sector/Grid: | 2 153 | | |
| Call Date: | 02/08/2021 15:30:44 | Disposition: | Records received | | |
| Occur Date: | 01/21/2021 | Priority: | 4 | Time Received: | 15:30:44 |
| OccurTime: | 15:30:00 | Source: | Phone | Time Sent: | 15:30:44 |
| Caller information | | Fire/Amb: | | Time Arrived: | 15:30:44 |
| Name: | | EDP: | | Time Cleared: | 15:31:10 |
| Address: | | Alarm: | | ECC Console: | 31 |
| Phone: | | | | | |

BUSINESSES

1541 MARYLAND AV E, ST. PAUL, MN 55106

Information requested by: (237725)

EXHIBIT 4-79

Printed at:2/10/2021 12:48:49 PM

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

Primary offense:
INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Mcquay, Jeremiah J
District: Central District
Site:
BodyCam? No Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 375 JACKSON ST
ST PAUL, MN 55101
Date & time of occurrence: 01/21/2021 15:30:00 to
02/08/2021 15:41:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

Other

Abukhudeer, Zakariya
520 LAKE ELMO AV N
ST. PAUL, MN 55042

Nicknames or Aliases
Nick Name:
Alias:
AKA First Name:
AKA Last Name:

Details
Sex: Male Race: Other DOB: Resident Status:
Hispanic: Age: from to

Phones
Home: 612-212-8558 Cell: Contact: 612-212-8558
Work: Fax: Pager:

Employment
Occupation: Licensee Employer: One Stop Market

EXHIBIT
4-80

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

---

**Identification**

SSN: | License or ID#: | License State:

**Physical Description**

| | | | | | |
|---|---|---|---|---|---|
| US: | | Metric: | | | |
| Height: | to | Build: | Hair Length: | Hair Color: | |
| Weight: | to | Skin: | Facial Hair: | Hair Type: | |
| Teeth: | | Eye Color: | Blood Type: | | |

**Other**

1541 MARYLAND AV E
ST. PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: | AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: | Employer:

**Identification**

SSN: | License or ID#: | License State:

EXHIBIT
4-81

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*
*Photos Taken:* *Stolen Property Traceable:*
*Evidence Turned In:* *Property Turned In:*
*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*
*Narcotic Analysis:* *Items Fingerprinted:*
*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>ST. PAUL, MN 55042 | 612-212-8558 |
| Other | Twins Market & Meat | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 1-19-21, I was made aware of an incident that occurred on 1-18-21 at 1338 hrs, where St. Paul Police responded to The One Stop Market, 1541 Maryland Ave E. for a report of a person who had been shot in the parking lot under SPPD CN (21-011-884). The victim was taken to Regions Hospital by private vehicle. The victim was later interviewed by police and had non-life threatening injuries. Responding officers recovered (6) 9mm casings near the scene. Officers also spoke with employees at the business who advised a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer. This is an ongoing investigation.

In the past one year period between (02/09/20 & 02/09/21), this property has generated (786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

In addition, this property has a current & open Department of Safety & Inspection Adverse Action case for multiple licensing violations. Specifically, violations of conditions #2, & #3 of the license requirements and also the unauthorized sale of menthol flavored cigarettes.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

---

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 1/21/21 at 1300 hrs., DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video of the business. The requested video was noted in the letter and coincided with the above SPPD CN referenced. The time period of the request was for the time period starting on: Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. on Monday January 18, 2021.

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, January 25, 2021. Two copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

The second copy I hand delivered to the business at 1330 hrs. on 1-21-21. I made contact with a male employee working the front counter and advised him to deliver the letter, which was sealed in an envelope to the manager on duty.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

DSI Investigation.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

Primary offense:
INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Graupman, Charles A
District: East District
Site:
BodyCam? No Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 375 JACKSON ST
ST. PAUL, MN 55106
Date & time of occurrence: 01/25/2021 15:45:00 to
02/10/2021 10:38:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

Other

The One Stop Market
1541 MARYLAND AV E
ST. PAUL, MN 55106

*Nicknames or Aliases*

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

*Details*

Sex: Race: DOB: Resident Status:
Hispanic: Age: from to

*Phones*

Home: Cell: Contact: 651-771-4999
Work: 651-771-4999 Fax: Pager:

*Employment*

Occupation: Employer:

EXHIBIT
4-85

SP3A09D5CB5619F

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

*Identification*

| SSN: | License or ID#: | License State: |
|---|---|---|

## SOLVABILITY FACTORS

| | | | |
|---|---|---|---|
| *Suspect can be Identified:* | | *By:* | |
| *Photos Taken:* | | *Stolen Property Traceable:* | |
| *Evidence Turned In:* | | *Property Turned In:* | |
| *Related Incident:* | | | |

*Lab*

| | | | |
|---|---|---|---|
| *Biological Analysis:* | | *Fingerprints Taken:* | |
| *Narcotic Analysis:* | | *Items Fingerprinted:* | |

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

## NARRATIVE

On 1/25/21, at 1545 hrs., I received the requested video that was turned into DSI front counter staff from The One Stop Market, 1541 Maryland Ave E. The requested video was contained on (1) flash drive. Prior to viewing the video, I noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This was also documented in a supplemental under SPPD (CN 21-011-884), by Video Management Technician Richard Bertholf, who had recovered a separate video from the business for the same date and similar time period. I then began to review the video using my office computer and noted the following:

While viewing camera #10, which covers the exterior parking lot and faces S/W towards the intersection of Maryland/Hazelwood, I made several observations prior to the shooting that occurred.

At 12:19 hrs., I observed 2 vehicles, #1 black Chevrolet SUV, #2 black Dodge Caliber arrive. Both vehicles eventually park in the parking lot near the S/W corner of the lot. The vehicles remain in the parking lot for an extended period of time.

At 12:50 hrs, A black Hyundai sedan arrives and backs into a parking space in the parking lot near the S/W corner of the lot, next to the first two mentioned vehicles. From this period of time until the shooting at 13:31 hrs, the occupants of these vehicles enter and exit their vehicles multiple times and also the Hyundai. The occupants also are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business. There are multiple interactions between the occupants of the said vehicles with customers

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

arriving and exiting the store & parking parking lot. It is unclear based on the quality of video if items are exchanged during these interactions, but based on my training and experience this type of behavior can be indicative of narcotics transactions.

It should be noted that at no point, did I observe any of the employees perform a walk thru of the parking lot or monitor this activity. It should also be noted that this suspicious behavior could be deemed loitering on it's own right, but no request for a police response was made by the business.

At 12:31 hrs, the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood. The male then enters the crosswalk, and begins walking N/B into the intersection. The male then stands in the crosswalk near the middle of the street and raises a gun and fires towards the said black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking spot and exits the parking lot turning S/B on Hazelwood and then W/B on Maryland Ave W.

Moments later, a store employee is seen exiting the store and checking the front of the business for damage from the shooting. Officers arrive soon after and recovered (6) 9 mm casings at the scene.

I spoke with DSI Licensing Manager Eric Hudak regarding the nuisance/loitering behavior in the parking lot prior to the shooting. I then turned over the requested video footage to DSI Licensing Inspector Joe Voyda to review the interior footage to ensure the business was complying with the conditions set fourth of their cigarette/tobacco license. Inspector Voyda later informed me that during his review, he noted multiple unauthorized single cigarette sales, flavored tobacco sales and menthol cigarette sales violations.

This report has been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

PUBLIC NARRATIVE

Last page of the report

SP3A09D5CB5619F

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-011884

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 410 AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | | | | |
| Location: | 1541 MARYLAND AV E | | | | |
| Locale: | | Sector/Grid: | 3 38 | | |
| Call Date: | 01/18/2021 13:39:52 | Disposition: | Records received | | |
| Occur Date: | 01/18/2021 | Priority: | 2 | Time Received: | 13:39:52 |
| OccurTime: | 13:38:00 | Source: | Phone | Time Sent: | 13:40:06 |
| Caller information | | Fire/Amb: | | Time Arrived: | 13:43:22 |
| Name: | | EDP: | | Time Cleared: | 17:59:57 |
| Address: | | Alarm: | | ECC Console: | 31 |
| Phone: | | | | | |

### BUSINESSES

SPPD , ST. PAUL, MN 55101

Information requested by: (237725)

EXHIBIT 4-88

Printed at:02/10/2021 12:56:15

Saint Paul Police Department

**PUBLIC**

# ORIGINAL OFFENSE / INCIDENT REPORT

*Complaint Number* 21011884 *Reference C.N.*

*Date and Time of Report* 01/18/2021 16:56:34

*Primary offense*

AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

*Primary Reporting Officer:* Arntzen, Matthew J

*Primary squad:*

*Secondary reporting officer:* Arntzen, Matthew J

*District:* East District

*Site:*

*Secondary offense:*

*Pursuit engaged*

*Name of location/business:*

*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106

*Date & time of occurrence:* 01/18/2021 13:38:00 *to* 01/18/2021 14:09:00

*Arrest made?*

*Resistance encountered*

| *Weapons Used by Police* | *Weapons Used by Suspect at Time of Arrest* |
|---|---|
| (none) | (none) |

**ARRESTS** (None)

**NAMES**

**Owner**

**Victim**

**PUBLIC NARRATIVE**

On 01/18/2021 at 1338 hours police were sent to Maryland / Hazelwood for a person who had been shot. The victim was taken to Regions Hospital by private vehicle. The victim has non-life threatening injuries.

EXHIBIT
4-89

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

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

Shawn McDonald, being first duly sworn, deposes and says that on the 24th day of March, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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 24th day of March 2021

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
tabbies
5-1

**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 24, 2021

EXHIBIT
tabbies 5-2

**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 34th 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 the Notice of Violation and request for upward departure to Revocation related to license violations which occurred after the first Notice of Violation that was sent to your client.

In relation to these violations, the Department of Safety and Inspections ("Department") is recommending 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 to Revocation based on:

- Evidence that the Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021,
- Evidence of failure to maintain video in accordance with his license condition,
- Evidence of multiple additional incidents of sales of flavored products on January 18, 2021 documented on video provided by licensee,
- Evidence of a large volume of flavored products observed by Inspector Voyda during his inspection on February 8, 2021 and documented report and through photos,
- Evidence that the licensed premises were being operated in a manner that violated several sections of Saint Paul Legislative Code Section 306 on January 18, 2021 and February 8, 2021.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

*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.*

- 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 (f) which prohibits the sale 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

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

The relevant portion of the Saint Paul Legislative Code relating to the sale of flavored products is:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.
(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – 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 when the council finds that there are substantial and compelling reasons to do so.

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

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 surveillance equipment in good working order,
- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products, and
- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises.

The Department believes that the report of Inspector Voyda, video and photographic evidence support the violations and the Department plans on asking the City Council to impose the costs as allowed under 310.05 (k). 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 – Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021.**

**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 January 18, 2021 Saint Paul Police responded to a call at the Licensed Premises on a report of a person who had been shot in the parking lot and taken to Regions hospital with non-life threatening injuries. Saint Paul Police documented the incident under Saint Paul Police Case Number ("CN") 21011884. Responding officers recovered six (6) 9mm casings near the scene. Officers also spoke with employees who advised that a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer.

On January 19, 2021, Sgt. Graupman, the Sgt. currently assigned to DSI learned of this incident.

On January 21, 2021, Sgt. Graupman drafted and delivered a formal letter requesting surveillance video from Monday, January 18, 2021 from 12:30 p.m. to 2:30 p.m. on Monday, January 18, 2021.

On January 25, 2021 the requested video was turned in at DSI. Sgt. Graupman viewed the video and made the following observations which DSI alleges support adverse action on the basis that the Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021:

- 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
- 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
- Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.

- Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

**Violation #2 - On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.**

**License Condition Violated:** License Condition #3 which states: "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:** Sgt. Graupman noted in CN 2106681 that when he viewed the video turned in to DSI by the Licensee he noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This information was also documented in a separate supplemental report by Video Management Technician Ricard Bertholf.

**Violation #3 – On January 18, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:** DSI Inspector Joseph Voyda viewed the January 18, 2021 video and pulled still photographs of 6 separate sales of flavored products, specifically:

- Camera 6 – 1/18/2021 at 12:18:14 – Backwoods Russian Crème Cigars
- Camera 6 – 1/18/2021 at 12:19:18 – Dutch Honey Fusion and Blue Dream Fusion Cigars
- Camera 6 – 1/18/2021 at 12:44:04 – Dutch Honey Fusion Cigars
- Camera 6 – 1/18/2021 at 12:46:01 – Backwoods Honey Burbon Cigars

**Violation #4 - The Licensee (or any person whose conduct may be imputed to the licensee) managed the property engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare and 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 the members of the public.**

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

**Synopsis of Alleged Facts:**

- Video recovered of January 18, 2021 shooting shows a failure to monitor Licensed Premises.
  - 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
  - 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lot near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
  - Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
  - Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.
- Sergeant Graupman documented in his CN 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents.
- Inspector Voyda noted that his observations of the video from January 18, 2021 showed that no customers were carded by the clerk for tobacco purchases.
- Repeated sales of prohibited flavored tobacco products on January 18, 2021 and the presence of a large amount of prohibited flavored tobacco products on February 8, 2021.

**Violation #5 – On February 8, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:**

On February 8, 2021 Sgt. Graupman and DSI Inspector Voyda went to the Licensed Premises to follow up on a licensing complaint. They made contact with 2 employees working behind the front counter. They verbally identified one of the employees as the Licensee, Zakariya Abukhudeer. Inspector Voyda informed them that the purpose of this inspection was to ensure that the Licensed Premises was compliant with Saint Paul Legislative Code 324.07(f). During the Inspection, Inspector Voyda located and photographed multiple boxes containing prohibited flavored products behind the sales area. Inspector Voyda advised the Licensee to remove the prohibited products from the premises.

The Licensee has three (3) options:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **April 7, 2021,** I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for revocation of the licenses.

2. If you wish to admit the facts but you contest the upward departure to revocation, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **April 7, 2021.** The matter will then be scheduled before the City Council to determine whether to revoke the license. You and your client will have an opportunity to appear before the Council and make a statement.

3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 7, 2021.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation. Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

**If you have not contacted me by April 7, 2021, I will assume that you do not contest the Revocation of your licenses. In that case, the matter will be placed on a City Council Consent Agenda for approval of the recommended penalty.**

Sincerely,

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: January 18, 2021 Surveillance video observations from Inspector Joseph Voyda
A copy of January 21, 2021 letter from the Department of Safety and Inspections requesting January 18, 2021 video.
A copy of February 8, 2021 Inspector's report from Inspector Joseph Voyda
License Group Comments Text
Adverse Action Comments Text
STAMP – Ownership/Zoning Information
Photos
Vendor tobacco education packet
Saint Paul Police Department address/Intersection Report from 2/10/2020 to 2/10/2021
Saint Paul Police Report Case Number: 21026555
Saint Paul Police Report Case Number: 21026681
Saint Paul Police Report Case Number: 21011884

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 May 29, 2020, he served the attached **AMENDED NOTICE OF VIOLATION, RECOMMENDATION FOR UPWARD DEPARTURE TO REVOCATION.** And a correct copy thereof in an envelope addressed as follows:

The One Stop Market LLC

Attn: Zhariya Abukhudeer
520 Lake Elmo Ave N
Lake Elmo, MN 55042

(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 __th day of March, 2021

# 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Surveillance Video Observations

## January 18, 2021 – From 12:00 p.m. to 2:30 p.m.

**Violations found:**

USB Flash Drive labeled 1/18/2021:

Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars

Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars

Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars

Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars

Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

**Violations Found:**

City of Saint Paul's Legislative Code 324.07(f) - (h-3) – Flavor violations

**NOTE:** No customers were carded by the clerk for tobacco purchases at the 'The One Stop Market' counter and no violations observed from the 'One Stop Wireless' counter.

See attached documents for pictures of violations and the request for video letter dated January 18, 2021

Joseph Voyda
Licensing inspector III

February 10, 2021

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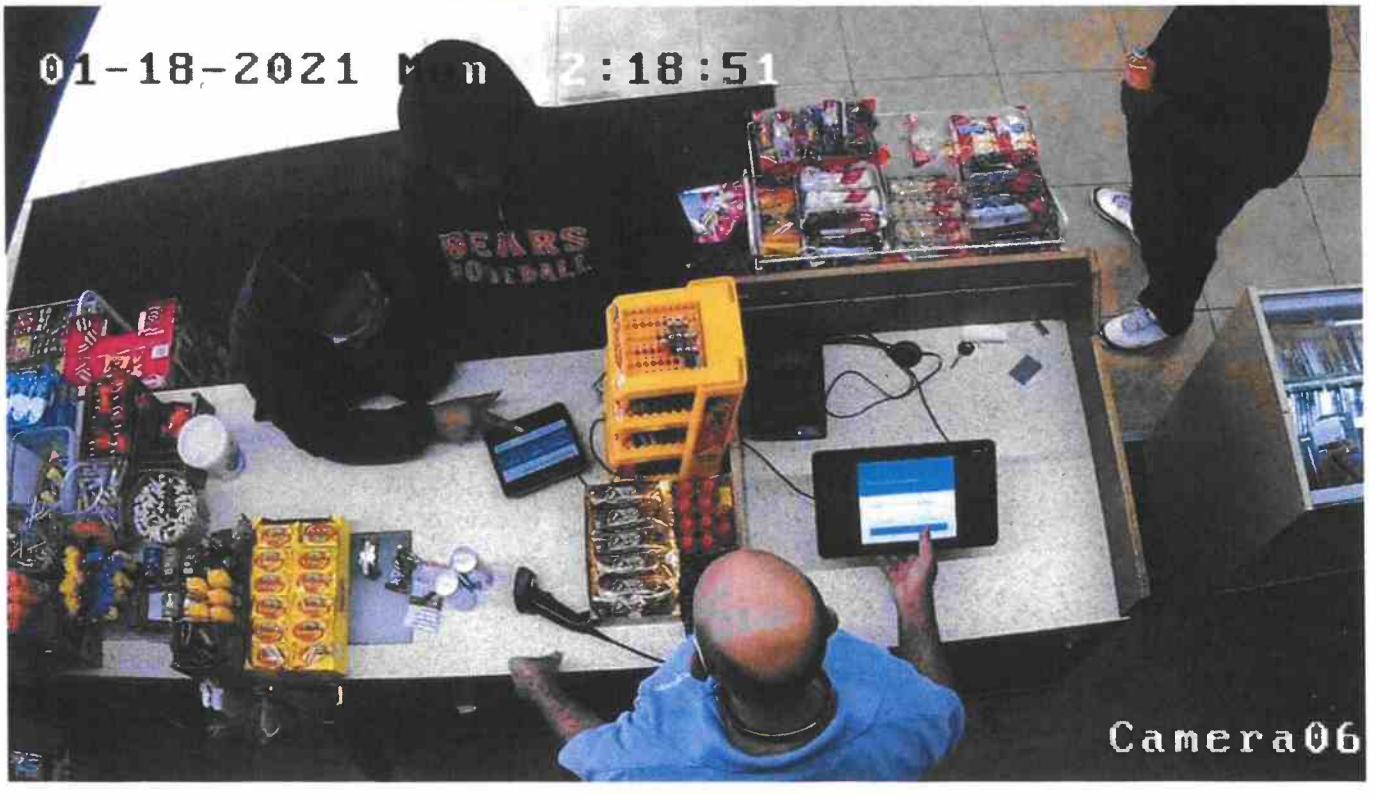
'Backwoods' Russian Cream Cigars

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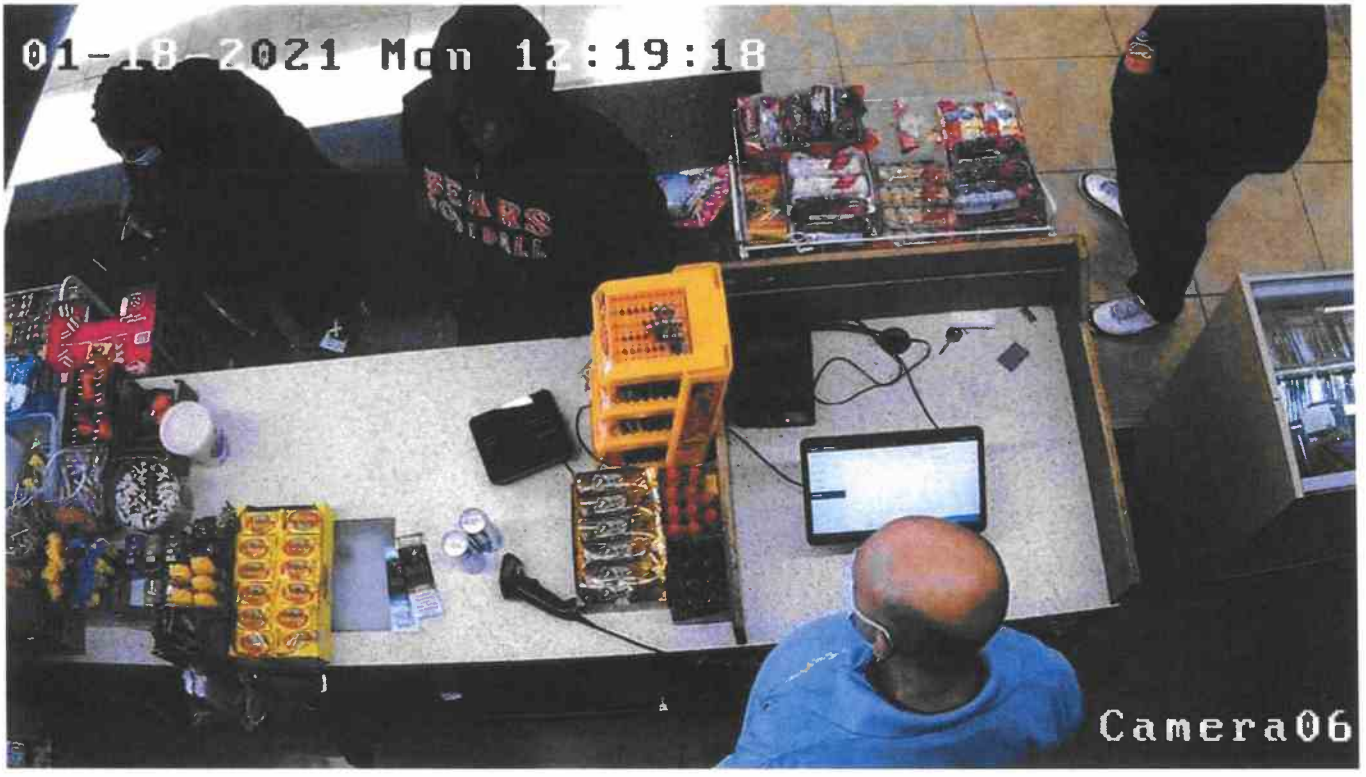
'Dutch' Honey Fusion and Blue Dream Fusion Cigars




'Dutch' Honey Fusion Cigars

EXHIBIT
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'Backwoods' Honey Bourbon cigars

EXHIBIT
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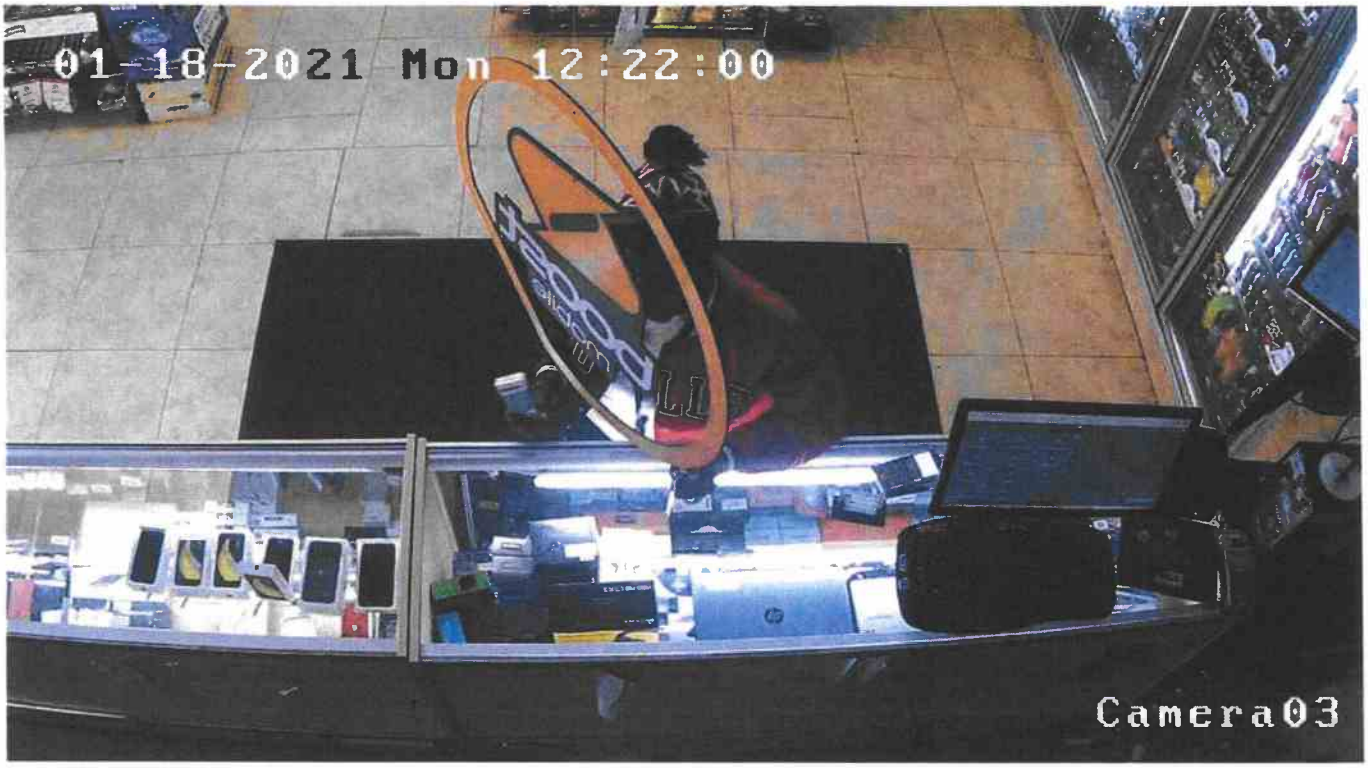
It appears that they didn't have any 'Newport' cigarettes at this time of day or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

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DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

January 21, 2021

The One Stop Market LLC.
The One Stop Market
1541 Maryland Ave E.
St. Paul, MN 55106

**HAND-DELIVERED: 01-21-2020 @ 1:30 P.M**

Mr. Abukhudeer,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following period:

**Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. Monday, January 18, 2021**

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 no later than 4:00 p.m. on Monday, January 25, 2021. Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have previously been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Attorney Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN. 55042.

An Equal Opportunity Employer

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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

# 1541 Maryland Avenue East – DBA: The One Stop Market

# license # 20190001624

# Complaint Inspection for Flavored Tobacco Products

# February 8, 2021

**Evidence of violations to be added to current Adverse Action**

**Violations Found:**

City of Saint Paul's Legislative Code -Licenses 324.07(f) & Zoning Code 65.535 (a) (b) – Flavor violations, distance requirement, and not zoned for a product shop to sell flavored tobacco.

**NOTE:** Education to the licensee on the flavor violations found and education given that 1541 Maryland Avenue East – DBA: The One Stop Market, was not a Tobacco Product Shop.

See attached documents for pictures of violations and the 'Inspectors Report' dated February 8, 2021

Joseph Voyda
Licensing inspector III

February 8, 2021



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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

*Business Licensing*
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*Saint Paul, Minnesota 55101-1806*

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

# Inspector's Report

Inspectors Name: Joseph Voyda

Date: 2/8/2021

Business/Property Name: The One Stop Market

Property Address: 1541 Maryland Avenue East

Reason for Visit: Complaint for flavored product being sold

Observations: Multiple flavor violations found behind counter

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

Behind the counter/register

Action Taken: ☐ Education / warning

☐ Request for Adverse Action

Other: Additional violations found from a complaint received to DSI to be added to the current Adverse Action

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

Upon arrival on February 8, 2021. I spoke with the licensee Zakariya Abukhudeer. I introduced myself as an Inspector for the City of Saint Paul with DSI I introduced the Saint Paul Police officer that works with DSI. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco product being sold.

In plain sight located behind the counter/cash register were multiple flavor tobacco product violations (See Attached Photos – 20 Total). I asked Zakariya if there were any other flavor products that were present or hidden, his response was "no we don't sell menthol and no other flavor products". Continuing the inspection, I advised Zakariya to move all products off the premises. I educated Zakariya on the flavor violations that were discovered, he agreed and said, "it wouldn't happen again".

Types of flavored tobacco products found: 'Dutch' - Irish Fusion, Java Fusion, Berry Fusion, Honey Fusion, Blue Dream Fusion and Rum Fusion, 'Zig Zag' – Purple, Blue and Pink. 'Backwoods' – Black Russian, Honey Berry, Russian Cream, Dark Stout, Honey Bourbon, and Honey. 'Black & Mild' – Wine.



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License Group Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

2/8/2021 Complaint inspection - Multiple flavor violations found JNV
5/26/2020 To CAO for adverse action. Violation of condition # 2 & #3
5/4/2020 recieved an email from licensee that he was not able to provide a copy of requested video.KS
4/27/2020 Letter sent requestiing inside video for 3/3020 due by 5/4/20.KS
4/6/2020 ALJ dismissed KS
02/04/2020 Spoke with licensee to question his confusing written request for a PH. He changed his mind and advised he'd send another letter to request an ALJ.
01/09/2020 Sent to the CAO for adverse action - MN Dept. of Revenue seizure for invoice - tobacco JNV

License Group Conditions Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

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.
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 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 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.
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 place in front of the window.

Adverse Action Comments Text 02/08/2021

Licensee: THE ONE STOP MARKET LLC

DBA: THE ONE STOP MARKET

License #: 20190001624

10/21/2020 Notice of Prehearing Conference sent. SM
09/10/2020- Sent Notice of Violation with an 09/25/2020 deadline to respond. SM
1/15/20- NOV sent with a 1/29/20 deadline to respond. SM
3/9/20- Sent Notice of Prehearing Telephone Conference. SM

# STAMP - Ownership / Zoning Information

New Search Help using this report

**Run Date:** 02/08/21 03:35 PM

**House#:**

**Street Name:**

**Last updated from Ramsey County data on:**

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

1541 Maryland Ave E - Sam'S Dairy / 1543 Maryland Ave E - Ultimate Wash / 1545 Maryland Ave E - 55106-2931 - Other Applications

| | | | | |
|---|---|---|---|---|
| **PIN:** 222922430040 | **Census Track:** 30704 | **Census Block:** 3004 | **Council Ward:** 6 | **District Council:** 2 |
| **Year Built:** | **Foundation Sq Feet:** | **Loan Company:** | **Land Value:** 209000 | **Building Value:** 251000 |

**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:**

**Zoning:** B1 / B2

**Legal Desc:** SECTION 22 TOWN 29 RANGE 22 W 180 FT OF S 173 FT OF (SUBJ TO ST AVE & ESMTS) OF SE 1/4 OF SEC 22 TN 29 RN 22

**Owner:**
Zamzam Inc
1149 97th Ln Nw
Coon Rapids MN 55433-4585
612-986-7315

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EXHIBIT
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5-25

EXHIBIT

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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

*Business Licensing*
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*Saint Paul, Minnesota 55101-1806*

*Telephone: 651-266-8989*
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*Web: www.stpaul.gov/dsi*

March 01, 2018

Dear Cigarette/Tobacco License Holder,

Thanks to your hard work and cooperation, the results of 2017 compliance checks for the sale of tobacco to juveniles were very promising with 92% of Saint Paul's licensed vendors passing their initial inspection. The Department of Safety and Inspections (DSI) is required to conduct inspections at all cigarette/tobacco retail locations in the city to monitor for compliance with State Statute prohibiting tobacco sales to minors. Compliance checks consist of a person under the age of 18 entering your establishment and attempting to purchase cigarettes or other tobacco products. There may be multiple compliance inspections conducted throughout the year at any given location. The continued efforts of Saint Paul's licensed vendors to prevent juvenile access to tobacco are appreciated by many.

Effective November 1, 2018, NEW flavored tobacco regulations take effect that prohibit the sale of menthol, mint and wintergreen tobacco products including cigarettes at a vast majority of licensed cigarette/tobacco retail establishments in Saint Paul. Only liquor stores that hold a Cigarette/Tobacco license and tobacco product shops will be allowed to continue selling menthol, mint and wintergreen flavored tobacco products. Tobacco product shops continue to be the only establishments permitted to sell any other flavored tobacco products. It is strongly encouraged that you work with your supplier to verify that products are compliant with the City's flavored tobacco restrictions prior to placing on display or offering for sale.

Please be reminded that single cigars and/or cigars in original packages of three or less must sell at a retail price of not less than $2.60 per cigar before sales tax and cigars in original packages of four or more must sell at a retail price of $10.40 or greater before sales tax.

The City of Saint Paul appreciates your continued cooperation in complying with these and all other federal, state and local laws regulating tobacco and tobacco-related products. Failure to comply with all applicable requirements will result in adverse licensing action. If you have questions regarding cigarette/tobacco retailer requirements, you may contact a DSI Licensing Inspector at 651-266-8989 and/or email DSI-InformationAndComplaints@ci.stpaul.mn.us.

Respectfully,

Barry Brown
DSI Licensing Inspector



EXHIBIT
tabbies
5-27

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

March 2018

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## Cigarettes

### NOT ALLOWED ✗

**Examples of menthol cigarettes: Newport, Marlboro menthol, Kool true menthol, and Camel Crush**

*Menthol cigarettes can only be sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops.*

### ALLOWED ✓

**Examples of non-menthol cigarettes: Marlboro, American Spirit, Pall Mall, and Camel unflavored**

*Cigarettes that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies
5-28

## Cigars and Cigarillos

### NOT ALLOWED

**Examples of flavored cigars and cigarillos: Strawberry, Raspberry Cream, Mango, White Grape, Wintergreen, Arctic Ice, and Grape**

*Menthol, Mint, and Wintergreen flavored cigars and cigarillos can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored cigars and cigarillos can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored cigars and cigarillos: Garcia Vega, Swisher Diamonds, White Owl Silver, and unflavored Black & Mild**

*Cigarillos and cigars that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Smokeless Tobacco and Pouches

### NOT ALLOWED

**Examples of flavored smokeless tobacco: Wintergreen Grizzly, Cherry Skoal, Wintergreen Camel, Camel Snus Winterchill, General Swedish Snus Mint and Camel Snus Mint**

*Menthol, Mint, and Wintergreen flavored smokeless tobacco can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored smokeless tobacco can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored smokeless tobacco: Copenhagen Snuff, Grizzly Premium Straight, Skoal Classic Straight, and Camel Snus Robust**

*Smokeless Tobacco that is not flavored is allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies 5-29

## E-cigarettes and E-juice

### NOT ALLOWED

**Examples of flavored e-cigarettes and e-juice: Peach, Menthol, and Fruit Stripe e-juice; Cherry Crush blu, Cool Menthol NJOY, Menthol Vuse Vibe, Chai Vuse, and Sex on the Beach Starbuzz**

*Menthol, Mint, and Wintergreen flavored e-cigarettes and e-juice can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored e-cigarettes and e-juice can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Examples of non-flavored e-cigarettes and e-juice: FIN Rich Tobacco, Rich Tobacco NJOY, Original Vuse VIBE, and Classic Tobacco blu**

*E-cigarettes and e-juice that are not flavored are allowed to be sold in all licensed tobacco vendors.*

## Tobacco and Hemp Cigar and Blunt Wraps

### NOT ALLOWED

**Examples of flavored wraps: Strawberry, Grape Ape, Blueberry Bomb and Mango/Pineapple hemp wraps, Watermelon, Chicken & Waffles, and Menthol wraps**

*Menthol, Mint, and Wintergreen flavored wraps can only by sold in liquor stores licensed to sell tobacco and adult-only tobacco product shops. Other flavored wraps can only be sold in adult-only tobacco product shops.*

### ALLOWED

**Example of non-flavored wraps: Natural hemp wraps and Double Platinum Zer0 blunt wraps**

*Tobacco and hemp cigar and blunt wraps that are not flavored are allowed to be sold in all licensed tobacco vendors.*

EXHIBIT
tabbies'
5-30

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

Limit the sale of tobacco products flavored with menthol, mint or wintergreen to adult-only tobacco product shops and liquor stores that are licensed to sell tobacco.

**These changes take effect on November 1, 2018.**

*For more information, please contact DSI Licensing:*
*651-266-8989 or DSIComplaints@ci.stpaul.mn.us*

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

## Frequently Asked Questions

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: cigarettes, e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt and hemp wraps, shisha, and smokeless tobacco.

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco is restricted under the ordinance. Menthol, mint, and wintergreen flavored tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Other flavored tobacco products can only be sold in adult-only tobacco product shops.

**How does the ordinance define a 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 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 shall constitute presumptive evidence that the product or device is a flavored product.

Continued...

## Frequently Asked Questions (continued)

**What if I'm not sure if the product is flavored?**

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.

**What are the penalties?**

The penalties for selling tobacco to people under the age of 18 years are:

*First violation*—$200.00 fine
*Second violation*—$400.00 fine
*Third violation*—$800.00 fine and a 7-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

All other license violations incur the following penalties:

*First violation*—$500.00 fine
*Second violation*—$1,000.00 fine
*Third violation*—$2,000.00 fine and a 10-day suspension of the license
*Fourth violation*—Revocation of the tobacco license

**What are other tobacco ordinance provisions I should remember?**

1. Non-premium cigars, such as little cigars and cigarillos, must be priced at $2.60 each plus sales tax, after coupons and discounts have been applied. A pack of four or more cigars must be sold for at least $10.40 plus sales tax. The minimum price of cigars is as follows:
   - 1 single cigar = $2.60 + sales tax
   - 2-pack = $5.20 + sales tax
   - 3-pack = $7.80 + sales tax
   - 4-pack or larger = $10.40 + sales tax
2. Tobacco product shops are required to prohibit entry to people under 18 years of age.
3. Cigarettes should not be sold in packages fewer than 20.
4. No tobacco or tobacco-related devices should be sold from a vehicle or other movable place of business.
5. Tobacco should not be sold from a vending machine unless the facility does not permit those under 18 to enter at any time.

**Who can I contact for more information?**

For more information, please contact:

Inspector Barry Brown
Barry.Brown@ci.stpaul.mn.us
651-266-9143

License Manager Eric Hudak
Eric.Hudak@ci.stpaul.mn.us
651-266-9132

# St. Paul's New Menthol Sales Requirement

As of November 1, 2018, menthol, mint and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco.

tabbies
EXHIBIT
5-33

## General reminders about the sale of tobacco:

- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco product shops (a store where at least 90 percent of revenue comes from tobacco sales). Menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.

- Cigars must be sold for a minimum price of $2.60 each plus sales tax. The minimum price of cigars is as follows:

    - Single cigar = $2.60 + sales tax
    - 2 Pack = $5.20 + sales tax
    - 3 Pack = $7.80 + sales tax
    - 4 Pack or larger = $10.40 + sales tax

- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless minors under the age of 18 years are prohibited from entering at all times.

- Penalties and adverse actions will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As of November 1, 2018, menthol, mint and wintergreen tobacco products can only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. This restriction includes all tobacco products such as cigarettes, cigars, blunt wraps, e-cigarettes and e-juice, smokeless tobacco products, and shisha. If a tobacco product has a taste or smell of menthol, mint, or wintergreen, these restrictions apply.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department:

651-266-8989 or DSIComplaints@ci.stpaul.mn.us

**Association for Nonsmokers-Minnesota**
**2395 University Avenue West, Suite 310**
**Saint Paul, MN 55114**

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U.S. POSTAG
PAID
Twin Cities, M
Permit No. 298

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EXHIBIT
5-34

It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

EXHIBIT
tabbies
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Stop Sales to Minors
stopsalestominors.org

Training for retailers to prevent tobacco sales to minors.

# MINNESOTA TOBACCO RETAILER TRAINING

The Minnesota tobacco retailer training is designed to help tobacco retailers comply with Minnesota and federal laws that regulate the sale of tobacco, electronic delivery devices, or e-cigarettes, and tobacco-related devices.

## FORMAT

The training takes approximately one hour to complete and is divided into three sections. There are a total of 25 questions and the retailer must correctly answer 17 questions to be awarded a certificate. The certificate will be emailed to the email address provided by the retailer at registration.

| Section 1: Tobacco and Health & State and Federal Laws | Section 2: Compliance Checks and Penalties | Section 3: Avoiding Illegal Sales |
|---|---|---|
| 10 minute video | 5 minute video | 15 minute video |
| 10 question quiz | 5 question quiz | 10 question quiz |

Access this ***free*** training at www.stopsalestominors.org

Also available in Somali and Spanish

EXHIBIT
tabbies
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This training was created in 2016 by the Association for Nonsmokers-Minnesota, with assistance from the Public Health Law Center, and made possible with support from the Minnesota Department of Health.

ANSR

MDH Minnesota Department *of* Health

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

2395 University Ave W, Ste 310, St. Paul, MN 55114 | 651-646-3005 | www.ansrmn.org

DEPARTMENT OF PLANNING &
ECONOMIC DEVELOPMENT
*Dr. Bruce Corrie, Director*

CITY OF SAINT PAUL
*Melvin Carter, Mayor*

*25 West Fourth Street, Ste. 1300*
*Saint Paul, MN 55102*

*Telephone: 651-266-6565*

Dear Business Owner,

On November 1, 2017, the Saint Paul City Council adopted ordinance 17-28, limiting the sales of menthol, mint, wintergreen and fruit-flavored tobacco products to adults-only tobacco shops and liquor stores. The ordinance takes effect on November 1, 2018.

We understand this may have a significant impact on your business, and that you may be considering changes to deal with that impact. To assist with this transition, the City of Saint Paul's Business Resource Center has multiple resources available to help. The Business Resource Center can assist with:

- **General Consultation:** Our staff can make personalized recommendations that fit the unique needs of your business plan;
- **Financial Assistance:** The City and State offer multiple low-interest loans and grants for businesses located in Saint Paul interested in expanding or making capital improvements;
- **Connecting with City departments or other agencies:** Our partner agencies can assist with business planning, technical services, skills training, marketing and more.

The Business Resource Center is available Monday through Friday from 8:30 a.m. to 4 p.m. at **651-266-6600**, or online at **stpaul.gov/BusinessResources**. You may also reach out through email at **BusinessResources@ci.stpaul.mn.us**.

City staff from the Department of Safety and Inspection (DSI) and/or from Planning and Economic Development (PED) will be visiting your store in the coming weeks to personally answer questions or address concerns. We look forward to meeting you.

Thank you for doing business in Saint Paul. We are appreciative of your contributions to your community. Please do not hesitate to reach out for assistance.

Thank you,

Martin Schieckel
Director of Economic Development, Department of Planning and Economic Development



EXHIBIT
tabbies
5-37

# CITY OF SAINT PAUL - BUSINESS RESOURCE CENTER

## 651-266-6600

## BusinessResources@ci.stpaul.mn.us

When you contact the business resource center, Economic Development staff can assist you with:

- GENERAL CONSULTATION
- FINANCIAL ASSISTANCE
- CONNECTING WITH CITY DEPTS. OR OTHER AGENCIES

## TECHNICAL SERVICE PROVIDERS

The City of Saint Paul's Department of Planning and Economic Development (PED) staff can help connect you to partner organizations that offer expertise in numerous areas. The following organizations can provide you with resources and information on loans and financial counseling, business planning, general technical information and/or services, skills training and/or workforce development, facade improvements, marketing and/or tax preperation and/or information.

If you have questions, please contact the Business Resource Center at **651-266-6600** or **BusinessResources@ci.stpaul.mn.us.**

| Organization | Contact | Description | Services | Languages |
|---|---|---|---|---|
| African Economic Development Solutions (AEDS) | 651-646-9411 info@aeds-mn.org | Builds wealth within communities of Black heritage through economic development activities | $ | English, Somali, Swahili |
| Asian Economic Development Association | 651-222-7798 info@aeda-mn.org | Expands opportunities for economic success for low-income Asian Americans | $ | English, Hmong, Thai, Vietnamese, Lao, Spanish |
| East Side Neighborhood Development Corporation, Inc. | 651-288-8744 adejoy@esndc.org | Engages with the community to create affordable housing and support affordable housing | $ | English, Somali, Swahili |
| Latino Economic Development Center | 651-724-5332 | Transforms community by creating economic opportunity for Latinos | $ ! | English, Spanish |
| Metropolitan Economic Development Association (MEDA) | 612-332-6332 info@meda.net | Business services for minority entrepreneurs | $ ✓ | English |
| North East Neighborhoods Development Corporation | 612-771-6955 info@nendc.net | Improves economic conditions for area residents and businesses | $ ! | English, Hmong |
| WomenVenture | 612-224-9540 info@womenventure.org | Provides women with tools to achieve economic success through small business ownership | $ ! | English |

$ Loans & financial counseling

Business planning

General technical information/services

Skills training/ workforce development

Facade imiprovements

! Marketing

✓ Tax preperation/ information

stpaul.gov/BusinessResources | @cityofsaintpaul | City of Saint Paul

EXHIBIT tabbies 5-38

# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales tax

EXHIBIT
5-39
tabbies

## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

STANDARD
MAIL PRSRT
US POSTAGE PAID
MAILED FROM
ZIP CODE 55121
PERMIT #30325

EXHIBIT
94-5
tabbies

THIS IS A TOBACCO PRODUCTS SHOP.
YOU MUST BE AT LEAST 18
AGE OF AGE TO ENTER.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

# Tobacco Compliance Education Form

**Case #**_____

Affix Label Here

For Office Use Only
Compliance Check I.D.#_____
Business I.D. #_____
Pre Ordinance_____
Post Ordinance_____

**Business Type:**

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

**Date:** ☐☐ / ☐☐ / ☐☐ **Time:** ☐☐ : ☐☐ a.m. / p.m
MM DD YY

**Was purchase attempted?** ☐Yes ☐No

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

**Inspector** ☐☐☐

**Cigar prices:** **Single** $_____ **Double** $_____ **Triple** $_____ **Quadruple** $_____

**Was educational packet left at location?** Yes or No

**Picture of window signs taken?** Yes or No

**Instructions posted to read read I.D.?** Yes or No

**E-cig packaging report present?** Yes or No

**Clerk Information:** ☐Female ☐Male **Driver's License #** _____

Name of Clerk: _____

Notes / Issues: _____

EXHIBIT
tabbies
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**CITY OF SAINT PAUL**
DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Fax: 651-266-9124
Web: www.stpaul.gov/dsi

# Guide for Complying with Saint Paul Tobacco Ordinance Chapter 324

*Information about the ordinance, flavored tobacco products and cigar pricing requirements*

As of April 13, 2016, Saint Paul prohibits the sale of flavored tobacco products, except for menthol, mint or wintergreen products, in stores with a tobacco license where minors can enter such as gas stations, corner stores, and grocery stores. Tobacco products shops (shops which make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18) are exempted from the flavor restriction. Below are examples of flavored products that can only be sold in tobacco products shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors. Saint Paul also requires a minimum price for cigar products, which is described below.

## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Cigars

**Examples: "Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape", "White Grape" and "Wine" cigars and cigarillos**

*Explanation: ""Strawberry", "Sweet Razz", "Raspberry Cream", "Peach", "Mango", "Grape" and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor. These products are NOT allowed by ordinance.*

**Examples: Dutch Masters Palma, Swisher "Diamonds", White Owl "Black", and Black & Mild cigars and cigarillos**

*Explanation: tobacco products that are not flavored are allowed by ordinance.*

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5-43

# NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

# ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

## E-cigarettes and E-juice

**Examples: EZ Cig "Licorice", blu "Cherry Crush" and Shisha Time "Blueberry" e-cigarettes; Haus by Mystic "Berry" e-liquid**

*Explanation: "Licorice" is a candy flavor and "Cherry Crush", "Blueberry" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Vuse "Menthol", NJOY and blu e-cigarettes; Hells Vapors "Menthol" e-liquid**

*Explanation: "Menthol" is a flavor allowed by ordinance; tobacco products that are not flavored are allowed by ordinance.*

## Smokeless Tobacco and Pouches

**Examples: Skoal Pouches "Berry Blend" and Skoal "Berry"**

*Explanation: "Berry Blend" and "Berry" are fruit flavors. These products are NOT allowed by ordinance.*

**Copenhagen "Wintergreen" and Camel Snus "Mint"**

*Explanation: "Wintergreen" and "Mint" are flavors allowed by ordinance.*

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## NOT ALLOWED

*Examples of flavored tobacco products that are NOT allowed to be sold in Saint Paul, except in tobacco shops.*

## ALLOWED

*Examples of similar tobacco products that are "non-flavored" and ARE allowed to be sold in Saint Paul by all licensed tobacco vendors.*

### Shisha

**Examples: Al Fakher "Pineapple", Starbuzz "Apple Martini" or Fantasia "Bubble Gum" shisha**

*Explanation: "Pineapple" is a fruit flavor, "Apple Martini" is an alcoholic beverage flavor and or "Bubble Gum" is a candy flavor. These products are NOT allowed by ordinance.*

**Example: Al Fakher "Mint" shisha**

*Explanation: "Mint" is a flavor allowed by ordinance.*

### Cigar wraps/blunt wraps

**Example: Hood Wraps "Da Bomb Blueberry" cigar wraps**

*Explanation: "Da Bomb Blueberry" is a fruit flavor. This product is NOT allowed by ordinance.*

**Example: Zig Zag "Straight Up" cigar wraps**

*Explanation: "Straight Up" is not a flavor. Products that are not flavored are allowed by ordinance.*

EXHIBIT
tabbies
5-45

**CITY OF SAINT PAUL**
**DEPARTMENT OF SAFETY AND INSPECTIONS**

## About

**Recently, the Saint Paul City Council voted to change the way that tobacco is sold in our city. The tobacco ordinance was changed to:**

1. Set a minimum price of $2.60 per unit up to 4 units for cigar products after coupons and discounts have been applied. This means that all cigar products must be priced as follows:
   - 1 single cigar = at least $2.60 + sales tax
   - 2-pack or "double" pack = at least $5.20 + sales tax
   - 3-pack of cigars = at least $7.80 + sales tax
   - 4 pack of cigars = at least $10.40 + sales tax
   - Pack of 5 or more cigars = at least $10.40 + sales tax
2. Limit the sale of flavored tobacco products (except for menthol, mint or wintergreen ) to adult-only tobacco-only stores.
3. Require tobacco-only stores to prohibit entry to people under 18 years of age.

**These changes take effect on April 13, 2016.**

*For more information, please contact Inspector Barry Brown at barry.brown@ci.stpaul.mn.us or 651-266-9143.*

## Frequently Asked Questions

**Which cigars must follow this pricing structure?**

All cigar products such as little cigars and cigarillos must be priced at $2.60 each plus sales tax. A pack of four or more cigars must be sold for at least $10.40 plus sales tax.

**What tobacco products are included in the flavor restriction?**

All forms of tobacco are included in the flavor restriction: e-cigarettes, e-cigarette liquid, cigars, cigarillos, blunt wraps, shisha, and smokeless tobacco. The following is the ordinance language defining each of these products:

> *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.
>
> *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.
>
> *Tobacco or tobacco product* 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 cigarettes, cigars, little 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.. 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.
>
> *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

## Frequently Asked Questions (continued)

**What "flavors" are restricted under this policy?**

Any tobacco product that has a taste or smell other than plain tobacco, menthol, mint or wintergreen is restricted under the ordinance and can only be sold in tobacco-only shops.

**How does the ordinance define a 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, menthol, mint, or wintergreen, 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 chocolate, cocoa, vanilla, honey, 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, menthol, mint, or wintergreen, shall constitute presumptive evidence that the product or device is a flavored product.

**What if I'm not sure if the product is flavored?**

Tobacco products labeled with a flavor other than plain tobacco, menthol, mint, or wintergreen are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored- the City recommends not selling the item. The City will also compile a list of example products; however, with new flavors and products continually entering the market, the list cannot be considered exhaustive. The burden is on the retailer to prove a product is not flavored- therefore we recommend not selling any products you are unsure about.

**What if the product contains mint and another flavor, for example, *Mint Chocolate Chip*?**

If the product contains multiple characterizing flavors, one being mint and another being a restricted flavor, then it is considered a flavored product that cannot be sold by regular tobacco vendors and can only be sold in tobacco-only shops.

**When does this go into effect?**

These changes go into effect April 13, 2016. Inspectors will begin checking and enforcing the ordinance after this date.

**What are the penalties?**

Violation of this ordinance will be treated the same as other tobacco license violations.

> *First violation*—Two hundred dollar ($200.00) fine.
> *Second violation*—Four hundred dollar ($400.00) fine.
> *Third violation*—Eight hundred dollar ($800.00) fine and a 7 day suspension of the license.
> *Fourth violation*—Revocation of the tobacco license.

**Who can I contact for more information?**

For more information, please contact Inspector Barry Brown at *barry.brown@ci.stpaul.mn.us* or 651-266-9143 *Inspector Tom Ferrara at Tom.*Ferrara@ci.stpaul.mn.us or 651-266-9087, or License Manager Eric Hudak at Eric.Hudak@ci.stpaul.mn.us or 651-266-9132.

DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL
*Christopher B. Coleman, Mayor*

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

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

February 01, 2016

Dear Licensed Tobacco Vendor,

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014). Child-resistant packaging is required whether or not the e-juice contains nicotine. You should be prepared to provide documentation of child-resistant packaging when requested by the DSI Licensing Inspector. This documentation, called a full protocol testing laboratory report, summarizes the testing that has been conducted to prove a package is child resistant and should be provided by your manufacture or supplier.

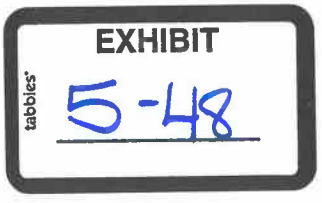
The United States Consumer Products Safety Commission provides a Guide to Child-resistant Packages, including the different types that are available, and a list of companies that manufacture and test child-resistant packaging. You may find it at http://www.cpsc.gov. This is just one resource for your use.

If you fail to comply with this requirement, you may be subject to the administrative penalties found in the St. Paul Licensing Code.

Thank you for complying with this State law. If you have questions, please contact Barry Brown DSI Licensing at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Sincerely,

Barry Brown
Licensing Inspector,
Department of Safety and Inspections
barry.brown@ci.stpaul.mn.us
651-266-9143



# SAINT PAUL'S NEW CIGAR PRICING REQUIREMENT

As of April 13, 2016, if you sell non-premium cigars in Saint Paul, they must be sold at the following prices:

1 Cigar for at least

**$2.60** +sales tax

A Pack of
3 Cigars for at least

**$7.80** +sales tax

A Pack of
2 Cigars for at least

**$5.20** +sales tax

A pack of 4 or more
cigars for at least

**$10.40** +sales to

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## General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor to sell tobacco products, including electronic cigarettes.
- Tobacco products with flavors other than mint, menthol or wintergreen can only be sold in adult-only tobacco products shops (at least 90 percent of revenue from tobacco sales). Tobacco products include items such as cigars, shisha, blunt wraps, smokeless tobacco, e-cigarettes and e-cigarette liquid.
- Stores must keep all tobacco products behind the counter or in a locked cabinet, unless anyone under 18 is prohibited from entering at all times.
- Liquid sold for use in an electronic delivery device must be sold in child-resistant packaging. Stores are required to provide written proof from the manufacturer upon request from the City that packaging is child-resistant.
- Penalties for violating the minimum cigar pricing or flavored product restrictions are the same as other tobacco license-related violations: $200 for a first violation; $400 for a second violation; $800 and license suspension for a third violation; and license revocation for a fourth violation.

Dear Saint Paul Tobacco Vendor,

As of April 13, 2016, flavored tobacco products, excluding menthol, mint and wintergreen, can only be sold in tobacco products shops accessible exclusively by adults, 18 and older. Additionally, non-premium cigars must be sold for a minimum of $2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single Cigar - $2.60 + sales tax
- 2 Pack - $5.20 + sales tax
- 3 Pack - $7.80 + sales tax
- 4 Pack or larger - $10.40 + sales tax

This requirement applies regardless of promotional offering, such as buy one get one free. Please use this postcard as a guide for how to price non-premium cigars.
If you have any questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

STANDARD
MAIL PRSRT
US POSTAGE PAID
MAILED FROM
ZIP CODE 55121
PERMIT #30325

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It is illegal to sell tobacco to any person under the age of 18.

# Always ask for an ID

## Before Selling Tobacco

Check the valid photo ID of any person who appears to be under the age of 35.

## Acceptable ID

- Valid driver's license, instruction permit, or identification card of any state or providence of Canada
- Valid U.S. Armed Forces ID
- Valid Passport

## How to Read a Minnesota Driver's License

**Standard Driver's License**

Date of Birth

Expiration Date

**Under 18 Provisional Driver's License**

Date of Birth

Date Card Holder Turns 18
(No need to do any math)

Expiration Date

Selling tobacco to a minor is a misdemeanor and may result in a fine up to $1,000 and/or 90 days in jail.

North Suburban Tobacco Compliance Project is a program of Association for Nonsmokers– MN www.ansrmn.org

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Association for Nonsmokers- Minnesota
North Suburban Tobacco Compliance Project
2395 University Ave. W., Suite 310
Saint Paul, MN 55114

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PERMIT NO. 2985

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in-house training today!
Call 651-646-3005

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DEPARTMENT OF SAFETY AND INSPECTIONS
*Ricardo X. Cervantes, Director*

CITY OF SAINT PAUL

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

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

October 15, 2018

Cigarette/Tobacco License Holder,

**Effective November 1, 2018 your place of business may no longer sell, offer for sale or otherwise distribute *any* favored tobacco product to include menthol, mint and/or wintergreen** in accordance with Chapter 324 of the Saint Paul Legislative Code, attached.

Unannounced inspections of your place of business may be conducted at any time to assess compliance with applicable tobacco regulations and may include the use of a minor (person 17 years of age or younger) to attempt the purchase of tobacco products. Violations discovered and/or failure to comply with state and/or city regulations will result in adverse action taken against your license up to and including license revocation.

License Holders who have questions regarding this notice, flavored tobacco or any of the rules governing the sale and distribution of tobacco within the City of Saint Paul are strongly encouraged to contact Joseph Voyda at (651) 266-9014 or Thomas Ferrara at (651) 266-9087.

The City of Saint Paul appreciates your cooperation.

Respectfully,

Eric Hudak,
Licensing Manager, Department of Safety and Inspections

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Amending Chapter 324 of the Legislative Code by adding menthol, mint or wintergreen and fruit to the definition of flavored products.

**THE COUNCIL OF THE Saint Paul Legislative Code is hereby amended to read as follows:**

*************

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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~~, menthol, mint or wintergreen,~~ 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 ~~menthol, mint or wintergreen~~, shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.



(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.



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(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

**********

SECTION 2

Section 324.07 of the Saint Paul Legislative Code is hereby amended to read as follows:

**Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products. ~~This restriction shall not apply to retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time.~~

(g) Sale to minors prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of eighteen (18) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an Off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 of the Saint Paul Legislative Code.

# ADDITIONAL INFORMATION

*Information about the ordinance, menthol and flavored tobacco products*

As of Nov. 1, 2018, mint, menthol and wintergreen tobacco products may only be sold in adult-only tobacco product shops and liquor stores licensed to sell tobacco. Tobacco product shops are stores that make at least 90 percent of their revenue from tobacco and do not allow access to anyone under the age of 18. Below are examples of flavored products that can only be sold in adult-only tobacco product shops, and similar non-flavored tobacco products that are allowed to be sold by all licensed tobacco vendors.

| | Unflavored Tobacco Products | Menthol Flavored Tobacco Products | Other Flavored Tobacco Products |
|---|---|---|---|
| Adult-Only Tobacco Product Shops | ✓ ALLOWED | ✓ ALLOWED | ✓ ALLOWED |
| Liquor Stores Licensed to Sell Tobacco | ✓ ALLOWED | ✓ ALLOWED | ✗ NOT ALLOWED |
| Other Licensed Tobacco Vendors | ✓ ALLOWED | ✗ NOT ALLOWED | ✗ NOT ALLOWED |

## WHAT IF I'M NOT SURE IF THE PRODUCT IS FLAVORED?

Tobacco products with a flavor other than plain tobacco are considered "flavored" under this policy and cannot be sold. Several companies have removed flavor descriptions from their labels. For example, tobacco companies now sell grape-flavored cigars in purple wrappers without using the word "grape". These products are still considered "flavored" under this policy because they include a flavor (in this case, grape).

In addition to the definition in the ordinance language, this document is intended to help clarify and provide examples of flavored products allowed and not allowed to be sold by tobacco retailers. If after reading the ordinance language, reviewing this document, and reading the product label you are still unsure if the product is flavored, the City recommends not selling the item. The burden is on the retailer to prove a product is not flavored. Therefore we recommend not selling any products you are unsure about.



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5-56

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 21026555 | 02/08/2021 11:34:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21024162 | 02/05/2021 02:08:26 | 1541 | | ALARMS | ADV |
| 21023897 | 02/04/2021 17:50:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018711 | 01/28/2021 13:31:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21018477 | 01/28/2021 03:06:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 21015441 | 01/23/2021 15:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21014392 | 01/21/2021 23:22:05 | 1541 | | ALARMS | ADV |
| 21012617 | 01/19/2021 14:53:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011884 | 01/18/2021 13:38:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 21011172 | 01/17/2021 09:06:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011178 | 01/17/2021 09:02:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21011177 | 01/17/2021 09:02:30 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 21010901 | 01/16/2021 22:28:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21010899 | 01/16/2021 22:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21008387 | 01/13/2021 08:40:02 | 1541 | | ALARMS | FA |
| 21007862 | 01/12/2021 13:21:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 21007271 | 01/11/2021 16:55:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21004609 | 01/07/2021 17:28:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003921 | 01/06/2021 18:11:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21003154 | 01/05/2021 17:50:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001670 | 01/03/2021 18:50:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001139 | 01/02/2021 21:13:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 21001108 | 01/02/2021 20:30:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20271166 | 12/22/2020 17:10:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269831 | 12/20/2020 20:43:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20269639 | 12/20/2020 16:39:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20269467 | 12/20/2020 09:59:49 | 1541 | | ALARMS | FA |
| 20267843 | 12/18/2020 05:41:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20267523 | 12/17/2020 19:37:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265790 | 12/15/2020 17:28:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20265029 | 12/14/2020 18:22:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20262773 | 12/11/2020 19:16:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20261876 | 12/10/2020 19:01:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

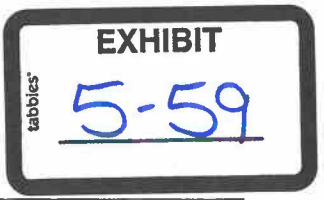
| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20260979 | 12/09/2020 18:06:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260868 | 12/09/2020 16:43:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260791 | 12/09/2020 15:02:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20260178 | 12/08/2020 17:20:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20259487 | 12/07/2020 18:42:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258652 | 12/06/2020 17:01:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258127 | 12/05/2020 20:15:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20258120 | 12/05/2020 20:03:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20256624 | 12/03/2020 21:58:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20256151 | 12/03/2020 08:53:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20253589 | 11/28/2020 19:58:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20253454 | 11/28/2020 17:14:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251544 | 11/25/2020 21:26:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20251180 | 11/25/2020 15:23:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20251162 | 11/25/2020 14:36:02 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20250630 | 11/24/2020 20:28:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250591 | 11/24/2020 19:18:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20250525 | 11/24/2020 17:47:36 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20250454 | 11/24/2020 16:48:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249836 | 11/23/2020 19:52:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20249782 | 11/23/2020 18:40:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20249660 | 11/23/2020 16:36:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246931 | 11/19/2020 18:09:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20246115 | 11/18/2020 18:45:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20245156 | 11/17/2020 14:59:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20244937 | 11/17/2020 09:40:14 | 1541 | | ALARMS | ADV |
| 20244406 | 11/16/2020 15:29:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242160 | 11/12/2020 20:33:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20242035 | 11/12/2020 16:57:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20240866 | 11/10/2020 18:11:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20239035 | 11/07/2020 20:33:55 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20238976 | 11/07/2020 19:06:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238351 | 11/06/2020 22:36:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20238181 | 11/06/2020 18:33:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20237928 | 11/06/2020 13:43:12 | 1541 | | THEFT EXCEPT AUTO THEFT | GOA |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20236981 | 11/05/2020 10:43:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236649 | 11/04/2020 20:39:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236517 | 11/04/2020 18:09:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20236448 | 11/04/2020 16:48:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20234946 | 11/02/2020 18:08:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20232783 | 10/30/2020 19:22:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231967 | 10/29/2020 17:21:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231297 | 10/28/2020 19:39:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20231151 | 10/28/2020 17:05:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20230555 | 10/27/2020 20:36:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20229558 | 10/26/2020 16:12:18 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20229085 | 10/25/2020 22:30:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228992 | 10/25/2020 19:45:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228915 | 10/25/2020 17:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20228603 | 10/25/2020 00:48:51 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20228145 | 10/24/2020 14:33:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227513 | 10/23/2020 16:40:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227273 | 10/23/2020 10:22:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227247 | 10/23/2020 09:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20227001 | 10/22/2020 21:20:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226779 | 10/22/2020 16:32:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226645 | 10/22/2020 12:47:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226505 | 10/22/2020 08:03:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20226078 | 10/21/2020 16:24:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224910 | 10/19/2020 21:48:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224871 | 10/19/2020 20:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224781 | 10/19/2020 18:34:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224740 | 10/19/2020 17:54:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224684 | 10/19/2020 16:57:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20224617 | 10/19/2020 15:34:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223438 | 10/17/2020 21:42:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20223230 | 10/17/2020 16:32:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20222663 | 10/16/2020 19:53:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221994 | 10/15/2020 21:54:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221980 | 10/15/2020 21:32:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20221875 | 10/15/2020 18:52:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221787 | 10/15/2020 17:41:00 | 1541 | | VEHICLE MAINTENANCE-WASH | RR |
| 20221753 | 10/15/2020 17:12:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20221053 | 10/14/2020 18:52:00 | 1541 | | STOLEN PROPERTY-RECEIVING | RR |
| 20220805 | 10/14/2020 14:30:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220476 | 10/14/2020 03:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20220434 | 10/14/2020 00:26:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20220289 | 10/13/2020 21:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219708 | 10/13/2020 09:06:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219388 | 10/12/2020 19:59:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20219335 | 10/12/2020 18:51:53 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20218444 | 10/11/2020 17:15:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20217917 | 10/10/2020 20:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215422 | 10/07/2020 17:55:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20215354 | 10/07/2020 17:07:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20214700 | 10/06/2020 21:04:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213885 | 10/05/2020 21:43:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20213840 | 10/05/2020 20:42:05 | 1541 | | COMMUNITY ORIENTED/OUTREACH EVENT | ADV |
| 20213617 | 10/05/2020 16:38:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20212316 | 10/03/2020 19:23:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211861 | 10/03/2020 00:55:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT RUN | RR |
| 20211650 | 10/02/2020 20:33:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20211214 | 10/02/2020 11:12:26 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20210033 | 09/30/2020 19:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20209723 | 09/30/2020 14:45:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208797 | 09/29/2020 15:51:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208742 | 09/29/2020 14:52:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20208646 | 09/29/2020 12:57:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20208475 | 09/29/2020 08:20:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20207089 | 09/27/2020 15:47:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206942 | 09/27/2020 11:07:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206542 | 09/26/2020 19:20:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20206333 | 09/26/2020 15:04:35 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20206274 | 09/26/2020 13:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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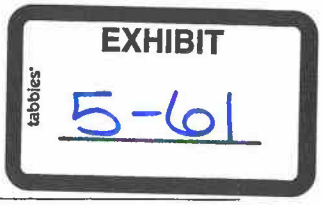
|---|---|---|---|---|---|
| 20205650 | 09/25/2020 18:11:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205539 | 09/25/2020 16:47:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205484 | 09/25/2020 15:37:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20205470 | 09/25/2020 15:23:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204842 | 09/24/2020 21:29:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20204636 | 09/24/2020 17:57:12 | 1541 | | THEFT EXCEPT AUTO THEFT | ADV |
| 20204483 | 09/24/2020 15:21:28 | 1541 | | THEFT-FROM AUTO | ADV |
| 20203918 | 09/23/2020 20:18:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203740 | 09/23/2020 17:34:00 | 1541 | | ASS-OOC ASSIST | RR |
| 20203680 | 09/23/2020 16:59:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20203589 | 09/23/2020 15:44:40 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20202547 | 09/22/2020 13:34:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20202386 | 09/22/2020 10:31:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201689 | 09/21/2020 17:01:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20201596 | 09/21/2020 15:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20201502 | 09/21/2020 13:34:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20200819 | 09/20/2020 17:55:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200734 | 09/20/2020 16:36:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200718 | 09/20/2020 16:23:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200659 | 09/20/2020 14:23:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200471 | 09/20/2020 07:42:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20200174 | 09/19/2020 21:29:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199872 | 09/19/2020 16:42:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20199556 | 09/19/2020 10:14:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20199522 | 09/19/2020 08:59:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198631 | 09/18/2020 13:45:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198431 | 09/18/2020 09:54:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20198351 | 09/18/2020 08:47:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197985 | 09/17/2020 19:27:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20197578 | 09/17/2020 12:51:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196819 | 09/16/2020 14:56:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196726 | 09/16/2020 13:05:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20196073 | 09/15/2020 18:55:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195319 | 09/14/2020 20:49:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195263 | 09/14/2020 19:50:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |



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|---|---|---|---|---|---|
| 20195250 | 09/14/2020 19:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20195198 | 09/14/2020 18:43:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194963 | 09/14/2020 15:33:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194813 | 09/14/2020 12:34:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194220 | 09/13/2020 18:06:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194185 | 09/13/2020 17:22:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20194032 | 09/13/2020 13:41:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20194001 | 09/13/2020 12:58:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20193978 | 09/13/2020 12:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193935 | 09/13/2020 10:51:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193562 | 09/12/2020 21:19:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193450 | 09/12/2020 18:53:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193405 | 09/12/2020 18:04:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193370 | 09/12/2020 17:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193246 | 09/12/2020 15:27:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193205 | 09/12/2020 14:34:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20193107 | 09/12/2020 12:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192694 | 09/11/2020 21:06:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192626 | 09/11/2020 19:54:36 | 1541 | | 911 HANGUP | SNR |
| 20192589 | 09/11/2020 19:11:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192418 | 09/11/2020 16:29:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192400 | 09/11/2020 16:07:04 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20192237 | 09/11/2020 11:17:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20192148 | 09/11/2020 08:43:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20191824 | 09/10/2020 21:44:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20190701 | 09/09/2020 16:30:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190615 | 09/09/2020 14:35:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20190612 | 09/09/2020 14:31:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190575 | 09/09/2020 13:42:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190310 | 09/09/2020 05:31:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20190230 | 09/09/2020 00:28:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189827 | 09/08/2020 15:57:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189594 | 09/08/2020 10:17:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189186 | 09/07/2020 19:33:36 | 1541 | | CRIMINAL DAMAGE TO PROPERTY | ADV |
| 20189060 | 09/07/2020 17:09:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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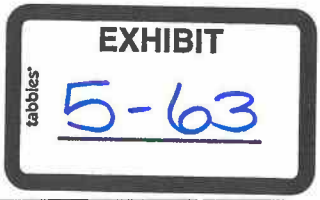
|---|---|---|---|---|---|
| 20189040 | 09/07/2020 16:54:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20189027 | 09/07/2020 16:41:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188956 | 09/07/2020 14:27:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20188494 | 09/06/2020 19:58:15 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20188159 | 09/06/2020 11:52:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187706 | 09/05/2020 21:50:15 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20187551 | 09/05/2020 19:01:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20187432 | 09/05/2020 16:49:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20186769 | 09/04/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20186207 | 09/04/2020 08:05:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20185873 | 09/03/2020 21:18:00 | 1541 | | AUTO THEFT-AUTOMOBILE | RR |
| 20185862 | 09/03/2020 20:53:57 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20185697 | 09/03/2020 18:37:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20185676 | 09/03/2020 18:23:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20184910 | 09/02/2020 21:42:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20183851 | 09/01/2020 17:37:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20183158 | 08/31/2020 21:20:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183099 | 08/31/2020 20:07:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183096 | 08/31/2020 20:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20183014 | 08/31/2020 18:35:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182720 | 08/31/2020 13:58:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182704 | 08/31/2020 13:44:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20182625 | 08/31/2020 12:23:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20182549 | 08/31/2020 11:02:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182454 | 08/31/2020 08:43:24 | 1541 | | MISSING PERSONS | GOA |
| 20182067 | 08/30/2020 18:44:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20182025 | 08/30/2020 17:43:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181787 | 08/30/2020 12:08:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181251 | 08/29/2020 18:12:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20181058 | 08/29/2020 14:16:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180994 | 08/29/2020 12:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180992 | 08/29/2020 12:34:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180977 | 08/29/2020 12:21:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180923 | 08/29/2020 10:50:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |



# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
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Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20180882 | 08/29/2020 09:33:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180840 | 08/29/2020 07:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20180424 | 08/28/2020 19:49:22 | 1541 | | OTHER ASSAULTS | ADV |
| 20180422 | 08/28/2020 19:48:20 | 1541 | | PREVIOUS CN | PCN |
| 20180416 | 08/28/2020 19:40:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20180129 | 08/28/2020 14:33:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180088 | 08/28/2020 13:45:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20180056 | 08/28/2020 13:11:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20179578 | 08/27/2020 21:48:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179435 | 08/27/2020 19:20:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20179165 | 08/27/2020 14:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178706 | 08/26/2020 21:13:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178584 | 08/26/2020 18:39:16 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20178157 | 08/26/2020 11:14:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20178091 | 08/26/2020 09:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177719 | 08/25/2020 21:02:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177401 | 08/25/2020 15:49:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20177290 | 08/25/2020 12:59:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176695 | 08/24/2020 18:29:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176691 | 08/24/2020 18:20:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176631 | 08/24/2020 17:26:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176528 | 08/24/2020 15:52:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176462 | 08/24/2020 14:20:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176389 | 08/24/2020 12:52:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176369 | 08/24/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176339 | 08/24/2020 11:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20176270 | 08/24/2020 10:02:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175933 | 08/23/2020 20:21:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175916 | 08/23/2020 19:43:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20175886 | 08/23/2020 19:06:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175789 | 08/23/2020 16:59:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175717 | 08/23/2020 14:31:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175630 | 08/23/2020 11:21:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20175241 | 08/22/2020 20:09:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20175091 | 08/22/2020 16:57:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

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|---|---|---|---|---|---|
| 20174464 | 08/21/2020 19:58:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174316 | 08/21/2020 17:17:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20174199 | 08/21/2020 14:44:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174168 | 08/21/2020 14:03:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174103 | 08/21/2020 12:28:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20174030 | 08/21/2020 10:36:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20173253 | 08/20/2020 12:59:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20173241 | 08/20/2020 12:38:12 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20172410 | 08/19/2020 14:16:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172236 | 08/19/2020 10:08:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20172145 | 08/19/2020 07:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20171790 | 08/18/2020 19:22:57 | 1541 | | OTHER ASSAULTS | SNR |
| 20171719 | 08/18/2020 18:16:44 | 1541 | | PREVIOUS CN | PCN |
| 20170815 | 08/17/2020 20:16:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170628 | 08/17/2020 17:10:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170608 | 08/17/2020 16:52:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170377 | 08/17/2020 12:31:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170365 | 08/17/2020 12:09:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170346 | 08/17/2020 11:52:36 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20170278 | 08/17/2020 10:28:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20170211 | 08/17/2020 09:03:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169985 | 08/16/2020 22:48:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169722 | 08/16/2020 17:11:13 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20169581 | 08/16/2020 14:08:00 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | RR |
| 20169430 | 08/16/2020 10:14:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20169042 | 08/15/2020 19:43:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168961 | 08/15/2020 18:15:37 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168949 | 08/15/2020 18:04:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168860 | 08/15/2020 16:30:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168736 | 08/15/2020 13:21:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168705 | 08/15/2020 12:37:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168655 | 08/15/2020 10:56:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168651 | 08/15/2020 10:53:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168330 | 08/14/2020 21:46:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168297 | 08/14/2020 20:55:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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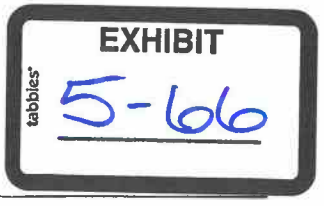
|---|---|---|---|---|---|
| 20168249 | 08/14/2020 20:02:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20168233 | 08/14/2020 19:36:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168148 | 08/14/2020 17:38:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20168054 | 08/14/2020 15:58:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167955 | 08/14/2020 13:38:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167902 | 08/14/2020 12:26:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167836 | 08/14/2020 11:03:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20167456 | 08/13/2020 22:06:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167307 | 08/13/2020 18:37:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20167198 | 08/13/2020 16:53:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166896 | 08/13/2020 09:26:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166607 | 08/12/2020 21:53:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166548 | 08/12/2020 20:33:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166333 | 08/12/2020 17:11:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20166325 | 08/12/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20166121 | 08/12/2020 12:41:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165911 | 08/12/2020 07:25:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165637 | 08/11/2020 21:52:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165547 | 08/11/2020 19:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165514 | 08/11/2020 18:46:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165355 | 08/11/2020 16:28:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165282 | 08/11/2020 14:39:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165226 | 08/11/2020 13:19:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20165217 | 08/11/2020 13:12:37 | 1541 | 21 | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164999 | 08/11/2020 07:59:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164756 | 08/10/2020 22:05:52 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164453 | 08/10/2020 17:15:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164438 | 08/10/2020 16:56:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164307 | 08/10/2020 14:57:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20164259 | 08/10/2020 13:42:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20164205 | 08/10/2020 12:30:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163781 | 08/09/2020 19:39:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163684 | 08/09/2020 17:28:00 | 1541 | | WARRANT ARREST-WHERE NO CN IS REF ON WARRANT | RR |
| 20163521 | 08/09/2020 12:52:23 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |



# Saint Paul Police Department
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|---|---|---|---|---|---|
| 20163512 | 08/09/2020 12:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163501 | 08/09/2020 12:02:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163477 | 08/09/2020 10:30:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20163422 | 08/09/2020 08:34:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162881 | 08/08/2020 17:10:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162598 | 08/08/2020 10:33:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20162150 | 08/07/2020 20:18:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161975 | 08/07/2020 17:46:10 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20161938 | 08/07/2020 17:16:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161910 | 08/07/2020 17:00:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161823 | 08/07/2020 15:18:21 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20161670 | 08/07/2020 12:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161567 | 08/07/2020 11:02:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20161351 | 08/07/2020 04:50:52 | 1541 | | ALARMS | ADV |
| 20161058 | 08/06/2020 19:03:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20160972 | 08/06/2020 17:51:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160888 | 08/06/2020 16:55:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160810 | 08/06/2020 15:14:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160515 | 08/06/2020 10:03:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160486 | 08/06/2020 09:34:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20160235 | 08/05/2020 23:22:26 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20160105 | 08/05/2020 20:28:53 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20159827 | 08/05/2020 16:26:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20159745 | 08/05/2020 15:06:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20159066 | 08/04/2020 21:31:49 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20158979 | 08/04/2020 20:04:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158912 | 08/04/2020 18:52:06 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20158791 | 08/04/2020 17:30:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158780 | 08/04/2020 17:23:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158663 | 08/04/2020 15:34:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158661 | 08/04/2020 15:31:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158558 | 08/04/2020 12:47:03 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |

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|---|---|---|---|---|---|
| 20158440 | 08/04/2020 09:06:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20158401 | 08/04/2020 08:19:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157935 | 08/03/2020 18:54:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157821 | 08/03/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157784 | 08/03/2020 17:11:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157606 | 08/03/2020 14:02:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157516 | 08/03/2020 12:31:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157494 | 08/03/2020 11:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157374 | 08/03/2020 09:10:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157075 | 08/02/2020 22:07:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20157018 | 08/02/2020 20:49:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156967 | 08/02/2020 19:41:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156851 | 08/02/2020 17:19:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156821 | 08/02/2020 17:04:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156791 | 08/02/2020 16:43:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156774 | 08/02/2020 16:29:11 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20156719 | 08/02/2020 15:14:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156614 | 08/02/2020 12:58:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156497 | 08/02/2020 09:57:27 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156484 | 08/02/2020 09:39:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156142 | 08/01/2020 22:09:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156129 | 08/01/2020 21:52:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156053 | 08/01/2020 20:40:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20156026 | 08/01/2020 20:24:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155963 | 08/01/2020 18:59:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155922 | 08/01/2020 18:07:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155911 | 08/01/2020 17:53:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155864 | 08/01/2020 17:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155813 | 08/01/2020 16:38:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155675 | 08/01/2020 13:13:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155478 | 08/01/2020 09:22:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155216 | 07/31/2020 23:29:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20155115 | 07/31/2020 21:34:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154945 | 07/31/2020 18:42:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154764 | 07/31/2020 16:42:57 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20154635 | 07/31/2020 14:19:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20154622 | 07/31/2020 13:51:12 | 1541 | | PERSON IN CRISIS | GOA |
| 20154541 | 07/31/2020 12:34:37 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20154470 | 07/31/2020 10:51:09 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20153934 | 07/30/2020 18:47:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153848 | 07/30/2020 17:44:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153288 | 07/30/2020 01:12:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153106 | 07/29/2020 20:49:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20153097 | 07/29/2020 20:37:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152984 | 07/29/2020 18:31:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152950 | 07/29/2020 18:07:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152927 | 07/29/2020 17:51:09 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152885 | 07/29/2020 17:19:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152543 | 07/29/2020 10:17:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20152009 | 07/28/2020 17:39:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151983 | 07/28/2020 17:12:55 | 1541 | | THEFT EXCEPT AUTO THEFT | SNR |
| 20151946 | 07/28/2020 16:47:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151943 | 07/28/2020 16:43:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151595 | 07/28/2020 09:04:53 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151389 | 07/28/2020 00:15:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151156 | 07/27/2020 19:02:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151143 | 07/27/2020 18:50:46 | 1541 | | PREVIOUS CN | PCN |
| 20151134 | 07/27/2020 18:39:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151099 | 07/27/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20151001 | 07/27/2020 16:25:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150972 | 07/27/2020 15:29:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150822 | 07/27/2020 11:40:52 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20150819 | 07/27/2020 11:36:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150653 | 07/27/2020 07:29:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150423 | 07/26/2020 21:43:45 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20150411 | 07/26/2020 21:19:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150317 | 07/26/2020 19:18:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150313 | 07/26/2020 19:15:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150282 | 07/26/2020 18:44:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150230 | 07/26/2020 17:53:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

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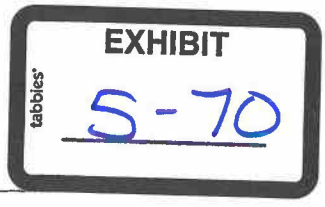
Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20150208 | 07/26/2020 17:33:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20150172 | 07/26/2020 17:02:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150161 | 07/26/2020 16:51:51 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150031 | 07/26/2020 12:54:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20150029 | 07/26/2020 12:47:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149640 | 07/25/2020 21:17:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149445 | 07/25/2020 17:22:46 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149419 | 07/25/2020 17:01:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20149392 | 07/25/2020 16:45:22 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20149221 | 07/25/2020 11:31:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148531 | 07/24/2020 17:23:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20148513 | 07/24/2020 17:03:04 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20148183 | 07/24/2020 10:35:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20147748 | 07/23/2020 19:38:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146950 | 07/22/2020 21:13:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146827 | 07/22/2020 18:41:31 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146815 | 07/22/2020 18:30:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146763 | 07/22/2020 17:37:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146728 | 07/22/2020 17:08:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146692 | 07/22/2020 16:42:44 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20146365 | 07/22/2020 09:11:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20146041 | 07/21/2020 21:04:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145886 | 07/21/2020 18:04:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145757 | 07/21/2020 16:19:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145164 | 07/20/2020 21:55:23 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20145081 | 07/20/2020 20:13:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20145047 | 07/20/2020 19:27:00 | 1541 | | DISTURBANCE-DISORDERLY CONDUCT | RR |
| 20145043 | 07/20/2020 19:22:32 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144927 | 07/20/2020 17:29:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144885 | 07/20/2020 16:58:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144866 | 07/20/2020 16:46:14 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144707 | 07/20/2020 13:30:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144657 | 07/20/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144655 | 07/20/2020 12:16:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144580 | 07/20/2020 10:00:00 | 1541 | | ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD | RR |



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|---|---|---|---|---|---|
| 20144295 | 07/19/2020 23:11:51 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144169 | 07/19/2020 20:12:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144132 | 07/19/2020 19:20:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20144129 | 07/19/2020 19:06:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20144095 | 07/19/2020 18:12:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143948 | 07/19/2020 14:03:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143872 | 07/19/2020 11:05:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143772 | 07/19/2020 07:34:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143433 | 07/18/2020 20:10:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143146 | 07/18/2020 15:39:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143031 | 07/18/2020 12:49:29 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20143027 | 07/18/2020 12:46:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20143020 | 07/18/2020 12:30:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142285 | 07/17/2020 17:00:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20142274 | 07/17/2020 16:52:29 | 1541 | | PREVIOUS CN | PCN |
| 20142087 | 07/17/2020 12:25:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20141606 | 07/16/2020 21:04:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20141447 | 07/16/2020 18:35:02 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20140964 | 07/16/2020 08:38:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140832 | 07/16/2020 01:02:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20140563 | 07/15/2020 17:05:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139967 | 07/14/2020 21:47:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139829 | 07/14/2020 18:42:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20139350 | 07/14/2020 08:57:03 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20139086 | 07/13/2020 22:19:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138252 | 07/12/2020 21:44:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138154 | 07/12/2020 19:30:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20138102 | 07/12/2020 18:13:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137988 | 07/12/2020 15:52:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137849 | 07/12/2020 11:05:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137190 | 07/11/2020 17:36:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20137111 | 07/11/2020 16:17:55 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136981 | 07/11/2020 12:13:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136972 | 07/11/2020 11:57:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136922 | 07/11/2020 10:14:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20136491 | 07/10/2020 21:13:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136453 | 07/10/2020 20:17:29 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136351 | 07/10/2020 18:39:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20136300 | 07/10/2020 17:56:48 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136231 | 07/10/2020 16:49:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136218 | 07/10/2020 16:33:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136090 | 07/10/2020 13:25:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20136043 | 07/10/2020 12:19:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135545 | 07/09/2020 20:18:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135509 | 07/09/2020 19:37:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135500 | 07/09/2020 19:30:21 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20135425 | 07/09/2020 18:26:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135416 | 07/09/2020 18:20:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20135282 | 07/09/2020 16:49:01 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20135234 | 07/09/2020 16:05:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134645 | 07/08/2020 20:59:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134617 | 07/08/2020 20:16:59 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134416 | 07/08/2020 16:28:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134371 | 07/08/2020 15:15:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20134360 | 07/08/2020 15:00:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20134201 | 07/08/2020 10:14:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20133381 | 07/07/2020 09:10:47 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20133140 | 07/06/2020 22:52:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132802 | 07/06/2020 16:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132655 | 07/06/2020 12:19:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20132509 | 07/06/2020 09:04:00 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131775 | 07/05/2020 09:09:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20131146 | 07/04/2020 18:54:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20131114 | 07/04/2020 18:02:11 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20130946 | 07/04/2020 12:21:18 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20130415 | 07/03/2020 18:33:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129756 | 07/02/2020 21:02:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129691 | 07/02/2020 19:29:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129557 | 07/02/2020 16:52:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20129539 | 07/02/2020 16:35:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20129028 | 07/01/2020 22:34:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128809 | 07/01/2020 17:32:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128709 | 07/01/2020 15:32:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128585 | 07/01/2020 12:23:41 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20128267 | 06/30/2020 23:37:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128174 | 06/30/2020 21:36:50 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20128054 | 06/30/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127979 | 06/30/2020 17:23:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127686 | 06/30/2020 08:52:35 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20127324 | 06/29/2020 19:37:00 | 1541 | | DISTURBANCE-TRESPASSING | RR |
| 20127275 | 06/29/2020 18:28:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127202 | 06/29/2020 17:16:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127096 | 06/29/2020 14:32:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127054 | 06/29/2020 13:21:42 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127009 | 06/29/2020 12:20:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20127006 | 06/29/2020 12:11:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126913 | 06/29/2020 08:57:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20126571 | 06/28/2020 19:10:25 | 1541 | | ASS-ASSIST FIRE/AMBULANCE | ADV |
| 20126427 | 06/28/2020 14:48:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20126341 | 06/28/2020 12:21:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125894 | 06/27/2020 20:57:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125771 | 06/27/2020 18:34:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125668 | 06/27/2020 16:45:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125572 | 06/27/2020 13:42:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20125387 | 06/27/2020 05:25:02 | 1541 | | ALARMS | FA |
| 20125262 | 06/27/2020 00:19:04 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20125092 | 06/26/2020 20:50:05 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20125014 | 06/26/2020 20:16:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124963 | 06/26/2020 19:13:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124949 | 06/26/2020 19:01:07 | 1541 | | INVESTIGATE-CODE ENFORCEMENT | ADV |
| 20124940 | 06/26/2020 18:48:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124910 | 06/26/2020 18:15:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124621 | 06/26/2020 13:02:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124576 | 06/26/2020 12:19:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124536 | 06/26/2020 11:32:18 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

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|---|---|---|---|---|---|
| 20124479 | 06/26/2020 10:17:59 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20124465 | 06/26/2020 09:58:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123894 | 06/25/2020 18:03:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123851 | 06/25/2020 17:21:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123748 | 06/25/2020 15:10:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123527 | 06/25/2020 09:26:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123306 | 06/24/2020 23:10:04 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20123305 | 06/24/2020 23:09:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123271 | 06/24/2020 22:36:52 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123179 | 06/24/2020 20:48:05 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123104 | 06/24/2020 18:53:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123038 | 06/24/2020 17:19:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20123035 | 06/24/2020 17:16:22 | 1541 | | PFP - PROACTIVE FOOT PATROLS | ADV |
| 20122895 | 06/24/2020 13:00:08 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20122542 | 06/23/2020 22:07:57 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122524 | 06/23/2020 21:36:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122464 | 06/23/2020 20:02:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122356 | 06/23/2020 17:51:07 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122310 | 06/23/2020 16:57:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20122263 | 06/23/2020 16:03:45 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122067 | 06/23/2020 10:46:58 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20122049 | 06/23/2020 10:14:26 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121728 | 06/22/2020 22:27:22 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121649 | 06/22/2020 20:38:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121574 | 06/22/2020 18:50:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121558 | 06/22/2020 18:33:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121533 | 06/22/2020 18:08:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121465 | 06/22/2020 16:52:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121455 | 06/22/2020 16:34:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121383 | 06/22/2020 14:49:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121212 | 06/22/2020 10:31:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20121084 | 06/22/2020 07:37:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120837 | 06/21/2020 21:49:35 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120826 | 06/21/2020 21:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20120706 | 06/21/2020 18:26:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20120654 | 06/21/2020 17:08:24 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20120589 | 06/21/2020 15:14:00 | 1541 | | WEAPONS-RECKLESS DISCHARG OF FIREARM | RR |
| 20119971 | 06/20/2020 19:38:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119966 | 06/20/2020 19:34:33 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119823 | 06/20/2020 17:15:39 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20119730 | 06/20/2020 14:48:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119717 | 06/20/2020 14:13:58 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119650 | 06/20/2020 12:29:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119643 | 06/20/2020 12:19:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119141 | 06/19/2020 20:21:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20119042 | 06/19/2020 18:32:17 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | GOA |
| 20119009 | 06/19/2020 18:01:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118866 | 06/19/2020 14:47:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20118850 | 06/19/2020 14:27:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118847 | 06/19/2020 14:21:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20118756 | 06/19/2020 11:12:13 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117774 | 06/17/2020 21:48:01 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117614 | 06/17/2020 16:57:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117539 | 06/17/2020 15:16:20 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117524 | 06/17/2020 14:44:54 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20117344 | 06/17/2020 00:00:00 | 1541 | | PREDATORY OFFENDER | RR |
| 20116947 | 06/16/2020 17:32:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20116288 | 06/15/2020 17:19:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116148 | 06/15/2020 13:37:45 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116101 | 06/15/2020 12:34:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20116100 | 06/15/2020 12:33:49 | 1541 | | OFF DUTY EMPLOYMENT | ADV |
| 20116081 | 06/15/2020 12:02:00 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20115725 | 06/14/2020 20:03:05 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20115644 | 06/14/2020 16:40:00 | 1541 | | FAMILY/CHILDREN-VIOLATION OF RESTRAINING ORDER | RR |
| 20114451 | 06/12/2020 20:23:25 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20113620 | 06/11/2020 17:08:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20113480 | 06/11/2020 13:08:24 | 1541 | | SPECIAL OR OTHER DETAIL | ADV |
| 20113294 | 06/11/2020 04:36:34 | 1541 | | PREVIOUS CN | PCN |

# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20113064 | 06/10/2020 19:26:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20112992 | 06/10/2020 17:12:00 | 1541 | | ROBBERY-HIGHWAY,STRONG ARM | RR |
| 20112798 | 06/10/2020 12:18:44 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20112366 | 06/09/2020 17:39:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111605 | 06/08/2020 15:46:12 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20111581 | 06/01/2020 21:27:00 | 1541 | | ASSAULT-OTHER ASSAULTS,ALL | RR |
| 20111031 | 06/07/2020 17:09:23 | 1541 | | INVESTIGATE-CIVIL PROBLEM | ADV |
| 20110961 | 06/07/2020 15:30:21 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110950 | 06/07/2020 14:43:45 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | Unfou |
| 20110389 | 06/06/2020 15:36:43 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20110282 | 06/06/2020 11:09:54 | 1541 | | PREVIOUS CN | PCN |
| 20110021 | 06/05/2020 21:52:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20109975 | 06/05/2020 20:35:41 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20109199 | 06/04/2020 17:32:10 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20108130 | 06/03/2020 11:38:44 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20106546 | 06/01/2020 21:44:21 | 1541 | | INVESTIGATE-AND ALL OTHER | CAN |
| 20106541 | 06/01/2020 19:55:11 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | CAN |
| 20104381 | 05/31/2020 15:16:46 | 1541 | | INVESTIGATE-AND ALL OTHER | Unfou |
| 20104237 | 05/31/2020 09:02:04 | 1541 | | PREVIOUS CN | PCN |
| 20103566 | 05/30/2020 21:00:50 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20103452 | 05/30/2020 18:52:45 | 1541 | | DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY | ADV |
| 20101550 | 05/28/2020 16:58:48 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20100730 | 05/26/2020 16:30:00 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN | RR |
| 20100343 | 05/26/2020 20:08:44 | 1541 | | TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN | CAN |
| 20100303 | 05/26/2020 19:38:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100271 | 05/26/2020 17:00:00 | 1541 | | DRUGS-POSS OF MARIJUANA | RR |
| 20100201 | 05/26/2020 17:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100193 | 05/26/2020 17:35:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20100069 | 05/26/2020 15:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099810 | 05/26/2020 10:11:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099803 | 05/26/2020 10:00:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |

# Saint Paul Police Department
## Address/Intersection Report

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|---|---|---|---|---|---|
| 20099457 | 05/25/2020 21:35:48 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20099369 | 05/25/2020 20:13:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099189 | 05/25/2020 16:44:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099124 | 05/25/2020 15:11:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20099030 | 05/25/2020 13:07:39 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098893 | 05/25/2020 10:01:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098546 | 05/24/2020 21:34:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098375 | 05/24/2020 18:15:27 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098279 | 05/24/2020 16:57:28 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20098260 | 05/24/2020 16:44:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20098098 | 05/24/2020 11:50:55 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20097520 | 05/23/2020 18:09:46 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20097433 | 05/23/2020 16:56:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20096748 | 05/22/2020 20:35:57 | 1541 | | DISTURBANCE-FIGHTS | ADV |
| 20096544 | 05/22/2020 17:01:06 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20096478 | 05/22/2020 15:30:40 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095920 | 05/21/2020 20:32:19 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095809 | 05/21/2020 18:06:51 | 1541 | | TRAFFIC-STOP/ADVISE | ADV |
| 20095800 | 05/21/2020 17:55:30 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20095742 | 05/21/2020 16:59:47 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20095725 | 05/21/2020 16:35:55 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094981 | 05/20/2020 17:29:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20094953 | 05/20/2020 17:08:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094857 | 05/20/2020 15:29:07 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094730 | 05/20/2020 12:05:02 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094224 | 05/19/2020 19:11:49 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094141 | 05/19/2020 17:40:36 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20094043 | 05/19/2020 16:07:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093417 | 05/18/2020 20:28:08 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093221 | 05/18/2020 16:43:16 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20093088 | 05/18/2020 13:22:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20092941 | 05/18/2020 09:29:04 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091219 | 05/15/2020 16:53:38 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20091149 | 05/15/2020 15:19:11 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20089871 | 05/13/2020 16:21:15 | 1541 | | DISTURBANCE-DISORDERLY | ADV |

# Saint Paul Police Department
## Address/Intersection Report

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|---|---|---|---|---|---|
| | | | | BOYS,GIRLS,PERSONS | |
| 20086225 | 05/07/2020 22:21:28 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086212 | 05/07/2020 22:01:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20086019 | 05/07/2020 16:53:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20085993 | 05/07/2020 16:26:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20084080 | 05/04/2020 19:20:30 | 1541 | | DRUGS-NARCOTICS | ADV |
| 20083431 | 05/03/2020 19:32:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20081239 | 04/30/2020 19:23:03 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20081128 | 04/30/2020 17:03:05 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20080635 | 04/29/2020 21:00:24 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20080522 | 04/29/2020 17:22:56 | 1541 | | PREVIOUS CN | PCN |
| 20079021 | 04/27/2020 12:12:56 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20079012 | 04/27/2020 11:44:16 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20078450 | 04/26/2020 14:24:00 | 1541 | | TRAFFIC VIOLATION-DRIVING AFTER REVOCATION | RR |
| 20077709 | 04/25/2020 13:12:45 | 1541 | | TRAFFIC VIOLATION-DANGEROUS CONDITIONS | GOA |
| 20077188 | 04/24/2020 18:42:41 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077165 | 04/24/2020 18:08:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20077157 | 04/24/2020 18:00:25 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076625 | 04/23/2020 21:05:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076611 | 04/23/2020 20:39:06 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076587 | 04/23/2020 20:02:34 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20076456 | 04/23/2020 15:56:00 | 1541 | | WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS | R |
| 20074088 | 04/19/2020 14:47:54 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20072950 | 04/17/2020 17:29:00 | 1541 | | WARRANT-OOC WARRANT SERVED | RR |
| 20069618 | 04/11/2020 16:00:20 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20069142 | 04/10/2020 17:45:38 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20067853 | 04/08/2020 10:31:00 | 1541 | | ANIMAL CALLS-COMPLAINTS,NOT ANIMAL BITES | ADV |
| 20067636 | 04/07/2020 22:52:15 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20067424 | 04/07/2020 16:39:32 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20064894 | 04/03/2020 14:09:01 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |

EXHIBIT
tabbies
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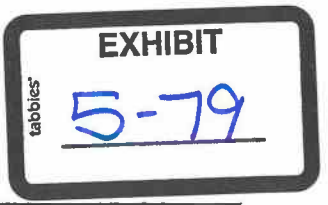
# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20062710 | 03/30/2020 17:09:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20062358 | 03/30/2020 01:43:25 | 1541 | | ALARMS | FA |
| 20062353 | 03/30/2020 01:32:52 | 1541 | | ALARMS | FA |
| 20062147 | 03/29/2020 17:52:39 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061599 | 03/28/2020 14:08:47 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20061053 | 03/27/2020 15:10:30 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20060568 | 03/26/2020 18:17:00 | 1541 | | INVESTIGATE-AND ALL OTHER | RR |
| 20060529 | 03/26/2020 17:14:00 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20059263 | 03/24/2020 12:41:28 | 1541 | | DISTURBANCE-FIGHTS | Unfou |
| 20057559 | 03/21/2020 03:50:37 | 1541 | | ALARMS | ADV |
| 20057310 | 03/20/2020 18:03:07 | 1541 | | ASS-ASSIST OTHER AGENCY | ADV |
| 20053196 | 03/05/2020 09:59:00 | 1541 | | AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | RR |
| 20051608 | 03/11/2020 19:13:27 | 1541 | | INVESTIGATE-AND ALL OTHER | GOA |
| 20051403 | 03/11/2020 14:25:00 | 1541 | | CRIMINAL DAMAGE TO PROPERTY (MISDEMEANOR UNDER $500) | RR |
| 20051237 | 03/11/2020 10:25:17 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20050048 | 03/09/2020 16:53:08 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20049380 | 03/08/2020 17:17:15 | 1541 | | TRAFFIC-STOP/ADVISE | TAG |
| 20048712 | 03/07/2020 18:13:56 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20048116 | 03/06/2020 20:53:43 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | GOA |
| 20048012 | 03/06/2020 18:32:31 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20047335 | 03/05/2020 21:47:00 | 1541 | | OBSTRUCTING-FLEEING A POLICE OFFICER | RR |
| 20046623 | 03/04/2020 22:01:26 | 1541 | | CHECK WELFARE | GOA |
| 20046523 | 03/04/2020 19:16:33 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20044443 | 03/02/2020 07:47:35 | 1541 | | ALARMS | FA |
| 20044008 | 03/01/2020 16:58:54 | 1541 | | DISTURBANCE-FIGHTS | GOA |
| 20041830 | 02/27/2020 17:40:30 | 1541 | | FRAUD | ADV |
| 20041608 | 02/27/2020 12:47:31 | 1541 | | CHECK WELFARE | ADV |
| 20041288 | 02/26/2020 22:38:23 | 1541 | | POLICE VISIT-PROACTIVE POLICE VISIT | ADV |
| 20039523 | 02/24/2020 15:26:00 | 1541 | | DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS | ADV |
| 20038755 | 02/23/2020 13:08:45 | 1541 | | ASS-ASSIST CITIZEN CALLS, ALL | ADV |
| 20038007 | 02/22/2020 11:38:30 | 1541 | | ASS-ASSIST OTHER AGENCY | GOA |



# Saint Paul Police Department
## Address/Intersection Report

Address Search: 1541 MARYLAND AV E
Incident date from 02/10/2020 to 02/10/2021
(Sector 3, Grid 38)

Total Records: 786

| Complaint # | Occur Date & Time | House No | Apt# | Incident Type | Dispo |
|---|---|---|---|---|---|
| 20037969 | 02/22/2020 10:03:10 | 1541 | | FRAUD | ADV |
| 20037777 | 02/22/2020 01:08:00 | 1541 | | WEAPONS-POSS FIREARM BY FELON | RR |
| 20036977 | 02/21/2020 00:19:54 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |
| 20036974 | 02/21/2020 00:05:03 | 1541 | | ALARMS | FA |
| 20036734 | 02/20/2020 17:33:56 | 1541 | | INVESTIGATE-AND ALL OTHER | ADV |

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-026555

| | | | | | |
|---|---|---|---|---|---|
| **Incident:** | 70 INVESTIGATE-AND ALL OTHER | | | | |
| **Location:** | 1541 MARYLAND AV E | | | | |
| **Locale:** | Sam's Dairy [1541] | **Sector/Grid:** | 3 38 | | |
| **Call Date:** | 02/08/2021 11:34:24 | **Disposition:** | Advise/Assist | | |
| **Occur Date:** | 02/08/2021 | **Priority:** | 2A | **Time Received:** | 11:34:24 |
| **OccurTime:** | 11:34:24 | **Source:** | Officer | **Time Sent:** | 11:34:24 |
| **Caller information** | | **Fire/Amb:** | | **Time Arrived:** | 11:34:24 |
| **Name:** | | **EDP:** | | **Time Cleared:** | 11:49:00 |
| **Address:** | | **Alarm:** | | **ECC Console:** | 03 |
| **Phone:** | | | | | |

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Linssen, John R
*District:*
*Site:*
*BodyCam?* Yes *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106
*Date & time of occurrence:* 02/08/2021 11:34:00 *to*
02/08/2021 11:49:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## NAMES

**Other**

Abukhudeer, Zakariya
520 LAKE ELMO AV N
LAKE ELMO, MN 55042

*Nicknames or Aliases*

*Nick Name:*
*Alias:*
*AKA First Name:*
*AKA Last Name:*

*Details*

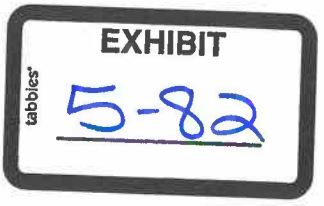
*Sex:* Male *Race:* Other *DOB:* 10/12/1996 *Resident Status:*
*Hispanic:* *Age:* 24 *from* *to*

*Phones*

*Home:* 612-212-8558 *Cell:* *Contact:* 612-212-8558
*Work:* 651-771-4999 *Fax:* *Pager:*

*Employment*

*Occupation:* Licensee *Employer:* The One Stop Market LLC



Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

**Identification**

SSN: | License or ID#: | License State:

**Physical Description**

| | | | | | |
|---|---|---|---|---|---|
| US: | | Metric: | | | |
| Height: | to | Build: | Hair Length: | Hair Color: | |
| Weight: | to | Skin: | Facial Hair: | Hair Type: | |
| Teeth: | | Eye Color: | Blood Type: | | |

**Other**

The One Stop Market
1541 MARYLAND AV E
ST PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: | AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: | Employer:

**Identification**

SSN: | License or ID#: | License State:

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*

*Photos Taken:* *Stolen Property Traceable:*

*Evidence Turned In:* *Property Turned In:*

*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*

*Narcotic Analysis:* *Items Fingerprinted:*

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>LAKE ELMO, MN 55042 | 612-212-8558 |
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST PAUL, MN 55106 | |

## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I review police reports and complaints that involve nuisance related activity that negatively effects the quality of life of neighboring residents and citizens in the city of St. Paul. I also assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions that they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

Recently, Adverse Action had been taken by the Department of Safety & Inspection (DSI) against the One Stop Market, 1541 Maryland Ave E. for licensing violations conditions #2 & #3 and also included the alleged sales of single menthol cigarettes at the business. These violations were documented under SPPD CN's 20-076-456, 20-062-710, 20-144-580. A notice of violation letter was sent out on 9-10-20, by the City Attorney's Office recommending an upward departure two boxes on the matrix penalty scale to a $2,000 fine and a 10-day suspension of the cigarette/tobacco license.

In addition, on 1-18-21, St. Paul Police responded to the business on a report of a shooting under CN 21-011-884, in which one person sustained injury. As a result of this incident, a video request letter was mailed out on 1-21-21 and additional licensing violations, specifically related to license condition #2 was documented under CN 21-026-681. Also several flavored tobacco products were captured being sold to customers and noted by DSI Inspector Joe Voyda.

It should be noted that in the past one year period between (02/09/20 & 02/09/21), this property has generated

EXHIBIT tabbies 5-84

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

(786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

On 2-8-20 at 1134 hrs, I assisted DSI Licensing Inspector Voyda with a follow up inspection regarding a licensing complaint. During our visit I was wearing my SPPD issued Body Worn Camera (BWC), which captured the inspection. Upon entry, Inspector Voyda and I made contact with the (2) employees working behind the front counter and identified ourselves. One of the employees verbally identified himself as (ABUKHUDEER, ZAKARIYA), who is the licensee holder. ABUKHUDEER was then informed of the purpose of our visit and that it was in reference to a complaint received. Inspector Voyda added that the purpose was to ensure that the business was remaining compliant with City ordinance 324.07 (f). I stood by while Inspector Voyda spoke to ABUKHUDEER and began his inspection.

During the inspection, I observed Inspector Voyda locate and photograph multiple flavored tobacco products that were displayed in open view behind the sales counter. in the sales area. Inspector Voyda checked several other areas within the store and advised his inspection was complete. Inspector Voyda then advised ABUKHUDEER the business was not authorized to sell these items and to remove all flavored products from behind the sales area and off the premise. ABUKHUDEER complied with the orders and Inspector Voyda and I escorted AUKHUDEER out of the store and to his vehicle, where he secured the flavored tobacco products. Contact information was left with ALRUBAYE and we cleared from the scene.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference CN* | *Date and Time of Report* |
|---|---|---|
| 21026555 | 21011884 | 02/10/2021 15:08:58 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

On 2-8-21, at 1134 hrs, St. Paul Police assisted the Department of Safety & Inspection with conducting an inspection at The One Stop Market, 1541 Maryland Ave E. This inspection was in reference to a previous complaint received by DSI of cigarette/tobacco license violations. During the inspection, on 2-8-20, licensing violations were observed by both the DSI Licensing inspector and a St. Paul, Police Sergeant. The violations witnessed included the presence of flavored tobacco products that were behind the front counter in the sales area. The business is currently not authorized to sell flavored tobacco products. Incident documented on Body Worn Camera and photos taken by Licensing Inspector.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Graupman, Charles A
*District:* East District
*Site:*
*BodyCam?* No *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106
*Date & time of occurrence:* 02/10/2021 15:10:00 *to*
02/10/2021 15:10:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## SOLVABILITY FACTORS

*Suspect can be Identified:*
*By:*
*Photos Taken:*
*Stolen Property Traceable:*
*Evidence Turned In:*
*Property Turned In:*
*Related Incident:*

*Lab*

*Biological Analysis:*
*Fingerprints Taken:*
*Narcotic Analysis:*
*Items Fingerprinted:*
*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|

## NARRATIVE

On 2/10/21, I received this case on transfer for review and investigation due to the documented code and life safety concerns related to the property. I then began by reviewing all of the included reports and information, as well as any pictures if applicable. The reports on all parties involved were reviewed to determine the course

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference CN* | *Date and Time of Report* |
|---|---|---|
| 21026555 | | 02/10/2021 15:12:11 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

of investigation, as well as the level and probability of solvability. This is all done for information gathering purposes, as well as possible future criminal charges.

The original report along with the associated reports noted with the case file have been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Case will be noted.

**PUBLIC NARRATIVE**

Last page of the report

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-026681

| | | | | | |
|---|---|---|---|---|---|
| **Incident:** | 74 INVESTIGATE-CODE ENFORCEMENT | | | | |
| **Location:** | 375 JACKSON ST | | | | |
| **Locale:** | ST PAUL SAFETY AND INSPECTION | **Sector/Grid:** | 2 153 | | |
| **Call Date:** | 02/08/2021 15:30:44 | **Disposition:** | Records received | | |
| **Occur Date:** | 01/21/2021 | **Priority:** | 4 | **Time Received:** | 15:30:44 |
| **OccurTime:** | 15:30:00 | **Source:** | Phone | **Time Sent:** | 15:30:44 |
| **Caller information** | | **Fire/Amb:** | | **Time Arrived:** | 15:30:44 |
| **Name:** | | **EDP:** | | **Time Cleared:** | 15:31:10 |
| **Address:** | | **Alarm:** | | **ECC Console:** | 31 |
| **Phone:** | | | | | |

### BUSINESSES

1541 MARYLAND AV E, ST. PAUL, MN 55106

EXHIBIT
tabbies
5-89

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*
INVESTIGATE-CODE ENFORCEMENT

*Primary Reporting Officer:* Graupman, Charles A
*Primary squad:*
*Secondary reporting officer:*
*Approver:* Mcquay, Jeremiah J
*District:* Central District
*Site:*
*BodyCam?* No *Squad Video* None
*Arrest made:*
*Secondary offense:*

*Name of location/business:*
*Location of incident:* 375 JACKSON ST
ST PAUL, MN 55101
*Date & time of occurrence:* 01/21/2021 15:30:00 *to* 02/08/2021 15:41:00

*Police Officer Assaulted or Injured:*
*Police Officer Assisted Suicide:*
*Crime Scene Processed:*

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

*Attempt Only:*
*Appears to be Gang Related:*

## NAMES

**Other**

Abukhudeer, Zakariya
520 LAKE ELMO AV N
ST. PAUL, MN 55042

*Nicknames or Aliases*

*Nick Name:*
*Alias:*
*AKA First Name:*
*AKA Last Name:*

*Details*

*Sex:* Male *Race:* Other *DOB:* *Resident Status:*
*Hispanic:* *Age:* *from* *to*

*Phones*

*Home:* 612-212-8558 *Cell:* *Contact:* 612-212-8558
*Work:* *Fax:* *Pager:*

*Employment*

*Occupation:* Licensee *Employer:* One Stop Market

EXHIBIT
tabbies
5-90

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

**Identification**

SSN: | License or ID#: | License State:

**Physical Description**

| | | | | |
|---|---|---|---|---|
| US: | | Metric: | | |
| Height: | to | Build: | Hair Length: | Hair Color: |
| Weight: | to | Skin: | Facial Hair: | Hair Type: |
| Teeth: | | Eye Color: | Blood Type: | |

**Other**

1541 MARYLAND AV E
ST. PAUL, MN 55106

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name: | AKA Last Name:

**Details**

| | | | | | |
|---|---|---|---|---|---|
| Sex: | Race: | DOB: | | | Resident Status: |
| | Hispanic: | Age: | from | to | |

**Phones**

| | | |
|---|---|---|
| Home: | Cell: | Contact: 651-771-4999 |
| Work: 651-771-4999 | Fax: | Pager: |

**Employment**

Occupation: | Employer:

**Identification**

SSN: | License or ID#: | License State:

EXHIBIT
tabbies
591

SP3A09D5CB5619F

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*

*Photos Taken:* *Stolen Property Traceable:*

*Evidence Turned In:* *Property Turned In:*

*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*

*Narcotic Analysis:* *Items Fingerprinted:*

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | Abukhudeer, Zakariya | 520 LAKE ELMO AV N<br>ST. PAUL, MN 55042 | 612-212-8558 |
| Other | Twins Market & Meat | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

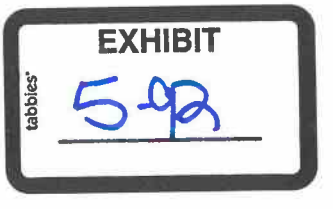
## NARRATIVE

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 1-19-21, I was made aware of an incident that occurred on 1-18-21 at 1338 hrs, where St. Paul Police responded to The One Stop Market, 1541 Maryland Ave E. for a report of a person who had been shot in the parking lot under SPPD CN (21-011-884). The victim was taken to Regions Hospital by private vehicle. The victim was later interviewed by police and had non-life threatening injuries. Responding officers recovered (6) 9mm casings near the scene. Officers also spoke with employees at the business who advised a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer. This is an ongoing investigation.

In the past one year period between (02/09/20 & 02/09/21), this property has generated (786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

In addition, this property has a current & open Department of Safety & Inspection Adverse Action case for multiple licensing violations. Specifically, violations of conditions #2, & #3 of the license requirements and also the unauthorized sale of menthol flavored cigarettes.



Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

---

Listed below are the current licensing conditions of The One Stop Market:

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.

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 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 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.

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 place in front of the window.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 1/21/21 at 1300 hrs., DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video of the business. The requested video was noted in the letter and coincided with the above SPPD CN referenced. The time period of the request was for the time period starting on: Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. on Monday January 18, 2021.

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, January 25, 2021. Two copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

The second copy I hand delivered to the business at 1330 hrs. on 1-21-21. I made contact with a male employee working the front counter and advised him to deliver the letter, which was sealed in an envelope to the manager on duty.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

Saint Paul Police Department

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference CN* | *Date and Time of Report* |
|---|---|---|
| 21026681 | 21011884 | 02/09/2021 14:31:40 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

## PUBLIC NARRATIVE

DSI Investigation.

Last page of the report

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

Primary offense:

INVESTIGATE-CODE ENFORCEMENT

Primary Reporting Officer: Graupman, Charles A
Primary squad:
Secondary reporting officer:
Approver: Graupman, Charles A
District: East District
Site:
BodyCam? No Squad Video None
Arrest made:
Secondary offense:

Name of location/business:
Location of incident: 375 JACKSON ST
ST. PAUL, MN 55106
Date & time of occurrence: 01/25/2021 15:45:00 to
02/10/2021 10:38:00

Police Officer Assaulted or Injured:
Police Officer Assisted Suicide:
Crime Scene Processed:

## OFFENSE DETAILS

### INVESTIGATE-CODE ENFORCEMENT

Attempt Only:
Appears to be Gang Related:

## NAMES

**Other**

The One Stop Market
1541 MARYLAND AV E
ST. PAUL, MN 55106

*Nicknames or Aliases*

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

*Details*

Sex: Race: DOB: Resident Status:
Hispanic: Age: from to

*Phones*

Home: Cell: Contact: 651-771-4999
Work: 651-771-4999 Fax: Pager:

*Employment*

Occupation: Employer:

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

*Identification*

*SSN:* *License or ID#:* *License State:*

## SOLVABILITY FACTORS

*Suspect can be Identified:* *By:*

*Photos Taken:* *Stolen Property Traceable:*

*Evidence Turned In:* *Property Turned In:*

*Related Incident:*

*Lab*

*Biological Analysis:* *Fingerprints Taken:*

*Narcotic Analysis:* *Items Fingerprinted:*

*Lab Comments:*

## Participants:

| Person Type: | Name: | Address: | Phone: |
|---|---|---|---|
| Other | The One Stop Market | 1541 MARYLAND AV E<br>ST. PAUL, MN 55106 | |

## NARRATIVE

On 1/25/21, at 1545 hrs., I received the requested video that was turned into DSI front counter staff from The One Stop Market, 1541 Maryland Ave E. The requested video was contained on (1) flash drive. Prior to viewing the video, I noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This was also documented in a supplemental under SPPD (CN 21-011-884), by Video Management Technician Richard Bertholf, who had recovered a separate video from the business for the same date and similar time period. I then began to review the video using my office computer and noted the following:

While viewing camera #10, which covers the exterior parking lot and faces S/W towards the intersection of Maryland/Hazelwood, I made several observations prior to the shooting that occurred.

At 12:19 hrs., I observed 2 vehicles, #1 black Chevrolet SUV, #2 black Dodge Caliber arrive. Both vehicles eventually park in the parking lot near the S/W corner of the lot. The vehicles remain in the parking lot for an extended period of time.

At 12:50 hrs, A black Hyundai sedan arrives and backs into a parking space in the parking lot near the S/W corner of the lot, next to the first two mentioned vehicles. From this period of time until the shooting at 13:31 hrs, the occupants of these vehicles enter and exit their vehicles multiple times and also the Hyundai. The occupants also are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business. There are multiple interactions between the occupants of the said vehicles with customers

Saint Paul Police Department

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

| Complaint Number | Reference CN | Date and Time of Report |
|---|---|---|
| 21026681 | 21011884 | 02/10/2021 12:48:10 |

*Primary offense:*

INVESTIGATE-CODE ENFORCEMENT

arriving and exiting the store & parking parking lot. It is unclear based on the quality of video if items are exchanged during these interactions, but based on my training and experience this type of behavior can be indicative of narcotics transactions.

It should be noted that at no point, did I observe any of the employees perform a walk thru of the parking lot or monitor this activity. It should also be noted that this suspicious behavior could be deemed loitering on it's own right, but no request for a police response was made by the business.

At 12:31 hrs, the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood. The male then enters the crosswalk, and begins walking N/B into the intersection. The male then stands in the crosswalk near the middle of the street and raises a gun and fires towards the said black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking spot and exits the parking lot turning S/B on Hazelwood and then W/B on Maryland Ave W.

Moments later, a store employee is seen exiting the store and checking the front of the business for damage from the shooting. Officers arrive soon after and recovered (6) 9 mm casings at the scene.

I spoke with DSI Licensing Manager Eric Hudak regarding the nuisance/loitering behavior in the parking lot prior to the shooting. I then turned over the requested video footage to DSI Licensing Inspector Joe Voyda to review the interior footage to ensure the business was complying with the conditions set fourth of their cigarette/tobacco license. Inspector Voyda later informed me that during his review, he noted multiple unauthorized single cigarette sales, flavored tobacco sales and menthol cigarette sales violations.

This report has been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

**PUBLIC NARRATIVE**

Last page of the report

# Saint Paul Police Department

## CN Detail Report

PUBLIC REPORT

### CN Detail for 21-011884

| | | | | | |
|---|---|---|---|---|---|
| Incident: | 410 AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC | | | | |
| Location: | 1541 MARYLAND AV E | | | | |
| Locale: | | Sector/Grid: | 3 38 | | |
| Call Date: | 01/18/2021 13:39:52 | Disposition: | Records received | | |
| Occur Date: | 01/18/2021 | Priority: | 2 | Time Received: | 13:39:52 |
| OccurTime: | 13:38:00 | Source: | Phone | Time Sent: | 13:40:06 |
| Caller information | | Fire/Amb: | | Time Arrived: | 13:43:22 |
| Name: | | EDP: | | Time Cleared: | 17:59:57 |
| Address: | | Alarm: | | ECC Console: | 31 |
| Phone: | | | | | |

### BUSINESSES

SPPD , ST. PAUL, MN 55101

Saint Paul Police Department

**PUBLIC**

# ORIGINAL OFFENSE / INCIDENT REPORT

*Complaint Number* 21011884

*Reference C.N.*

*Date and Time of Report* 01/18/2021 16:56:34

*Primary offense*

AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

*Primary Reporting Officer:* Arntzen, Matthew J

*Primary squad:*

*Secondary reporting officer:* Arntzen, Matthew J

*District:* East District

*Site:*

*Secondary offense:*

*Pursuit engaged*

*Name of location/business:*

*Location of incident:* 1541 MARYLAND AV E
ST PAUL, MN 55106

*Date & time of occurrence:* 01/18/2021 13:38:00 *to* 01/18/2021 14:09:00

*Arrest made?*

*Resistance encountered*

| *Weapons Used by Police* | *Weapons Used by Suspect at Time of Arrest* |
|---|---|
| (none) | (none) |

**ARRESTS** (None)

**NAMES**

**Owner**

**Victim**

**PUBLIC NARRATIVE**

On 01/18/2021 at 1338 hours police were sent to Maryland / Hazelwood for a person who had been shot. The victim was taken to Regions Hospital by private vehicle. The victim has non-life threatening injuries.

# City of Saint Paul

## Signature Copy

### Resolution-Public Hearing: RES PH 23-10

City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

**File Number: RES PH 23-10**

Considering and adopting the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge concerning the cigarette/tobacco license held by Zakariya Abukhudeer, d/b/a The One Stop Market, LLC at 1541 Maryland Avenue East.

WHEREAS, Zakariya Abukhudeer, d/b/a The One Stop Market, LLC ("Licensee"), holds a cigarette/tobacco license under License ID #20190001624 ("License") for the premises located at 1541 Maryland Avenue East in Saint Paul ("Licensed Premises"); and

WHEREAS, on September 10, 2020, the City, by and through its Department of Safety and Inspections, sent a Notice of Violation ("Notice") to the Licensee; and

WHEREAS, the Notice alleged that the Licensee sold single cigarettes and flavored tobacco products in violation of sections 324.07(a) and (f) of the Saint Paul Legislative Code; and

WHEREAS, the Notice further alleged that the Licensee allowed patrons to smoke cigarettes inside of the Licensed Premises in violation of the Minnesota Clean Indoor Air Act and section 310.06(b)(6)(a) of the Saint Paul Legislative Code; and

WHEREAS, the Notice further alleged that the Licensee violated License condition #3 and section 310.06(b)(6) of the Saint Paul Legislative Code by failing to properly maintain his surveillance equipment and by failing to provide a copy of surveillance video footage as requested by the City; and

WHEREAS, the Notice further alleged that the Licensee violated License condition #2 and sections 310.06(b)(5)-(8) of the Saint Paul Legislative Code based on the following incidents which occurred on and near the Licensed Premises:

| | |
|---|---|
| March 30, 2020 | Assault and shots fired in parking lot |
| June 1, 2020 | Crowd of individuals fighting in store |
| July 20, 2020 | Large group of males gambling outside store; and |

WHEREAS, the Notice stated that the City was taking adverse action against the License based on the aforementioned allegations and indicated that it would seek a double upward departure from the presumptive penalty to a $2,000.00 fine and a 10-day suspension of the License; and

WHEREAS, on March 2, 2021, an amended Notice was sent to the Licensee stating that the City intended to seek a greater-than-double upward departure from the presumptive penalty to revocation



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of the License based on evidence of additional incidents of sales of single cigarettes and flavored tobacco products identified in the videos already provided to the Licensee; and

WHEREAS, the Licensee responded to the amended Notice with a request for a hearing before an Administrative Law Judge; and

WHEREAS, the matter was assigned to Administrative Law Judge James E. LaFave ("Judge LaFave"); and

WHEREAS, on April 26, 2021, the City filed a Motion for Summary Disposition ("Motion"), seeking summary disposition on all the violations alleged in the amended Notice; and

WHEREAS, a hearing was held on the Motion before Judge LaFave on May 28, 2021; and

WHEREAS, on September 7, 2021, Judge LaFave issued a Recommendation and Order on Motion for Summary Disposition ("Recommendation"); and

WHEREAS, within his Recommendation and Order on Motion for Summary Disposition, Judge LaFave found that there was sufficient proof that the Licensee had violated sections 310.06(b)(6)(a), 324.07(a), and 324.07(f) of the Saint Paul Legislative Code and the Minnesota Clean Indoor Air Act, but denied summary disposition on the remaining allegations and recommended that violations of Saint Paul Legislative Code sections 310.06(b)(5)-(8) and licensing condition #2 relating to the Licensee's conduct on March 30, 2020, June 1, 2020, and July 20, 2020 be continued to an evidentiary hearing; and

WHEREAS, Judge LaFave found that these violations were the Licensee's first violations of the Saint Paul Legislative Code; and

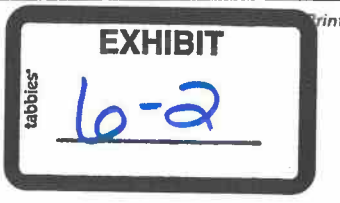
WHEREAS, the relevant sections of Saint Paul Legislative Code that were in effect at the time of the September 10, 2020 Notice are included as attachments to this resolution; and

WHEREAS, under the penalty matrix contained in section 310.05(m) of the Saint Paul Legislative Code, the presumptive penalty for a first violation of the Legislative Code is a fine of $500.00; and

WHEREAS, section 310.05(m) of the Saint Paul Legislative Code provides that the City Council "may deviate [from a presumptive penalty] in an individual case where [it] finds and determines that there exist substantial and compelling reasons making it more appropriate to do so"; and

WHEREAS, within his Recommendation, Judge LaFave observed that "[t]he requirement that the City Council have 'substantial and compelling reasons' to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires 'substantial and compelling circumstances' to depart from the presumptive sentence for criminal convictions"; and





WHEREAS, Judge LaFave further observed that the Minnesota Supreme Court has required "severe, aggravating, and factually atypical circumstances" to warrant a greater-than-double upward departure from the presumptive sentence contained in the Minnesota Sentencing Guidelines; and

WHEREAS, based on the foregoing analysis and the record before him, Judge LaFave recommended that "an upward departure to the second penalty box, a $1,000.00 fine, be imposed"; and

WHEREAS, Judge LaFave explained his recommendation for an upward departure, concluding that the Licensee's "multiple sales of single cigarettes and flavored tobacco products" and "allowing patrons to smoke cigarettes while inside the store" provided the "substantial and compelling reasons" for an upward departure beyond the presumptive penalty of $500.00; and

WHEREAS, Judge LaFave further explained that a greater-than-double upward departure to a penalty of revocation was inappropriate based on these violations because they did not constitute the "severe, aggravating, and atypical circumstances" that were required to support revocation; and

WHEREAS, Judge LaFave also indicated that the remaining allegations, even if proven at an evidentiary hearing, would not support revocation of the License; and

WHEREAS, at a public hearing to consider the Recommendation and Order on Motion for Summary Disposition, on November 17, 2021, the City Council, under RES PH 21-300, considered all the evidence contained in the record, including Judge LaFave's Recommendation and Order on Motion for Summary Disposition, and the oral arguments presented before the City Council; and

WHEREAS, at the same hearing, after considering all the evidence contained in the record and the oral arguments presented before it, the City Council rejected the Department's recommendation and requested that the Department try the remaining allegations at an evidentiary hearing to be scheduled before Judge LaFave; and

WHEREAS, a prehearing conference was held by telephone on December 7, 2021 to review the status of the case and Judge LaFave requested that the City Council issue a formal order remanding the case back to him; and

WHEREAS, under RES 21-1813, the City Council formally requested that Judge LaFave schedule an evidentiary hearing on the allegations on which he denied summary disposition and give the parties adequate opportunity to develop the record with respect to those allegations; and

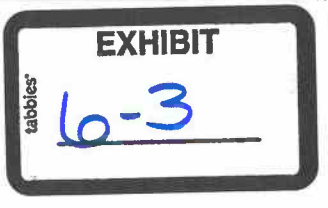
WHEREAS, a copy of RES 21-1813 was sent by first class mail to Judge LaFave and the Licensee; and

WHEREAS, the matter was reassigned to Judge LauraSue Schlatter ("Judge Schlatter") and on July 25, 26 and 27, 2022 an administrative hearing was held on the remaining questions:

- Whether One Stop Market violated licensing condition 3 and Saint Paul Legislative Code §310.06(b)(5) relating to the alleged failure to maintain video surveillance equipment and to provide a copy of surveillance as requested by the City; and

- Whether One Stop Market violated licensing condition 2 and Saint Paul Legislative Code §310.06(b)(5)- (8) relating to One Stop Market's conduct on March 30, 2020, June 1, 2020





and July 20, 2020 in allegedly permitting dangerous behavior and loitering on or near the licensed premises; and

WHEREAS, on December 6, 2022, Judge Schlatter issued her Findings of Fact, Conclusions of Law and Recommendation, finding that the City failed to demonstrate by a preponderance of the evidence that Licensee:

- Failed to properly maintain his surveillance equipment;
- Failed to provide a copy of his surveillance footage;
- Permitted dangerous behavior and loitering on or near its licensed premises; and

WHEREAS, Judge Schlatter's Findings of Fact, Conclusions of Law and Recommendation support the original recommendations of Judge LaFave for an upward departure and imposition of a $1,000 matrix penalty; and

WHEREAS, the City Council agrees that the Licensee's repeated sales of single cigarettes and flavored tobacco products, as well as his allowance of patrons to smoke cigarettes while inside the Licensed Premises, are substantial and compelling reasons to depart upward from the presumptive penalty of a $500.00 fine and to impose a $1,000.00 fine; now, therefore, be it

RESOLVED, that the City Council issues this decision based upon consideration of the record of the entire proceedings herein, including the oral argument from the Licensee and his attorney from the November 17, 2021 public hearing and the January 18, 2023 public hearing; and be it

FURTHER RESOLVED, that the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021 under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022 under OAH 80-6020-37157 in the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul, are hereby adopted as the Findings of the City Council in this matter; and be it

FURTHER RESOLVED, that a fine of $1,000.00 is hereby imposed against the cigarette/tobacco license held by the Licensee for the premises located at 1541 Maryland Avenue East in Saint Paul.

A copy of this resolution, as adopted, shall be sent by first class mail to Judge LaFave and the Licensee.

At a meeting of the City Council on 1/18/2023, this Resolution-Public Hearing was Passed.

**Yea:** 7 Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, Councilmember Yang, and Councilmember Balenger

**Nay:** 0

**Vote Attested by Council Secretary** Shari Moore

**Date** 1/18/2023



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**Approved by the Mayor** Melvin Carter III **Date** 1/19/2023

**Clerk** Shari Moore **Date**

Shari Moore

**Test Signature** Shari Moore **Date**

Shari Moore



EXHIBIT tabbies 6-5

SAINT PAUL POLICE
Trusted service with respect

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Incident Overview

| | | | | | |
|---|---|---|---|---|---|
| Case Status | : | **Closed** | Occ Date From | : | **01/21/2021, 15:30** |
| Case Number | : | **21-026681** | Occ Date To | : | **02/08/2021, 15:41** |
| Reported Date | : | **02/08/2021, 15:30:44** | Bias Motivation | : | |
| Location | : | **375 Jackson Street, St Paul, MN 55101** | Arrest | : | |
| | | | Resistance Encountered | : | **No** |
| Offenses | : | **Investigate-Code Enforcement** | | | |

### Incident Summary

Created by: **02/09/2021, 14:31**

DSI Investigation.

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Printed by: 237725

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7-1
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Staff Involved

| Officer | Type | BWC | ICC | Resistance Encounter | Force Used | Vehicle Pursuit |
|---|---|---|---|---|---|---|
| Graupman, Charles | Submitter, Primary | No | | No | No | No |

### Narratives

**Narrative 1** Created by: **GRAUPMAN, CHARLES** **02/09/2021, 14:31**

**Synopsis :**

DSI Investigation.

**Narrative :**

I, Sgt C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 1-19-21, I was made aware of an incident that occurred on 1-18-21 at 1338 hrs, where St. Paul Police responded to The One Stop Market, 1541 Maryland Ave E. for a report of a person who had been shot in the parking lot under SPPD CN (21-011-884). The victim was taken to Regions Hospital by private vehicle. The victim was later interviewed by police and had non-life threatening injuries. Responding officers recovered (6) 9mm casings near the scene. Officers also spoke with employees at the business who advised a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer. This is an ongoing investigation.

In the past one year period between (02/09/20 & 02/09/21), this property has generated (786) calls for police service. It should be noted that (529) of the calls were self generated police activities to include (traffic stops, proactive police visits, and investigates) and (59) of the calls were deemed "Quality of Life" type calls having a direct and negative impact on the surrounding neighborhood residents.

In addition, this property has a current & open Department of Safety & Inspection Adverse Action case for multiple licensing violations. Specifically, violations of conditions #2, & #3 of the license requirements and also the unauthorized sale of menthol flavored cigarettes.

Listed below are the current licensing conditions of The One Stop Market:

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.

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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

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 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 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.

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 place in front of the window.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 1/21/21 at 1300 hrs., DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video of the business. The requested video was noted in the letter and coincided with the above SPPD CN referenced. The time period of the request was for the time period starting on: Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. on Monday January 18, 2021.

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, January 25, 2021. Two copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

The second copy I hand delivered to the business at 1330 hrs. on 1-21-21. I made contact with a male employee working the front counter and advised him to deliver the letter, which was sealed in an envelope to the manager on duty.

A copy of this report was forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review.

**Narrative 2** Created by: **GRAUPMAN, CHARLES** **02/10/2021, 12:48**

**Synopsis :**

**Narrative :**

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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

On 1/25/21, at 1545 hrs., I received the requested video that was turned into DSI front counter staff from The One Stop Market, 1541 Maryland Ave E. The requested video was contained on (1) flash drive. Prior to viewing the video, I noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This was also documented in a supplemental under SPPD (CN 21-011-884), by Video Management Technician Richard Bertholf, who had recovered a separate video from the business for the same date and similar time period. I then began to review the video using my office computer and noted the following:

While viewing camera #10, which covers the exterior parking lot and faces S/W towards the intersection of Maryland/Hazelwood, I made several observations prior to the shooting that occurred.

At 12:19 hrs., I observed 2 vehicles, #1 black Chevrolet SUV, #2 black Dodge Caliber arrive. Both vehicles eventually park in the parking lot near the S/W corner of the lot. The vehicles remain in the parking lot for an extended period of time.

At 12:50 hrs, A black Hyundai sedan arrives and backs into a parking space in the parking lot near the S/W corner of the lot, next to the first two mentioned vehicles. From this period of time until the shooting at 13:31 hrs, the occupants of these vehicles enter and exit their vehicles multiple times and also the Hyundai. The occupants also are seen approaching customers and entering customer vehicles that arrive in the parking lot of the business. There are multiple interactions between the occupants of the said vehicles with customers arriving and exiting the store & parking parking lot. It is unclear based on the quality of video if items are exchanged during these interactions, but based on my training and experience this type of behavior can be indicative of narcotics transactions.

It should be noted that at no point, did I observe any of the employees perform a walk thru of the parking lot or monitor this activity. It should also be noted that this suspicious behavior could be deemed loitering on it's own right, but no request for a police response was made by the business.

At 12:31 hrs, the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood. The male then enters the crosswalk, and begins walking N/B into the intersection. The male then stands in the crosswalk near the middle of the street and raises a gun and fires towards the said black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking spot and exits the parking lot turning S/B on Hazelwood and then W/B on Maryland Ave W.

Moments later, a store employee is seen exiting the store and checking the front of the business for damage from the shooting. Officers arrive soon after and recovered (6) 9 mm casings at the scene.

I spoke with DSI Licensing Manager Eric Hudak regarding the nuisance/loitering behavior in the parking lot prior to the shooting. I then turned over the requested video footage to DSI Licensing Inspector Joe Voyda to review the interior footage to ensure the business was complying with the conditions set fourth of their cigarette/tobacco license. Inspector Voyda later informed me that during his review, he noted multiple unauthorized single cigarette sales, flavored tobacco sales and menthol cigarette sales violations.

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M-4
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

This report has been forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

**Narrative 3** Created by: **GRAUPMAN, CHARLES** **03/09/2021, 11:26**

**Synopsis :**

**Narrative :**

It should be noted that in my original police report I made a clerical error on page 3. Under the participants tab, I listed 1541 Maryland Ave E. St. Paul, MN 55106, as the Twins Market & Meat. This should read The One Stop Market, 1541 Maryland Ave E. St. Paul, MN 55106.

**Narrative 4** Created by: **GRAUPMAN, CHARLES** **03/10/2021, 10:25**

**Synopsis :**

**Narrative :**

It should be noted that in my original report on page 3, I made a clerical error under the participants tab. I listed 1541 Maryland Ave E. St. Paul, MN 55106 as Twins Market & Meat. The correct labeling should be, The One Stop Market, 1541 Maryland Ave E. St. Paul, MN 55106.

**Narrative 5** Created by: **GRAUPMAN, CHARLES** **03/09/2023, 13:16**

**Synopsis :**

**Narrative :**

It should be noted that in my first supplemental report under paragraph #6, I made a clerical error regarding the video surveillance time.

The first sentence reads, "At 12:31 hrs. the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood".

The sentence should read, "At 13:31 hrs. the video shows a black male, wearing dark colored pants and a hooded sweatshirt standing at the southeast corner of Maryland/Hazelwood."

**Narrative 6** Created by: **GRAUPMAN, CHARLES**

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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

**Synopsis :**

**Narrative :**

On 06/09/2023, I reviewed security camera video footage dated (1-18-2021), from the One Stop Market, located at 1541 Maryland Ave E. St. Paul, MN. 55106. The video footage was contained on a flash driven and was given to me by Assistant City Attorney Therese Skarda. I was asked to review the video, and make any notations regarding any similarities or differences in the original footage that I had viewed on (1-25-21), which was delivered to DSI from the One Stop Market through a formal video request.

Upon opening the flash drive, I noted it contained video footage from cameras (1,2,3,6,7,8,9,10,11). While viewing the footage (Camera 10), I noted that the footage began at 1238 hours, and did not contain the arrival of the black SUV and dodge caliber arriving in the parking lot at 1219 hours, that I had noted in my previous report, when watching the footage on (1-25-21). However, the video footage did contain the above said vehicles in the lot and additional events, I had detailed including the shooting, in my original report. The times  times of those noted events were the same on this footage as in the previous footage I viewed on (1-25-21).

Notably:

1250 hours, black Hyundai arriving and parking

1331 hours, B/M suspect emerging into view and the shooting occurring.

I later advised Assistant CAO Skarda of these findings and forwarded her a copy of this report for Adverse Action.

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**Narrative 7** Created by: **GRAUPMAN, CHARLES** **06/14/2023, 11:44**

**Synopsis :**

**Narrative :**

I was recently contacted by Assistant City Attorney Therese Skarda regarding an issue of missing camera footage (Camera 10) from the original flash drive footage (1-18-21), that was turned over from The One Stop Market, 1541 Maryland Ave E. to DSI via DSI Video Request made on (1-21-21) and received on (1-25-21). It should be noted that the footage was fully intact on the flash drive when I watched it on (1-25-21), and made my observations that I noted in my original report, prior to turning it over to the CAO Office.

I informed CAO Skarda that there was additional video of the incident on (1-18-21), (CN 21-011-884, Agg Assault), that had been recovered by the St. Paul Police Department from The One Stop Marked. I was advised by CAO Skarda, that she had also received a discovery request for the store

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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

video related to (CN 21-011-884) and was directed to retrieve (2) copies of the SPPD video footage recovered by SPPD from the One Stop Market, review it and turn it over to the CAO office.

On 05/11/2023, I contacted SPPD video evidence technician William Conroy and ordered (2) copies of the One Stop Market Video Footage (1-18-21), ref (CN 21-011-884).

On 05/18/2021, I recovered the (2) copies and reviewed the video which contained footage from only (Camera 10), and was placed on a CD / DVD disk. The footage matched my recollection of events, I had noted in my previous report on (2-10-21). The only slight difference I noted was the start time of the video began at 1238 hours, and did not capture the arrival of the black suv and dodge caliber. However, the time difference does not change the conclusions that I arrived at regarding the license violations I observed.

I advised CAO Skarda of my findings and turned the (2) copies over to CAO Legal Assistant Julie Kraus for the Adverse Action case.

It should be noted that the video footage contained on the flash drive that I had watched on (06/09/23), (referenced in above report), contained the (Camera 10), footage recovered by SPPD from the incident on 1-18-21 under CN 21-011-884).

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EXHIBIT
7-7
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Offenses

#### Offense 1 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

#### Offense 2 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

#### Offense 3 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

EXHIBIT
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# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Offense 4 - INVESTIGATE-CODE ENFORCEMENT

| | | | |
|---|---|---|---|
| NIBRS Offense Description | : | Criminal Activity Gang Info | : |
| Crime Scene Type | : | Weapons Used | : |
| Forced Entry | : | Bias Motivation | : |
| Attempt Only | : | Bias Target | : |
| Number Of Premises Entered | : | Bias Based On | : |
| Offender Suspected Of Using | : | | |

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EXHIBIT
7 - 9
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

### Participants / Persons

**Person 1**

**Zakariya Abukhudeer**
**520 Lake Elmo Avenue N, St. Paul, MN 55042**
**Phone: 612-212-8558**

| Info | | |
|---|---|---|
| Participant Type | : | **Other** |
| Age | : | |
| Gender | : | **Male** |
| Race | : | **Other** |
| Hispanic | : | |
| Business Name | : | |

| Phones | | |
|---|---|---|
| Cell Phone | : | |
| Home Phone | : | **612-212-8558** |
| Work Phone | : | |
| Email Address | : | |
| Social Media | : | |

| Physical Description | | |
|---|---|---|
| Height | : | |
| Weight | : | |
| Eye Color | : | |
| Hair Color | : | |
| Build | : | |

| Attributes | | |
|---|---|---|
| School Name | : | |
| Employer Name | : | **One Stop Market** |
| Occupation | : | **Licensee** |
| Requested Non Public | : | |
| License / ID Number | : | |
| Limited English / Language | : | |

| Employment | | |
|---|---|---|
| Employer | : | **One Stop Market** |
| Type | : | |
| Occupation | : | **Licensee** |
| Address | : | **1541 Maryland Avenue E, St. Paul The One Stop Market, MN** |

| Injuries | | |
|---|---|---|
| Type of Injury | : | |

EXHIBIT
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# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Arrest Detail

## Person 2

**Twins Market & Meat (Business)**
**1541 Maryland Avenue E, St. Paul, MN 55106**
**Phone: 651-771-4999**

### Info

| | | |
|---|---|---|
| Participant Type | : | **Other** |
| Age | : | |
| Gender | : | |
| Race | : | |
| Hispanic | : | |
| Business Name | : | **Twins Market & Meat** |

### Phones

| | | |
|---|---|---|
| Cell Phone | : | |
| Home Phone | : | |
| Work Phone | : | **651-771-4999** |
| Email Address | : | |
| Social Media | : | |

### Physical Description

| | |
|---|---|
| Height | : |
| Weight | : |
| Eye Color | : |
| Hair Color | : |
| Build | : |

### Attributes

| | |
|---|---|
| School Name | : |
| Employer Name | : |
| Occupation | : |
| Requested Non Public | : |
| License / ID Number | : |
| Limited English / Language | : |

### Employment

| | |
|---|---|
| Employer | : |
| Type | : |
| Occupation | : |
| Address | : |

### Injuries

| | |
|---|---|
| Type of Injury | : |

EXHIBIT
7-11
6/14/2023



CASE NUMBER: 21-026681

Printed by: 237725

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Arrest Detail

## Person 3

**The One Stop Market (Business)**
**1541 Maryland Avenue E, St. Paul, MN 55106**
**Phone: 651-771-4999**

### Info

| | | |
|---|---|---|
| Participant Type | : | **Other** |
| Age | : | |
| Gender | : | |
| Race | : | |
| Hispanic | : | |
| Business Name | : | **The One Stop Market** |

### Phones

| | | |
|---|---|---|
| Cell Phone | : | |
| Home Phone | : | |
| Work Phone | : | **651-771-4999** |
| Email Address | : | |
| Social Media | : | |

### Physical Description

| | | |
|---|---|---|
| Height | : | |
| Weight | : | |
| Eye Color | : | |
| Hair Color | : | |
| Build | : | |

### Attributes

| | | |
|---|---|---|
| School Name | : | |
| Employer Name | : | |
| Occupation | : | |
| Requested Non Public | : | |
| License / ID Number | : | |
| Limited English / Language | : | |

### Employment

### Injuries

| | | |
|---|---|---|
| Type of Injury | : | |

EXHIBIT
7-12
6/14/2023

# INCIDENT REPORT

## SAINT PAUL POLICE DEPARTMENT

| | |
|---|---|
| Employer | : |
| Type | : |
| Occupation | : |
| Address | : |

**Arrest Detail**

CASE NUMBER: 21-026681

Printed by: 237725

EXHIBIT
7-13
6/14/2023

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Businesses

### Business 1

**Twins Market & Meat**
**1541 Maryland Avenue E, St. Paul, MN 55106**

| | | | | | |
|---|---|---|---|---|---|
| Role Type | : | **Other** | Cell Phone | : | |
| Name | : | **Twins Market & Meat** | Contact Phone | : | **651-771-4999** |
| Type | : | **Gas Station/Conv. Store** | Home Phone | : | |
| Description | : | | Work Phone | : | **651-771-4999** |
| | | | Email Address | : | |
| | | | Fax | : | |

### Business 2

**The One Stop Market**
**1541 Maryland Avenue E, St. Paul, MN 55106**

| | | | | | |
|---|---|---|---|---|---|
| Role Type | : | **Other** | Cell Phone | : | |
| Name | : | **The One Stop Market** | Contact Phone | : | **651-771-4999** |
| Type | : | **Commercial** | Home Phone | : | |
| Description | : | | Work Phone | : | **651-771-4999** |
| | | | Email Address | : | |
| | | | Fax | : | |





EXHIBIT
7-14
6/14/2023

SAINT PAUL POLICE
Trusted service with respect

CASE NUMBER: 21-026681

06/14/2023, 11:47

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## CAD Information

### CAD Info 1

#### Info

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Location | : | **375 Jackson Street** | Sector | : | **2** | Time Received | : **15:30** |
| Locale | : | **ST PAUL SAFETY AND INSPECTION** | Grid | : | **153** | Time Sent | : **15:30** |
| Call Date | : | | Disposition | : | **Records received** | Time Arrived | : **15:30** |
| Occur Date | : | **01/21/2021** | Priority | : | **4** | Time Cleared | : **15:31** |
| Caller Information | : | | Source | : | **Phone** | Reopen Time | : |
| Address | : | | Fire/Amb | : | | Citation # | : |
| Phone | : | | EDP | : | | | |
| | | | Alarm | : | | | |
| | | | ECC Console | : | **31** | | |

#### Employees

| Officer | Squad | Type | Beat | Received | Sent | Arrived | Cleared |
|---|---|---|---|---|---|---|---|
| GRAUPMAN, CHARLES | 854 | 1 | CN2 | 15:30 | 15:30 | 15:30 | 15:31 |

#### CAD Comments

Master Incident Number: 20210208-0071440 CAD Address: 375 Jackson St, Lat/Lon: 44948431 / 93090113 02/08/2021 15:30:45JWS [1] Automatic Case Number(s) issued for Incident # [20210208-0071440], Jurisdiction: SPPD. Case Number(s): SP210208026681. requested by 854. 02/08/2021 15:30:44JWS [2] ONGOING DSI INVESTIGATION COD

EXHIBIT
7-15
6/14/2023

CASE NUMBER: 21-026681
Printed by: 237725

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah
PH (651) 361-7900

September 7, 2021

**VIA EMAIL ONLY**
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MKT Law, PLC
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Minneapolis, MN 55417
mkt@mktlawoffice.com

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul***
***License ID # 20190001624***
**OAH 60-6020-37157**

Dear Counsel:

Enclosed and served upon you please find the **RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

EXHIBIT
tabbies
8-1

OAH 60-6020-37157

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul

**RECOMMENDATION AND ORDER ON MOTION FOR SUMMARY DISPOSITION**

License ID # 20190001624

This matter is pending before Administrative Law Judge James E. LaFave on the City of St. Paul's Motion for Summary Disposition (Motion).[1]

Therese Skarda, Assistant St. Paul Attorney, represents the City of St. Paul (City). Mark K. Thompson, MKT Law PLC, represents Zakariya Abukhudeer d/b/a The One Stop Market, LLC (Respondent).

The City filed its Motion on April 26, 2021. Respondent requested and was granted until May 26, 2021, to respond. Oral argument on the Motion was heard on May 28, 2021. Thereafter, the Administrative Law Judge granted Respondent until June 7, 2021, to supplement his response in opposition to the Motion to address the City's requested deviation from the presumptive penalty. Respondent filed a supplemental memorandum addressing the issue of penalty on June 7, 2021, and the Motion record closed on that date.

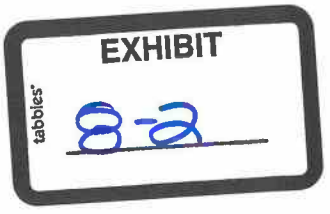
Based upon the parties' arguments and the record, and for the reasons explained in the accompanying Memorandum,

**IT IS HEREBY RECOMMENDED THAT:**

1. The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violations of St. Paul Legislative Code § 324.07(a) and (f) relating to Respondent's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020. The City may take disciplinary action against Respondent's license for these violations.

2. The City's Motion for Summary Disposition be **GRANTED** with respect to the alleged violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to

[1] This adverse licensing action was initiated by and through the City's Department of Safety and Inspections (DSI).



Respondent allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act. The City may take disciplinary action against Respondent's license for this violation.

**IT IS HEREBY ORDERED THAT:**

1. The City's Motion for Summary Disposition is **DENIED** with respect to Respondent's alleged violation of licensing condition #3 and Saint Paul Legislative Code § 310.06(b)(5) relating to the failure to provide a copy of surveillance video as requested by the City.

2. The City's Motion for Summary Disposition is **DENIED** with respect to the alleged violations of Saint Paul Legislative Code § 310.06(b)(5)-(8) and licensing condition #2 relating to Respondent's conduct on March 30, 2020, June 1, 2020, and July 20, 2020. These claims will proceed to an evidentiary hearing if necessary.

3. A prehearing conference will be held by telephone on **September 27, 2021**, at **11:00 a.m.**, to review the status of the case and to discuss whether the Respondent will seek to have the Administrative Law Judge certify the Motion to the St. Paul City Council pursuant to Minn. R. 1400.7600 (2021). At that time, please call **1-888-742-5095** and, when prompted, enter conference code **454 161 2416#**.

Dated: September 7, 2021

JAMES E. LAFAVE
Administrative Law Judge

## MEMORANDUM

### I. Background and Procedural History

Respondent is the owner and operator of The One Stop Market, LLC (One Stop), a convenience store located at 1541 Maryland Avenue East in St. Paul. One Stop is located next to and in the same building as a laundromat. One Stop and the laundromat share the building's parking lot.

The City granted Respondent a Cigarette/Tobacco license subject to the following conditions:

(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.



EXHIBIT
tabbies
8-3

(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 Saint Paul Police Department (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 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.

(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 place in the area between four (4) and seven (7) feet above the adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[2]

On September 10, 2020, the City issued a Notice of Violation to Respondent alleging violations of license conditions and city ordinances related to the operation of Respondent's business.[3] The City cited Respondent with violating license conditions #2 and #3 by failing to take reasonable steps to discourage loitering and by failing to provide a copy of surveillance footage as requested.[4] The City also cited Respondent with violating city ordinances by selling single cigarettes and flavored tobacco products, and by operating the business in a manner that creates a serious danger to public health or safety, or permits conditions that unreasonably annoy the comfort or repose of the public.[5] The City requested an upward departure from the penalty matrix to a $2,000 fine and a 10-day suspension of all licenses with imposition of additional conditions.[6]

On October 21, 2020, the City issued a Notice of Prehearing Telephone Conference to consider whether adverse action should be taken against Respondent's license for the alleged violations.[7] The prehearing conference was held on December 9, 2020, and an order setting a schedule for discovery and the filing of dispositive motions issued on December 22, 2020.[8]

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[2] Exhibit (Ex.) 1-14.
[3] Ex. 1-1.
[4] *Id.*
[5] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[6] *Id. See* St. Paul Legis. Code § 310.05(m) (penalty matrix).
[7] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[8] *Id.*

On April 8, 2021, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice).[9] The City stated that further review of surveillance footage resulted in the identification of additional incidents of sales of single or flavored cigarettes, as well as incidents of patrons and employees smoking within the licensed premises.[10] Based on the newly identified licensing violations, the City revised its penalty recommendation to request revocation of Respondent's license.[11]

## II. Summary Disposition Standard

Summary disposition is the administrative equivalent of summary judgment.[12] The Office of Administrative Hearings has generally followed the summary judgment standards developed in judicial courts in considering motions for summary disposition.[13] A motion for summary disposition may be granted when no genuine issue of material fact exists.[14] A genuine issue is one that is not a sham or frivolous, and a fact is material if resolving it will affect the result or outcome of the case.[15]

The moving party must initially show the absence of a genuine issue of material fact.[16] To successfully resist a motion for summary disposition, the responding party must show that there are specific facts in dispute which have a bearing on the outcome of the case.[17] Facts at issue must be established by substantial evidence, and the parties may not rest upon general averments or denials.[18] Evidence offered to support or defeat summary judgment must be such evidence as would be admissible at trial,[19] though the evidence presented need not be in a form that would be admissible.[20] "Speculation, general assertions, and promises to produce evidence at trial are not sufficient to create a genuine issue of material fact for trial."[21]

When considering a motion for summary disposition, the evidence must be viewed in the light most favorable to the nonmoving party, and doubts and factual inferences must be resolved against the moving party.[22] The trial court's function is not to decide the facts at issue, but to determine whether a genuine dispute of fact exists.[23]

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[9] Amended Notice (Apr. 8, 2021). The Amended Notice was filed with the Office of Administrative Hearings on April 8, 2021, but is dated March 2, 2021.
[10] *Id.*
[11] *Id.*
[12] *Pietsch v. Minn. Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); *see also* Minn. R. 1400.5500(K) (2021).
[13] *See* Minn. R. 1400.6600 (2021); Minn. R. Civ. P. 56.
[14] *In re Gillette Children's Specialty Healthcare*, 883 N.W.2d 778, 785 (Minn. 2016).
[15] *Highland Chateau, Inc. v. Minn. Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984), *review denied* (Minn. Feb. 6, 1985).
[16] Minn. R. Civ. P. 56.01; *Anderson v. Dep't of Natural Res.*, 693 N.W.2d 181, 191 (Minn. 2005).
[17] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 69 (Minn. 1997).
[18] *Id.* at 70-71.
[19] *Hopkins v. Empire Fire & Marine Ins., Co.*, 474 N.W.2d 209, 212 (Minn. Ct. App. 1991).
[20] *Carlisle v. City of Minneapolis*, 437 N.W.2d 712, 715 (Minn. Ct. App. 1989).
[21] *Nicollet Restoration, Inc. v. City of St. Paul*, 533 N.W.2d 845, 848 (Minn. 1995).
[22] *Rochester City Lines, Co. v. City of Rochester*, 868 N.W.2d 655, 661 (Minn. 2015).
[23] *See id.* at 664 (citing *DLH*, 566 N.W.2d at 70).



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## III. Alleged Violations and Argument

Under the Saint Paul Legislative Code, the city council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[24] The City alleges Respondent violated the following ordinances governing its license:

(1) Saint Paul Legislative Code § 324.07(a) prohibits the sale of a cigarette outside of its original packaging containing health warnings satisfying the requirements of federal law. No cigarette shall be sold in packages of fewer than 20 cigarettes.

(2) Saint Paul Legislative Code § 324.07(f) prohibits a licensee from selling, offering for sale, or otherwise distributing any flavored tobacco products.

(3) Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee fails to comply with any condition of the license.

(4) Saint Paul Legislative Code 310.06(b)(6)(a) supports adverse action where a licensee, or any person whose conduct may by law be imputed to the licensee, has violated . . . any statute, ordinance, or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection with such activity.

(5) Saint Paul Legislative Code § 310.06(b)(6)(c) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or 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.

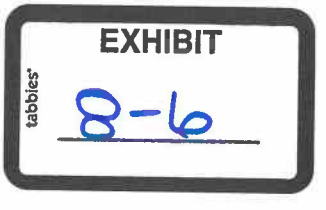
(6) Saint Paul Legislative Code § 310.06(b)(7) supports adverse action when the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare.

(7) Saint Paul Legislative Code § 310.06(b)(8) supports adverse action when the way in which a licensed 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.

The City maintains that it is entitled to judgment as a matter of law on the license violations it cited. The City asserts that undisputed facts in the record support finding Respondent: (1) repeatedly sold single cigarettes and flavored tobacco products; (2) allowed patrons and employees to smoke cigarettes within the licensed premises; (3) permitted uncontrolled and dangerous behavior both inside and outside of the licensed premises; (4) failed to take reasonable steps to discourage loitering in front of the licensed premises; and (5) failed to maintain video surveillance cameras and failed to comply with

[24] St. Paul Legis. Code §§ 310.05(m), 310.06(a), (b)(6)(a).





the DSI's request for copies of surveillance footage. Each alleged violation will be discussed below.

### A. Sale of Single Cigarettes and Flavored Tobacco

The City contends Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products. The City maintains that surveillance video footage from June 1, 2020, demonstrates that between approximately 8:10 p.m. and 10:00 p.m. One Stop employees repeatedly sold single cigarettes and flavored tobacco products to patrons.[25] According to the City, DSI Licensing Manager Eric Hudak's review of the June 1, 2020, footage revealed approximately nine transactions involving the sale of single cigarettes and approximately 23 transactions involving the sale of flavored tobacco products.[26] In addition, during that same period of time, the City states there were four separate instances where either a One Stop employee or a customer was smoking a cigarette within the licensed premises.[27]

On June 17, 2020, DSI Licensing Manager Hudak and representatives from SPPD met with Respondent to discuss the sales of single cigarette and flavored tobacco products shown on the June 1, 2020, video footage.[28] The City states that it arranged the meeting with Respondent to provide Respondent a chance to comply with licensing regulations.[29]

The City asserts that approximately one month after the meeting, on July 20, 2020, officers from SPPD used a confidential reliable informant (CRI) to successfully purchase two Newport menthol-flavored cigarettes from a One Stop employee.[30] The City maintains that the officers pat-searched the CRI before he entered the One Stop to make sure he did not have any cigarettes or money on his person.[31] According to the police report, the officers then gave the CRI an undisclosed amount of money and observed him from the time he left their custody until the time he returned from the One Stop with two single cigarettes.[32] The police report indicates that the CRI told the officers he was able to purchase two Newport menthol cigarettes from Respondent's employee.[33]

The City argues it is entitled to summary disposition on Respondent's alleged sales of single cigarettes and flavored tobacco products that occurred on June 1 and July 20, 2020. The City contends that the video evidence of the sales on June 1, 2020, and the SPPD report regarding the alleged July 20, 2020, sale, render the material facts undisputed and establish the violations. Moreover, the City asserts that it is Respondent's responsibility to know which tobacco products may be sold and which are prohibited.

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[25] Exs. 1-13; 2-42 – 2-43.
[26] Exs. 6-18 – 6-24; 2-42 – 2-43.
[27] Exs. 6-15 – 6-16; 2-13 – 2-18.
[28] Amended Notice at 3; Ex. 1-11.
[29] City's Motion at 12; Ex. 1-11.
[30] Exs. 2-110 – 2-111.
[31] Exs. 2-110 – 2-111.
[32] Exs. 2-110 – 2-111.
[33] Exs. 2-110 – 2-111.

Respondent asserts that it was under the understanding that the sales of single cigarettes and flavored tobacco products observed on the June 1, 2020, video footage were discussed and fully addressed during the June 17, 2020, meeting with DSI staff. Respondent also argues that the ordinance prohibiting the sale of flavored tobacco products is unconstitutionally vague because the similar packaging of allowable and prohibited products makes it difficult for the average person to discern what is unlawful conduct.[34] Respondent further maintains that the blurry nature of the video footage and screen shots submitted by the City do not adequately demonstrate the alleged violations.

Respondent also disputes the alleged sale of flavored tobacco to the CRI on July 20, 2020. Respondent argues that the only evidence submitted in support of this claim is a police report that misidentifies the name of the store and fails to identify the amount of money allegedly paid for the cigarettes. Respondent argues that this evidence is insufficient to support the allegation that single or flavored cigarettes were sold by a One Stop employee on July 20, 2020.

The City has sufficiently demonstrated that it is entitled to summary disposition with respect to Respondent's sale of single cigarettes and flavored tobacco products on June 1 and July 20, 2020. The City has established through the video footage that Respondent violated Saint Paul Legislative Code § 324.07(a) and (f) by selling single cigarettes and flavored tobacco products on June 1, 2020.[35] The video footage and screen shots clearly demonstrate that Respondent's employees engaged in numerous sales of single cigarettes and flavored tobacco products between a two-hour period on June 1, 2020.[36] The Administrative Law Judge also finds that the police report and supporting affidavit are sufficient to establish that Respondent sold single cigarettes to a CRI on July 20, 2020. The fact that the police report incorrectly refers to the One Stop as the "Sana's Market," which was the former name of the business, is not enough to raise a genuine issue of material fact requiring an evidentiary hearing on this claim.[37]

Therefore, as further discussed in the Penalty section below, the City may take disciplinary action against Respondent's license for the violations of Saint Paul Legislative Code § 324.07(a) and (f) that took place on June 1 and July 20, 2020. Respondent's argument that the ordinance banning flavored tobacco products is unconstitutionally vague is noted and preserved. Administrative law judges, however, are without authority to declare a law or ordinance unconstitutional on its face. Such a power is within the exclusive province of the judicial branch.[38]

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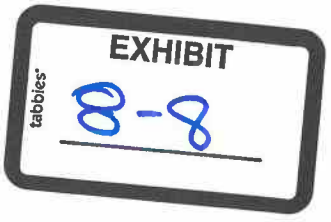
[34] *See* Amended Declaration (Decl.) of Zakariya Abukhudeer at ¶ 5.
[35] Exs. 1-13; 2-45 – 2-97.
[36] *Id.*; Exs. 2-45 – 2-97.
[37] *See* Ex. 6-26 (Affidavit of Eric Hudak).
[38] *See, e.g., In the Matter of Rochester Ambulance Service*, 500 N.W.2d 495, 499-500 (Minn. Ct. App. 1993) ("In this case, however, neither the ALJ nor the Commissioner had the power to declare Minn. Stat. § 144.802 unconstitutional. Thus, the issue could not have been addressed in the proceedings below.").





### B. Allowing Employees and Patrons to Smoke Cigarettes Within Licensed Premises in Violation of the Clean Indoor Air Act

The City asserts that DSI Licensing Inspector Eric Hudak's review of the surveillance footage from June 1, 2020, shows four separate instances where One Stop employees either smoked cigarettes inside the licensed premises themselves or permitted patrons to smoke cigarettes inside the licensed premises.[39] St. Paul Legislative Code § 310.06(b)(6)(a) supports adverse action where a licensee has violated "any statute reasonably related to the licensed activity." The Clean Indoor Air Act prohibits smoking in public places or places of employment.[40] The City argues that, by allowing employees and patrons to smoke within the licensed premises, Respondent violated the Clean Indoor Air Act and, therefore, violated section 310.06(b)(6)(a).

Respondent maintains that the surveillance footage and screen shots are too blurry to establish that patrons or employees were smoking within the One Stop on June 1, 2020, as alleged. Respondent contends that the images at best show something white in individuals' hands and at worse show nothing.

The Administrative Law Judge agrees with Respondent that two images relied on by the City to support its allegation are not sufficiently definitive to support finding a violation. The surveillance video footage and screen shots of the video from June 1, 2020, however, clearly demonstrate two instances of patrons smoking cigarettes within the store.[41] On one occasion Respondent's employee lights a patron's cigarette and allows the patron to remain in the store smoking.[42] Therefore, the City has demonstrated it is entitled to summary disposition on the allegation that Respondent allowed patrons to smoke cigarettes within the One Stop premises and thereby violated section 310.06(b)(6)(a) and the Clean Indoor Air Act.[43] The City may take disciplinary action against Respondent's license for this violation.

### C. Permitting Dangerous Behavior and Loitering

The City asserts that on March 30, June 1, and July 20, 2020, Respondent violated license condition #2 by failing to discourage loitering. The City further contends that on these dates, Respondent likewise violated St. Paul Legislative Code § 310.06(b)(5)-(8), by operating the business in a manner that threatens public safety, health, or welfare. The City argues that by operating the business in a manner that routinely allowed violent conduct to occur on its premises, Respondent seriously endangered the public.

Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee fails to comply with any condition of the license. Section 310.06(b)(6) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or failed to comply with laws reasonably related to the licensed activity or from

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[39] Exs. 1-13; 2-13, 2-16, 2-17, 2-18.
[40] *See* Minn. Stat. § 144.414 (2020).
[41] Exs. 1-13; 2-13, 2-18.
[42] Exs. 1-13 (camera 1 at 21:02);. 2-13.
[43] *See* Ex. 1-13 (camera 1 at 21:02).



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which an inference of lack of fitness or good character may be drawn. Section 310.06(b)(7) supports adverse action when the licensee's activity creates serious danger to public health, safety or welfare. And Section 310.06(b)(8) supports adverse action when the way in which the licensed 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 the public.

### i. March 30, 2020

The City maintains that surveillance footage of the licensed premises taken on March 30, 2020, shows that between 4:46 p.m. and 4:51 p.m. several males were loitering outside the door of the One Stop while several other males were sitting inside of an SUV in the parking lot. The City contends that Respondent's store manager, who was standing nearby, made no effort to address either group of individuals or to discourage them from loitering.[44] The City further contends that at 4:53 p.m. two additional vehicles enter the One Stop parking lot and the passengers in these vehicles engage in a dispute with the passengers in the SUV.[45] While the dispute unfolds, a crowd begins to gather in the parking lot. At 4:59 p.m., two of the parties to the dispute fire handguns at each other.[46] The entire incident takes place over the course of eight minutes.

The City contends that Respondent's store manager, Abdulhafiz Abukhdeir Mohamad, made no effort to break up the dispute or disperse the crowd "until the dispute had effectively ended."[47] According to the City, Mohamad's failure to intervene when the dispute escalated violated license condition #2 and demonstrates that Respondent operates the business in a manner that endangers the public in violation of Saint Paul Legislative Code § 310.06(b)(5)–(8). The City asserts further that had Respondent's store manager taken action to disperse the individuals on March 30, 2020, the shooting incident "could very well have been avoided."[48]

A review of the video footage from March 30, 2020, does not support the City's description of events.[49] Instead, it appears the altercation between the occupants of two SUVs begins at about 4:54:40 p.m. Respondent's store manager and an individual who appears to be another employee approach the cars at 4:55 p.m. and appear to direct them to move out.[50] One SUV does leave, but then returns at 4:58 p.m. The occupants exit both SUVs cars and start fighting at about 4:59 p.m.[51] Again, Respondent's store manager approaches the individuals and physically intervenes in what appears to be an attempt to break up the fight.[52] When shots are fired, Respondent's store manager runs

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[44] City's Motion at 5 citing Exs. 1-23 – 1-24.
[45] Exs. 1-23 – 1-24.
[46] Exs. 1-23 – 1-24.
[47] City's Motion at 10.
[48] City's Motion at 13.
[49] Ex. 1-21 (parts 1 and 2; cameras 7 and 12).
[50] *Id.*
[51] *Id.*
[52] *Id.*

back into the store and comes out with a handgun. At that point, both SUVs exit the parking lot.[53]

The report of Sergeant Rob Stanway, the SPPD officer assigned to DSI who viewed the video footage, likewise states that Respondent's store manager comes out of the store at 4:55 p.m. and walks towards the crowd as some cars leave.[54] After shots are fired at 4:59 p.m., Stanway reports that Mohamad retrieves his handgun from the store and comes back out of the store holding it in his right hand.[55] Stanway states that the remaining individuals then get in their vehicles and leave the premises.[56]

The City has failed to show it is entitled to summary disposition on its claim that Respondent violated license conditions and City ordinances by not dispersing loitering and by operating the business in an unsafe manner on March 30, 2020. Instead, the evidence demonstrates disputed factual issues as to what occurred at the One Stop on March 30, 2020, and what reasonable action was required on the part of Respondent in the eight minutes at issue. The disputed facts preclude granting judgment in favor of the City as a matter of law. Therefore, the City's claim that Respondent violated licensing conditions and city ordinances with respect to the March 30, 2020, incident will proceed to an evidentiary hearing if necessary.

**ii. June 1, 2020**

The City argues that Respondent likewise failed to take reasonable steps to intervene when a large group of people began fighting within the licensed premises on June 1, 2020.[57] Based on surveillance video, the City asserts that Respondent's employees failed to attempt to break up the fighting or to remove those fighting from the premises. In addition, the City contends that the video demonstrates multiple instances where firearms were openly transferred between patrons and employees.[58]

Respondent argues that the June 1, 2020, video footage does not reflect numerous fights or unsafe handling of firearms within the licensed premises.[59] Respondent also notes that June 1, 2020, was a night of great unrest throughout both the cities of St. Paul and Minneapolis in response to the killing of George Floyd. Respondent urges this tribunal to review the evidence in that context.

The City has failed to demonstrate that it is entitled to summary disposition on this claim. Material issues of fact exist as to whether Respondent took reasonable steps to address the fighting within the licensed premises on June 1, 2020. While the video footage of the chaotic fighting that broke out within the store is disturbing, Respondent's employees appear to have made attempts to remove people and to break up the fighting

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[53] *Id.*
[54] Ex. 1-4.
[55] *Id.*
[56] *Id.*
[57] Exs. 6-16 – 6-17; 2-19 – 2-28.
[58] Exs. 6-16 – 6-17; 2-19 – 2-28.
[59] Decl. of Z. Abukhudeer at ¶¶ 8-12, 21-37.



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at various points. There are material issues of fact that preclude granting summary disposition on this claim. Instead, Respondent should be allowed to address the alleged violations at an evidentiary hearing if necessary.

**iii. July 20, 2020**

The City asserts that on July 20, 2020, SPPD officers observed a large group of males gambling and shooting dice on the west side of the property of the licensed premises in broad daylight.[60] The officers noted that these males could be easily viewed by Respondent's employees by "simply looking out a window."[61]

Respondent argues that, contrary to the City's claim and the affidavit of the SPPD officer, there are no windows on the west side of the building that a One Stop employee could have looked out of to view activity on the premises. Respondent submitted two photographs of the building that appear to support his claim.

Respondent has demonstrated that material issues of fact are in disputes with respect to the City's claim that Respondent failed to take appropriate action to disperse loitering and operated the business in an unsafe manner on July 20, 2020. The City is therefore not entitled to summary disposition on this claim. This alleged violation will proceed to an evidentiary hearing if necessary.

**D. Failing to Comply with Requests for Surveillance Video**

The City contends that on April 27, 2020, the DSI sent a letter to Respondent requesting copies of all video footage of the licensed premises from March 30, 2020, starting at 4:30 p.m. and ending at 5:30 p.m. DSI gave Respondent seven days, until May 4, 2020, to fulfill the request. The City maintains that on May 4, 2020, Respondent notified the DSI by email that the requested footage was not available due to "mistreatment" of Respondent's surveillance equipment by an SPPD employee on April 24, 2020. The City notes that it is a condition of Respondent's license that Respondent maintain the surveillance equipment and provide requested video. The City also notes that Respondent did not complain of or report any mistreatment of its surveillance equipment until after the footage was requested. The City argues that Respondent's failure to provide the video and to maintain the surveillance equipment in working order violated Respondent's license condition #3. The City asserts that it is entitled to summary disposition on this claim.

Respondent asserts that he timely responded to the City's request for the surveillance footage by email on May 4, 2020.[62] Respondent explained in his email that he was unable to provide the video because his surveillance equipment had been mistreated by an SPPD employee on April 24, 2020, resulting in both of his hard drives failing.[63] Respondent states that the mistreatment of the equipment happened when the

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[60] Exs. 2-105; 11-1-2.
[61] Ex. 2-105.
[62] Decl. of Z. Abukhudeer at ¶ 12, Ex. E.
[63] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F.

SPPD employee came to the store to retrieve surveillance video from a different incident.[64] Respondent asserts that he replaced the hard drives the next day, but that, thereafter, it was unable to produce copies of videos prior to April 24, 2020.[65] Respondent advised the City in its email that the SPPD had a copy of the requested March 30 video footage, and suggested the City could obtain a copy from it.[66]

Respondent also points out that the City was able to obtain a copy of the requested surveillance video from the SPPD by April 15, 2020, at least 12 days before DSI formally requested a copy from Respondent. Respondent notes that SPPD Sergeant Robert Stanway, who was assigned to the DSI, states in a report dated April 15, 2020, that he reviewed the video after obtaining a copy from the SPPD.[67] Because Respondent provided the March 30 video to the SPPD and the City was able to ultimately obtain a copy of the footage from the SPPD, Respondent contends it did not violate license condition #3 by failing to provide the video as requested.[68]

In its submission in support of the motion, the City filed an Incident Report of City employee James Legierski.[69] In his report, Legierski states that he went to the One Stop on April 24, 2020, to collect surveillance video at the request of an SPPD officer.[70] Legierski asserts that the DVR was located approximately 16 feet up in the ceiling rafters and that while standing on a ladder, he pulled it down from the rafter causing it to hang by attached cables.[71] Legierski was able to copy the video he needed but states he was unable to push the DVR back up onto the rafter. Instead, he left it hanging and states that he notified the store manager who told him that he would take care of it.[72] Legierski's description of events on April 24, 2020, matches the photograph of the DVR submitted by Respondent.[73]

The City has failed to demonstrate it is entitled to summary disposition on its claim that Respondent violated conditions of its license by failing to provide a copy of surveillance video and failing to maintain surveillance equipment. Instead, Respondent has raised sufficient issues of disputed material facts that preclude finding a violation of license condition #3 as a matter of law. Viewing the facts in the light most favorable to Respondent, it appears Respondent's surveillance equipment was damaged on April 24, 2020, causing it to be unable to produce the requested video. Respondent asserts that it immediately brought the equipment in for repair but that it is now unable to produce video footage prior to April 24, 2020. Respondent timely advised the City of that fact and suggested it obtain a copy of the footage from the SPPD. Based on this record, the City has not shown as a matter of law that Respondent failed to properly maintain its

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[64] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F. *See also*, Ex. 1-17 (Supplemental Offense/Incident Report of Sgt. Tina Kill).
[65] Decl. of Z. Abukhudeer at ¶ 13.
[66] *Id.* at ¶¶ 12, 13; Ex. E.
[67] Ex. 10-1-2.
[68] *Id.*
[69] Ex. 1-17.
[70] *Id.*
[71] *Id.*
[72] *Id.*
[73] Decl. of Z. Abukhudeer at ¶¶ 12, 13; Exs. E, F.



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surveillance equipment or that it failed to provide a copy of requested video footage. This claim will proceed to an evidentiary hearing if necessary.

## IV. Penalty

These are Respondent's first violations of the Saint Paul Legislative Code and under the City's penalty matrix, the presumptive penalty is a fine of $500.[74] The Saint Paul Legislative Code provides that the city council may deviate from the presumptive penalty in the matrix where it determines there are "substantial and compelling reasons" to do so.[75] The Code also provides that the occurrence of multiple violations shall be grounds for departure from the presumptive penalties at the city council's discretion.[76]

The requirement that the city council have "substantial and compelling reasons" to depart from the presumptive penalty provided in the matrix is similar to language found in the Minnesota Sentencing Guidelines that requires "substantial and compelling circumstances" to depart from the presumptive sentence for criminal convictions.[77]

The Minnesota Court of Appeals noted that the City's ordinances "provides a penalty matrix for licensing violations that is akin to the presumptive sentences provided in the Minnesota Sentencing Guidelines."[78] While the Administrative Law Judge recognizes the significant differences between imposing a criminal sentence and imposing an administrative penalty for a municipal code violation, the concepts underpinning the legal standard of review are analogous and, therefore, instructive.

Minnesota courts have held that the presumptive sentence should only be exceeded if the enhanced penalty is deemed to be "more appropriate, reasonable or equitable than the presumptive [penalty]."[79] The decision maker should impose the presumptive penalty unless "'substantial and compelling circumstances' based on aggravating factors warrant an upward departure."[80] To properly impose a penalty that is an upward departure from the presumptive penalty in the sentencing guidelines, then, the decision maker must have a specific factual basis.[81] "Substantial and compelling circumstances" are "factual circumstances that distinguish the case, making it atypical."[82]

The Minnesota Supreme Court has also held that "generally in a case in which an upward departure in sentence length is justified, the upper limit will be double the

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[74] St. Paul, Minn. Legis. Code § 310.05(m)(2).
[75] St. Paul, Minn. Legis. Code § 310.05(m).
[76] *Id.*
[77] Minn. Sent. Guidelines II.D (2019).
[78] *In the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* 2021 WL 562416, at FN #1.
[79] *Dillion v. State,* 781 N.W.2d 588, 595 (Minn. Ct. App. 2010) (citing *State v. Bingham,* 406 N.W.2d 567, 570 (Minn. Ct. App. 1987).
[80] *Id.*
[81] St. Paul, Minn. Legis. Code § 310.05(m)(ii).
[82] *Dillion,* 781 N.W. 2d. at 595.

presumptive sentence length."[83] The Court wrote: "Only in cases of 'severe aggravating circumstances' may the district court impose a greater-than-double departure from the presumptive sentence. Such cases, we have stated, are 'extremely rare'"[84]

Here, the City seeks to revoke the Respondent's licenses. Revocation is a greater-than-double upward departure from the presumptive $500 fine for a first violation provided in the penalty matrix. Therefore, following the guidance of Minnesota Supreme Court, the City must show that severe, aggravating, and factually atypical circumstances warrant such an upward departure from the presumptive penalty.

This tribunal applied this legal analysis in a recent case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota.[85] The city council "unanimously adopted the findings of fact, conclusions of law and recommendation of the administrative law judge."[86] In that case the city council found, based on the administrative law judge's report, "that 'severe aggravating circumstance support[ed] a greater-than-double upward departure from the presumptive penalty.'"[87] Those severe, aggravating circumstances included:

- gunfire,[88]
- shots fired from the gas station parking lot into neighboring buildings on multiple occasions,[89]
- neighbors who feared for their safety,[90]
- large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana,[91]
- drug deals in the parking lot,[92]
- physical assaults,[93]
- and ultimately a homicide.[94]

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[83] *State v. Evans,* 311 N.W.2d 481, 483 (Minn. 1981).
[84] *State. v. Shattuck,* 704 N.W.2d 131, 140 (Minn. 2005) (citing *State v. Spain,* 590 N.W.2d 85, 89 (Minn. 1999)).
[85] *See In re the Matter of the Cigarette/Tobacco and Gas Station Licenses Held by Midway University & Hamline LLC d/b/a Midway Amoco BP for the premises located at 1347 University Avenue in St. Paul License ID # 2010000243,* FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION (Minn. Office of Admin. Hearings Mar. 9, 2020).
[86] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *1.
[87] *Id.* at *4.
[88] *Id.*
[89] Findings of Fact, Conclusions of Law and Recommendation at p. 14.
[90] *Id.* at p. 13.
[91] *Id.* at p. 6.
[92] *Id.*
[93] *Midway University & Hamline LLC d/b/a Midway Amoco BP,* 2021 WL 562416, at *4.
[94] *Id.*

In that case, the "licensee fostered this criminal actively by selling single cigarettes and drug kits."[95] "Between late April 2019 and the end of June 2019, the SPPD received more than 100 calls for service to the gas station."[96]

The city council found these events amounted to one of those rare instances where the "severe, aggravating and **factually atypical** circumstances . . . supported a [greater-than-double upward] departure from the presumptive penalty."[97] The Minnesota Court of Appeals affirmed the city council's revocation of the cigarette/tobacco and gas station licenses.[98]

In this case, Respondent violated Saint Paul's legislative code by selling single cigarettes, selling flavored tobacco products, and allowing patrons to smoke within the licensed premise in violation of Minnesota's Clean Air Act. These multiple violations support an upward departure on the City's penalty matrix.[99] But, while these violations are concerning, they are not the "severe, aggravating and atypical circumstances" that are required to support the revocation of Respondent's licenses.

Moreover, the remaining allegations, while more troubling, even if established at hearing, would not support revocation. The violations here are not as persistent, pervasive, or dangerous as those in the Midway Amoco BP case. This recommendation should not be taken as condoning the actions of Respondent, but rather a reasoned judgment that the violations established together with the violations alleged, are not so severe, aggravating, atypical, and rare as to meet the high legal standard necessary for a greater-than-double upward departure in the City's penalty matrix.

It is recommended that an upward departure to the second penalty box, a $1,000 fine, be imposed for Respondent's multiple sales of single cigarettes and flavored tobacco products, and for allowing patrons to smoke cigarettes while inside the store. This matter will proceed to a prehearing conference as indicated in the Order to discuss the remaining violations and whether an evidentiary hearing is necessary.

J. E. L.

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[95] *Id.*
[96] *Id.* at FN #4.
[97] *Id.* at *4 (emphasis added).
[98] *Id.*
[99] St. Paul, Minn. Legis. Code § 310.05(m).

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
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mn.gov/oah
PH (651) 361-7900

December 6, 2022

**VIA EFILING ONLY**
Shari Moore
City Clerk
City of St. Paul
310 City Hall
15 W Kellogg Blvd
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC, for the premises located at 1541 Maryland Avenue in Saint Paul***
***License ID # 20190001624***
**OAH 80-6020-37157**

Dear City Clerk Moore:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter. A compiled record to date, along with the hearing audio, was submitted to your office on October 8, 2021. Documents filed after that date are enclosed with the Judge's Findings of Fact, Conclusions of Law, and Recommendation, including the audio from the July 25, 26, and 27, hearing. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7943, dara.xiong@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

DARA XIONG
Legal Assistant

Enclosure
cc: Docket Coordinator
Therese Skarda
Mark K. Thompson

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OAH 80-6020-37157

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

License ID # 20190001624

This matter came before Administrative Law Judge LauraSue Schlatter for a hearing on July 25, 26, and 27, 2022.[1] The record closed on September 16, 2022, when the Licensee filed his responsive closing statement.[2]

Stephen Earnest, and Therese A. Skarda, Assistant St. Paul Attorneys, appeared on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law PLC, appeared on behalf of Zakariya Abukhudeer d/b/a The One Stop Market LLC (Licensee).

## STATEMENT OF THE ISSUES

Did the City demonstrate by a preponderance of the evidence that Licensee:

1) Failed to properly maintain its surveillance equipment,
2) Failed to provide a copy of its video surveillance footage, and
3) Permitted dangerous behavior and loitering on or near its licensed premises,

all in violation of the conditions attached to the licensed premises; and, if so, whether these violations constitute substantial and compelling reasons for an upward departure from the penalties applicable at Saint Paul Legislative Code § 310.05, to revocation.

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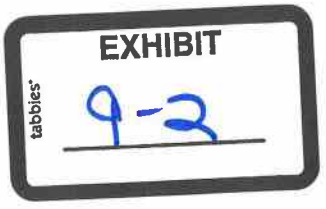
[1] See letter from Chief Judge Jenny Starr to Stephen Earnest, Assistant City Attorney and Mark K. Thompson, MKT Law, PLC (Feb. 3, 2022) notifying the parties of reassignment of case to Administrative Law Judge LauraSue Schlatter.

[2] Written closing arguments were originally due August 12, 2022. On that date, after Licensee had submitted his closing argument, the City requested a continuance. Following a telephone conference on August 17,2022, the City was granted until September 6, 2022, and the Licensee provided an opportunity to file a responsive argument on September 16, 2022. *See* Order for Post-Hearing Briefing Continuance (Aug. 24, 2022) and City's Closing Memorandum, Affidavit of Therese Skarda and attachments (Sep. 6, 2022).



## SUMMARY OF RECOMMENDATION

The Administrative Law Judge respectfully recommends that the City impose a penalty of $1,000, double the presumptive penalty under the penalty matrix.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

## FINDINGS OF FACT

### I. Procedural Background

1. Licensee Zakariya Abukhudeer (Zak)[3] is the owner and operator of The One Stop Market, LLC (OSM or Licensee), a convenience store located at 1541 Maryland Avenue East in Saint Paul. He purchased the OSM in June or July 2019, after working in similar businesses owned and run by members of his family.[4]

2. The City granted Licensee a Cigarette/Tobacco license for OSM subject to the following conditions:

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

c. The license holder shall maintain video surveillance cameras inside and outside the establishment in accordance with Saint Paul Police Department (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 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.

d. Signage placed on the inside and/or outside of the window shall not take up more than 30 percent of the window space and shall not be place in the area between four (4) and seven (7) feet above the

[3] Because several of the witnesses are related and share the last name Abudkhudeer, they will be referred to by their first names in this report.

[4] Testimony (Test.) of Zakariya Abudkhudeer. There is a second Zakariya Abudkhudeer who works at the OSM – he will be referred to as Zakariya.



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adjacent ground level. Shelving and/or displays shall not be place [sic] in front of the window.[5]

3. On September 10, 2020, the City issued a Notice of Violation to Licensee alleging violations of license conditions and city ordinances related to the operation of Licensee's business.[6] The City cited Licensee with violating license conditions 2 and 3 by failing to take reasonable steps to discourage loitering and by failing to provide a copy of surveillance footage as requested.[7]

4. The City also cited Licensee with violating city ordinances by selling single cigarettes and flavored tobacco products, and by operating the business in a manner that creates a serious danger to public health or safety, or permits conditions that unreasonably annoy the comfort or repose of the public.[8] The City initially requested an upward departure from the penalty matrix to a $2,000 fine and a 10-day suspension of all licenses with imposition of additional conditions.[9]

5. On April 8, 2021, the City filed an Amended Notice of Violation and Request for Upward Departure to Revocation (Amended Notice).[10] The City stated that further review of surveillance footage resulted in the identification of additional incidents of sales of single or flavored cigarettes, as well as incidents of patrons and employees smoking within the licensed premises.[11] Based on the newly identified licensing violations, the City revised its penalty recommendation to request revocation of Licensee's license.[12]

6. On April 26, 2021, the City filed a Motion for Summary Disposition. Licensee filed his Response on May 26, 2021, and oral argument was heard on May 28, 2021. Licensee was given additional time to supplement his response opposing the City's requested deviation from the presumptive licensing violation penalty.[13]

7. On September 7, 2021, Administrative Law Judge James LaFave issued a thoughtful, well-reasoned, Recommendation and Order in which he recommended that the St. Paul City Council grant the City's motion for summary disposition with respect to Licensee's alleged violations of Saint Paul Legislative Code § 324.07(a) and (f) relating to Licensee's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020; and with respect to alleged violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to Licensee allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act.[14] The Order denied the City's motion for summary disposition with respect to Licensee's alleged violation of licensing

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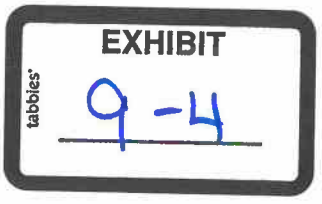
[5] Exhibit (Ex.) 1-14.
[6] Ex. 1-1.
[7] *Id.*
[8] Notice of Prehearing Telephone Conference (Oct. 21, 2020).
[9] *Id. See* St. Paul Legis. Code § 310.05(m) (penalty matrix).
[10] Amended Notice (Apr. 8, 2021). The Amended Notice was filed with the Office of Administrative Hearings on April 8, 2021, but is dated March 2, 2021.
[11] *Id.*
[12] *Id.*
[13] Ex. 3-10 – 3-11.
[14] Recommendation and Order on Motion for Summary Disposition at 2 (Sept. 7, 2021).





condition 3 and Saint Paul Legislative Code § 310.06(b)(5) relating to the failure to provide a copy of surveillance video as requested by the City; and with respect to the alleged violations of Saint Paul Legislative Code § 310.06(b)(5)-(8) and licensing condition 2 relating to Licensee's conduct on March 30, 2020, June 1, 2020, and July 20, 2020.

8. Thereafter, the City requested that its Motion for Summary Disposition be certified, pursuant to Minn. R. 1400.7600 (2021), to the Saint Paul City Council (City Council). The Licensee did not object to the request for certification, and on October 8, 2021, Judge LaFave issued an Order certifying the City's Motion for Summary Disposition to the City Council and staying all further proceedings at the Office of Administrative Hearings pending further decision by the City Council.[15]

9. On December 28, 2021, the City Council and Mayor Melvin Carter issued Resolution 21-1813

> Remanding the matter of the cigarette/tobacco license held by Zakariya Abukhudeer, d/b/a The One Stop Market LLC . . . back to the Administrative Law Judge so that an evidentiary hearing may be held on the allegations on which the Administrative Law Judge denied summary disposition.[16]

10. The Resolution further stated:

> [A]t a public hearing on November 17, 2021, the Department recommended that the City Council adopt Judge LaFave's order and recommendation, impose a $1,000.00 fine against the License, and dismiss the remaining allegations; . . .
>
> [At] the same hearing, after considering all the evidence contained in the record and the oral arguments presented before it, the City Council rejected the Department's recommendation and requested that the Department try the remaining allegations at an evidentiary hearing. . ."

11. Based on the City Council's Resolution, the Administrative Law Judge identified the issues to be addressed at the evidentiary hearing as:[17]

a. Whether One Stop Market violated licensing condition 3 and the Saint Paul Legislative Code § 310.06(b)(5) relating to the alleged failure to maintain video surveillance equipment and to provide a copy of surveillance video as requested by the City; and

b. Whether One Stop Market violated licensing condition 2 and the Saint Paul Legislative Code § 310.06(b)(5)-(8) relating to One Stop Market's conduct on March 30, 2020, June 1, 2020, and July 20,

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[15] Order on Certification (Oct. 8, 2021).
[16] City of St. Paul Resolution, RES 21-1813 at 1 (Dec. 22, 2021).
[17] Order for Continuance (May 31, 2022).

2020, in allegedly permitting dangerous behavior and loitering on or near the licensed premises.

12. In a Motion in Limine filed on July 24, 2022, the Licensee moved to prohibit the City, its counsel and witnesses "from directly or indirectly introducing or presenting any evidence, testimony, questions, arguments, and from referring or alluding to the charges already decided by this Court, [including;]"

1) violations of Saint Paul Legislative Code § 324.07(a) and (f) relating to Licensee's sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020; and

2) violation of Saint Paul Legislative Code § 310.06(b)(6)(a) relating to Licensee allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act.[18]

13. Following a prehearing argument on Licensee's motion, the Administrative Law Judge granted Licensee's motion, with the limitation that the City could refer to the established cigarette and tobacco violations in argument regarding penalties.[19]

## II. One Stop Market

14. OSM is located in a challenging area, surrounded by low-income housing. It is an area where, historically, there are problems with gangs, drugs, and gun violence, some of which became worse with the March 2020, COVID-19 lockdown.[20] Many area stores closed during the early days of the COVID-19 lockdown, but OSM remained open.[21]

15. Trouble around the store got really bad starting in about 2018 or 2019. At first, OSM hired off-duty police officers to help with security a few hours a day. They had trouble affording it once they were unable to sell menthol cigarettes.[22] In addition, OSM primarily relied on the off-duty officers to help trespass people who were causing trouble or loitering. It was a frustrating process, because people would get trespassed, but then would come right back. They were not jailed.[23]

16. Before it was known became the One Stop Market convenience store, the building housed a grocery store called Sam's Dairy. It was run for a time by others in the Abukhudeer family. Some people still call the store Sam's Dairy.[24]

17. Because of its challenging location, and the dearth of options for shopping, the OSM is needed in the neighborhood. Police involved in fighting drugs and gang

[18] Licensee's Motion in Limine (July 24, 2022).
[19] Hearing Digital Recording (on file with the Minn. Office Admin. Hearings).
[20] Test. of Sgt. Stanway, Sgt. Dunaski, Maan A., Faris A., Mohamed A., Zak A.
[21] Test. of Faris A.
[22] Test. of Zak A.
[23] Test. of Maan A.
[24] Test. of Zak A., Maan A.

violence in the area have found Zak and others working at the OSM to be helpful, and "part of the solution."[25] OSM provides the police with the videos they need when there is a problem.[26]

18. Police officers differed significantly in their understandings of how long a person or vehicle can remain on store property before they are "loitering" there. Loitering is not defined. Sergeant (Sgt.) Robert Stanway, the liaison officer between the St. Paul Police Department (SPPD) and the Office of Safety and Inspections (OSI) believes that a person who remains on the property of a business for about five minutes without doing business there is loitering.[27]

19. Sgt. Mike Dunaski, an SPPD officer whose district includes the area where OSM is located, and who regularly deals with illegal drug dealing, gang and other violence, homicides, robberies, etc., defines loitering differently. Sgt. Dunaski generally does not have concerns about loitering in the context of a business premises like OSM for about 15 minutes or so, even if the person or persons are not doing business there.

20. Sgt. Dunaski stated that, whether someone is loitering depends on why they are there – a person may be waiting for someone, to give them a ride, get a ride, or to go to the store. A person might be going to the laundromat. They might be looking for someone just to talk to, or for help finding work. They might be waiting for a bus. There are public sidewalks and a transit stop right there, too. Sgt. Dunaski looks at what people are doing – are there transactions? Are people handing things in and out of the car, changing money for things? Is the behavior consistent with drug transactions, or gang activity? Sgt. Dunaski sees a corner store as a place to hang out. He was not aware of OSM failing to prevent loitering.

21. Maan Abukhudeer and Zak are cousins. Maan opened a cell phone store in the corner of Sam's Dairy in 2014. He kept the business in the store after Zak bought the store.[28] Maan has had a conceal and carry permit throughout the time he has had his store at the Maryland Avenue location, but never had to pull his gun out. In 2020, with the advent of COVID-19 and the murder of George Floyd, things became much more violent everywhere in Minnesota, including the area around the OSM.[29]

22. The Abukhudeers intend to stay in the neighborhood to stay and want to protect the store, the neighborhood, and the people in it.[30]

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[25] Test. of Sgt. Mike Dunaski. Ex. 101.
[26] Test. of Dunaski.
[27] Test. of Sgt. Robert Stanway.
[28] Test. of Maan A.
[29] *Id.*
[30] Test. of Maan A.

## III. Video Equipment and Provision of Video

23. James Legierski is a data release technician for the SPPD. His duties include collecting and releasing video for the SPPD for all types of incidents, from residential package theft to homicide.[31]

24. On April 24, 2022, SPPD officer Tina Kill asked Legierski to go to the OSM to collect video for an incident that had occurred there the previous day. Legierski acknowledged he was not very good at estimating, but guessed that the DVR (digital video recorder) "was approximately 16 feet up in the ceiling."[32] Legierski had been to OSM ten or fifteen times before, but the DVR had been behind the store counter in the past.[33] A store employee provided Legierski with a ladder that was about five feet tall, which was not tall enough to enable Legierski to put his flash drive into the DVR's USB slot without pulling the DVR down from the rafter it was sitting on.[34] Legierski pulled on one of the cables to get the DVR down so he could reach it. He thought the cables attached to the DVR were primarily coaxial cables.[35]

25. Legierski retrieved the video he needed but was unable to reach high enough to replace the DVR on its shelf. He tried repeatedly to push it back onto the shelf, but each time he would try, the DVR would fall back down. He asked an employee for help replacing the DVR on the shelf. The employee told him not to worry about it, that the employee would take care of it. After checking to make sure that all twelve cameras connected to the DVR were still recording live, Legierski left the premises. Legierski did not check the hard drives after he retrieved the data he needed.[36] When he left OSM, the DVR remained hanging from the ceiling by a number of cables.[37]

26. The DVR was on a high shelf in the back room of the OSM on April 24, 2020, and is still stored on that shelf. The ceiling in the OSM building does not exceed twelve feet, but the floor of the back room is raised about a foot or a foot and a half, so the DVR is not more than 10 or 10-1/2 feet from the floor. A stepladder was kept handy for SPPD or Department personnel to access the DVR on request. Since the April 2020, incident with Legierski, Licensee has run a connecting cable and access drive to counter height, to allow a person to download video without having to access the DVR itself.[38]

27. None of Licensee's security systems are connected using coaxial cables. They are all connected using ethernet cables.[39] Ethernet cables connect using a lightweight plastic connector that snaps into place, like an old-fashioned telephone line connector. Only a few of the 12 cameras in the security system are connected directly to the DVR. The remainder of the cameras are connected to the server via switch box using

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[31] Testimony (Test.) of James Legierski.
[32] *Id.* Exhibit (Ex.) 1-17.
[33] Test. of J. Legierski.
[34] *Id.* Ex.1-17.
[35] Test. of J. Legierski.
[36] Test. of J. Legierski.
[37] *Id.* Ex. 104.
[38] Test. of Zak A.
[39] *Id.*

a "splitter system," which are in turn connected to the DVR. This configuration permits the cameras to be connected to the internet so they can be viewed online.[40]

28. Zak was ill with COVID-19 on April 24, 2020, so he was not present when Legierski came to collect the video. Zak waited until after store hours when no one would be there so he could check the DVR system without fear of infecting others. When he arrived at the store, he found the DVR system had fallen to the floor. The ethernet cables had broken off.[41]

29. Zak tested the system immediately and got a message that the hard drive had failed. He was able to purchase a replacement hard drive from the One Stop Wireless store located within OSM and complete the repair that night. The repaired system was up and running the next day.[42]

30. In a letter dated April 27, 2020, the City requested "a copy of all interior video cameras surveillance for . . . March 30, 2020 from 1630 (4:30 PM) to 1730 (5:30 PM) [.]"[43] The letter requested that the recording be provided to the Department of Safety and Inspections "no later than 4:30 PM on May 4, 2020."[44] According to the carbon copy indication on the face of the letter, it was sent to Zak at his home address.[45]

31. Zak received the letter on May 1, 2020.[46]

32. At 12:48 p.m. on May 4, 2020, Zak sent an email to the DSI, stating, in relevant part:

> [U]nfortunately, these tapes are not available on my system hard drive. I do not have any surveillance prior to April 24th when a SPPD officer was at the business retrieving surveillance for a different incident. Due to the mistreatment of my surveillance equipment, my DVR system fell to the floor causing both of my hard drives to fail. From my knowledge, SPPD already has a copy of the incident on March 30th which may be of help to you.[47]

33. Licensee has been requested to provide video to the SPPD or DSI over 50 times since opening OSM. The only time Licensee was unable to produce footage was in response to the Department's April 27, 2020, request for footage from March 30, 2020.

34. Sgt. Robert Stanway was assigned to the Department as a police liaison between the SPPD and DSI. As a police liaison, he would assist or supplement the work of the city inspectors. He often accompanied inspectors to help them ensure that facilities were compliant with licensing requirements, but he never personally accompanied the

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[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] Ex. 1-15.
[44] *Id.*
[45] *Id.*
[46] Test. of Zak A.
[47] *Id.* Ex. 1-16.

Department to OSM. Early in his career, when the store was known as Sam's Dairy, he visited the premises.[48]

35. Sgt. Stanway became involved with the March 30, 2020, incident at OSM after being told that there was an aggravated assault there. He reviewed the file and later the video regarding the assault to determine whether there were any violations of the license conditions in connection with the aggravated assault. The video copies he reviewed were ones he received from the SPPD that were collected at the time of the incident. Following his review of the videos, Sgt. Stanway wrote a Supplemental Report dated April 15, 2020, regarding the March 30, 2020, incident.[49]

36. Sgt. Stanway's Supplemental Report, based on the video he received from the SPPD, was dated more than ten days before the DSI requested the video from Licensee.[50]

37. The April 27, 2020 DSI request was for "all interior tapes" from the OSM for March 30, 2020, from 4:30 p.m. to 5:30 p.m. Because the tapes provided to the SPPD only provided one camera angle (camera 7) which included the interior of the store, OSM's inability to provide the requested tapes meant that DSI was unable to access all the video footage it had requested.[51]

38. According to DSI, damage to equipment could only be excused by an "act of God, or natural disaster."[52] Therefore, the City deemed OSM's failure to provide the requested video to be a violation of license condition 3.[53]

## IV. Permitting Dangerous Behavior and Loitering In Front Of or On the Property of the Licensed Business.

### A. March 30, 2020, Incident

39. Mohamed A. was working at the OSM on March 30, 2020.[54] At 4:46 p.m. on that date, Mohamed was standing outside the store, near the door.[55] A person called "Fresh" was working security for the store that day. Fresh was sitting outside, just west of the front door.[56] A cousin, Faris A., was working inside the store.[57] Maan was also working inside.[58]

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[48] Test. of Robert A. Stanway.
[49] *Id.* Ex. 114. The report was supplemental to a report Sgt. Stanway likely wrote on the day of the incident or possibly the day after, before he viewed the videos. Test. of R. Stanway.
[50] Ex. 114. *See* Ex. 1-15.
[51] Test. of E. Hudak. Ex. 1-13.
[52] Test. of E. Hudak.
[53] *Id.*
[54] Test. of Mohamed A.
[55] *Id.* Ex. 1-13, 16:46:13.
[56] Test. of Mohamed A.
[57] Test. of Faris A.
[58] Test. of Maan A.



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40. DSI determined that Fresh, Maan, and the couple of people they were interacting with in front of the store, were loitering during the first four or so minutes of the video.[59]

41. There are a couple of milk crates just to the west of the door where security or OSM staff may sit. No one else is permitted to sit in front of the store.[60] Store policy is, if you are not buying anything, you may not "hang out" in front of the store. "Hanging out" is if a person walks back and forth, or just stands in front of the door.[61]

42. The business in the eastern part of the building adjoining OSM is a laundromat. Sometimes people who appear to be loitering say that they are just waiting for their laundry to be done. [62]

43. On March 30, 2022, a black Dodge Durango was parked to the west side of the front door. Two people exited the Durango, and walked into the store, returning to the vehicle a moment later with two others. [63] DSI determined that conduct was abnormal, and that OSM employees should have told the Durango occupants to leave the premises.[64]

44. People from the Durango then made purchases in the store. [65] Other people came and went, to and from the store. Several were regulars to the store. Mohamed greeted people as they came and went, "mingling with the customers."[66]

45. Mohamed's younger brother, also named Zakariya, stepped outside the store briefly, to get something from Mohamed's truck.[67]

46. At approximately 4:51 p.m., a black SUV pulled into the parking lot from the west side, drove across the lot, and left to the east.[68] At about 4:53 p.m., a couple of additional cars entered the parking lot from the west. The same black SUV that had driven through two minutes before came through again, this time from east to west, stopping at the west driveway to the parking lot to sit parallel to a dark colored SUV/van that was just pulling in.[69]

47. Fresh rose from the spot where he had been sitting in front of the store, gesturing at, and apparently speaking to, the occupants of the side-by-side vehicles.[70]

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[59] Test. of Eric Hudak. Ex. 1-13, 16:46:13 -16:50.
[60] Test. of Faris A.
[61] Test. of Faris A.
[62] *Id.*
[63] Ex. 1-13, 16:50:50.
[64] *Id.* Test. of E. Hudak.
[65] Test. of Faris A. Ex. 1-13, 16:50:50.
[66] *Id.* Ex. 1-13, 16:46-16:51.
[67] Test. of Faris A.
[68] Ex.1-13, 16:50.
[69] Ex. 1-13, 16:53.
[70] Ex.113, 16:54.



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Mohamed, meanwhile, had gone back into the store as additional customers went inside.[71]

48. In a matter of 60 seconds, the parking lot transformed from quiet to what appeared to be a confrontation among at least six people standing among the four SUVs and vans.[72] During that time, Fresh, Mohamed, and Zakariya,[73] along with four or five other individuals assembled on the sidewalk in front of the OSM.[74] Mohamed and other OSM employees moved toward the western perimeter of the parking lot, and Mohamed approached each of the vehicles, including the Durango, telling the parties involved to leave. Within a minute and a half, everyone was back in their vehicles and all, but the Durango were moving.[75] Just as the other vehicles were moving, a person from the Durango in the bright orange jacket got into the back seat of the white car parked next to the Durango. In the pause before the SUV returned, that person got out of the white car next to the Durango, from rear driver's side door. The person in the orange jacket then went into the store.[76]

49. A minute and a half after leaving, the dark colored SUV/van returned, along with a different white car. A man wearing pants, but no shirt came around the northwest corner of the building, walked into the store, then out again towards the east, and was followed out by the person in the bright orange jacket.[77] A number of people got out of the Durango. All of the people from the vehicles and several who came from around the northwest corner of the building and inside the store streamed toward the eastern part of the parking lot, or beyond, out of camera range.[78] The person in the bright orange coat and the shirtless-man appeared intent on fighting one another.[79]

50. Fresh, Mohamed, Zakariya, and two other individuals stood in front of the store, watching. Mohamed initially thought that the group was leaving the store's property.[80] When the fighting escalated on the property, Mohamed handed his gun to Zakariya, so that Mohamed could approach the melee without concern that someone would take the gun from him.[81]

51. As Mohamed moved toward the conflict, a woman in a yellow shirt went to the dark SUV parked facing east in the middle of the lot and grabbed a crutch from the driver's side. She ran with it to the passenger side of the Durango and began hitting the rear passenger side of the Durango with the crutch. Mohamed moved to the woman who was swinging the crutch at people by then. His goal was to take the crutch so she could

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[71] Test. of Mohamed A.
[72] Ex. 1-13, 16:54:09-16:55:09.
[73] Zakariya is referred to as Zakariya to distinguish him from Zak, the owner of OSM.
[74] *Id.*
[75] *Id.* at 16:56:39.
[76] *Id.* at 16:56:28-16:57:39.
[77] *Id.* at 16:58:01-16:58:24.
[78] *Id.* at 16:58:03.
[79] Ex. 1-13 16:58:34-16:58:44 (Camera 14).
[80] Ex. 1-13, 16:58.
[81] Test. of Mohamed A. Ex. 1-13,16:58:53.



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not hurt anyone with it.[82] The man who apparently needed the crutches took the second crutch from the van. The woman who had taken the first crutch was fighting on the ground with another woman, and someone else grabbed the crutch she had. Mohamed took it, set it against the dark SUV, and moved toward the fighting women. He called to the OSM employees in front of the store, telling them again to call the police. The man holding the crutch swung it, hitting Mohamed with his crutch. About two seconds later, the crowd ducked simultaneously, then everyone scattered. Mohamed headed into the store.[83]

52. While the fight involving the crutches was reaching its climax, three men who had been standing apart, to the east of Mohamed's Chevy Silverado, moved to the front of the Silverado. One of the men, wearing white shoes, a grey hoodie, and a cap, handed a gun to the man wearing athletic pants, but no shirt. A third watched what was happening and stood back, then moved with the shirtless man toward the back of the truck.[84] The shirtless man fired the gun into the air as the two moved back. There was no apparent response from the crowd.[85] While no second shot is visible from the videotape, the crowd ducked and scattered as though they heard a shot, seconds after Mohamed was hit with the crutch.[86]

53. As the crowd dispersed, the shirtless man dashed behind the Silverado toward the Durango, aimed his gun at the passenger side front window, and shot into the Durango. His fire was returned multiple times by someone wearing an orange jacket, holding a gun from the rear passenger window of the Durango, as the shirtless man disappeared out of view to the west of the building.[87] Fresh hurried into the store as the shots were fired.[88]

54. Following the shooting, Mohamed and Fresh came back outside. Mohamed had his gun in hand initially, as he searched to see where the bullets were coming from. When he saw that everybody was running, he put his gun into his back pocket and he and Fresh focused on clearing the cars from the parking lot.[89]

55. Fresh picked up a purse from the lot near where the Durango had been parked.[90]

56. The Durango had just pulled out of the lot, when two people jumped out of it and came running back to the OSM, yelling that someone had been shot, saying "Somebody call an ambulance!"[91]

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[82] *Id.* Ex. 1-13, 16:59.
[83] Ex. 1-13, 16:59:08-16:59:57. Test. of Mohamed A.
[84] Ex. 1-13, 16:59-38-16:59:43.
[85] *Id.*, 16:59:43.
[86] *Id.*,16:69:50.
[87] *Id.*,16:57-17:00.
[88] *Id.*, 16:59:59.
[89] Test. of Mohamed A., Ex. 1-13, 17:00:07-53.
[90] *Id.* Ex. 1-13, 17:00:44.
[91] Test. of Mohamed A. Ex. 1-13, 17:01.



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57. Several people from OSM went to the Durango and suggested that they drive to the emergency room. The Durango passengers piled back in, and it pulled away. Mohamed saw shells on the property and called the police again.[92]

58. The police arrived approximately four and a half minutes after the shooting took place.[93] At least three of the OSM employees, Mohamed, Zakariya and Maan, had called police.[94]

59. Mohamed had never encountered violence of this sort at OSM before, although he had seen a similar situation when he worked as a security guard at a store in downtown Minneapolis.[95] In addition to the March 30, 2020, shooting in their own parking lot, Maan was aware of a recent shooting at a nearby gas station.[96]

60. After reviewing the video of the incident in the parking lot on March 30, 2020, DSI determined that OSM had violated the license condition requiring it to "mitigate or not allow loitering," and that that violation had created a serious danger to public health, safety or welfare. The OSI also concluded that the OSM permitted conditions to exist which unreasonably endangered public safety.[97]

61. Sgt. Dunaski is very familiar with east St. Paul.[98] His grandparents lived there when he was growing up and he is committed to it.[99] He has known the Abukhudeer family for a number of years, going back to John who ran Sam's Dairy.[100] As part of his community policing model, he gets to know store owners, to understand whether they are part of the problem or part of the solution.[101] He sees Zak and Maan as part of the solution.[102] They have been burglarized and had things stolen from them.[103] They have put themselves at risk.[104] But they share information, and help him get a jump on criminal activity.[105] They can text ahead if they hear something or see something, let police know who or how many people they should be looking for.[106] They know the community very well, know people by nicknames the police don't always know.[107] With increasing drug and gang crimes, businesses like OSM who are police-friendly can be very helpful.[108] The difficulty with OSM's location includes its proximity to the bus stop and the laundromat.[109]

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[92] Test. of Mohamed A.
[93] Ex. 1-13, 14:04:31.
[94] Test. of Faris A.
[95] Test. of Mohamed A.
[96] Test. of Maan A.
[97] Test. of A. Hudak. Ex. 1-22-26; S.P. Leg. Code § 310.06(b)(7), (8) (Ex. 3-13).
[98] Test. of Sgt. Dunaski.
[99] *Id.*
[100] *Id.*
[101] *Id.*
[102] *Id.*
[103] *Id.*
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] *Id.*
[108] *Id.*
[109] *Id.*

Between keeping their own business safe and how people may occasionally take advantage of a situation, he does not blame them if occasionally there are problems. Problems can flare up in a matter of seconds, they cannot have people outside every second.[110] In 21 years in that location, he knows that the community needs the store.[111] It provides an important service to the community, and OSM and the Abukhudeer family have helped him as an officer.[112] No one is perfect, but they do a lot in a challenging area.[113] Consistent ownership and employees are helpful to the police.[114]

**B. June 1, 2020, Incident**

62. Faris and Maan were working on June 1, 2020, along with a family friend, Osama, who was helping them out for the day. This was shortly after the May 20, 2020, murder of George Floyd in Minneapolis. There was significant unrest in both Minneapolis and St. Paul. Tensions and violence were heightened in the neighborhood where OSM is located.[115]

63. On June 1, 2020, at the apartments behind OSM, the residents were having a block party. Other neighborhood stores were closed, because many store owners were afraid of the rioting going on.[116] Because they know and are comfortable with the area and the customers around their store, the OSM remained open to serve the neighborhood.[117]

64. At 9:14 p.m., a woman named Dior entered the OSM, followed immediately by a woman in a black Minnie Mouse t-shirt (MM). Dior went to the front register, where Osama was sitting. Dior said "Call the cops, I'm not paying them, call the cops, I'm not paying them."[118] MM claimed that Dior had hit MM's car, and possibly others, while driving past them. MM was telling Dior to go to the ATM so Dior could pay the people whose cars she had hit.[119]

65. Dior and MM were followed into the store by about ten other people. Faris smelled alcohol on everyone's breath, "young and old."[120] In less than one minute of their initial entrance, Dior and MM's argument was escalating.[121] Maan A. immediately moved from his place behind the counter and, within 15 seconds of the time Dior and MM were facing off, Maan stood between them, separating them, and sending everyone out of the

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[110] *Id.*
[111] *Id.*
[112] *Id.*
[113] *Id.*
[114] *Id.*
[115] Test. of Sgt. Stanway, Sgt. Dunaski, Maan A., Faris A., Mohamed A., Zak A.
[116] Test. of Faris A. and Maan A.
[117] Test. of Maan A.
[118] Test. of Faris A. Ex. 1-13, 21:14:48 (pt. 5/56).
[119] Test. of Faris A.
[120] *Id.*
[121] Ex. 1-13, 21:15:33 (pt. 5/56).



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store.[122] Within just over 60 seconds, Maan, Faris and Osama cleared everyone involved in the dispute out of the store, except Dior.[123]

66. Maan wanted Dior to remain in the store, because "all those people were there for her."[124] About 15 to 20 people had followed Dior from the party at the building behind the store and were waiting for her outside. To try to keep her safe, Maan tried to get Dior to leave through the back door, so she could get to her car without the others seeing her, but she would not leave.[125] Maan personally escorted her to the back door multiple times, but she kept coming back into the store.[126]

67. Maan allowed a couple of people back in to try to talk to Dior. He referred to a woman wearing a cap with a stripe on the front as "the peacemaker" because she seemed to know everyone involved and to be trying to calm everyone and resolve things.[127] He also allowed MM's boyfriend, a man in a white t-shirt, who promised Maan he would not lay hands on Dior, but just wanted to try to speak with her.[128]

68. That conversation was not productive, and Maan ushered people out, and looked to see who was still in the store.[129] It was a constant process for Maan, Osama, and Faris as they kept clearing the store to keep fights from breaking out while waiting for police to show up.[130] Soon, people began to stream back in, again.[131] The three met with more resistance from a few individuals. Maan and Faris continued to watch the registers and serve customers while Osama stood at the door, monitoring who was coming and going. A helper began to vacuum the store. About three and a half minutes after the crowd had re-entered the store, it appeared calm once more.[132] Dior yelled at the crowd outside that she was not going to pay anyone any money and everybody could go home. She mostly stayed close to one of the employees.[133]

69. Just after 9:25 p.m., a group of people entered the store and several confronted Dior. They left again, but she appeared upset after they left. MM returned alone and confronted Dior.[134] Osama tried to intervene between MM and Dior, but the argument continued, and more people streamed in, several confronting Dior. During this time, OSM's security person was at the door, but apparently unable to stop the flow of people.[135]

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[122] Ex. 1-13, 21:15:48 (pt. 5/56).
[123] Ex. 1-13, 21:16:50(pt. 5/56).
[124] Test. of Faris A.
[125] *Id.* Test. of Maan A.
[126] Test. of Maan A.
[127] *Id.* Ex. 1-13, 21:17:29 (pt. 5/6).
[128] *Id.* Ex. 1-13, 21:17:31 (pt. 5/6).
[129] Test. of Maan A.
[130] *Id.*
[131] Ex. 1-13, 21:17:11 (pt. 5/56).
[132] Ex. 1-13, 21:20:44(pt. 5/56).
[133] Test. of Faris A.
[134] Ex. 1-13, 21:25:44-26:40(pt. 5/56).
[135] Ex. 1-13, 21:27:03-27:54.

70. Dior had been standing at the break in the counter near the front register. Faris moved onto the floor of the store, among the people arguing with her, apparently trying to protect her or calm the group. While she argued with a man in a white t-shirt, MM, who had stepped away, stepped in close again, and punched Dior.[136] Maan moved in next to Dior as she stepped back, behind the front counter. Dior spit at the man in the white t-shirt. He spit back.[137] Dior then picked up a wastebasket and threw it in the direction of the man in the t-shirt.[138]

71. The crowd on the floor disrupted in chaos, Dior ran toward the back of the store, still behind the counter. One of the women from the crowd got behind the counter immediately and began to attack Dior. They ran out of sight of the camera, with Maan, Faris, and much of the crowd in pursuit.[139]

72. A jumble of people, struggling with one another, returned immediately, still behind the counter, but moving toward the front of the store. Maan tried to hold the counter and the register so they did not crash to the floor. The crowd dispersed as they reached the opening of the counter, taking the fight and Dior outside. Faris and Osama shepherded them out the door.[140] A few regular customers returned to help clean up the mess.[141]

73. Dior returned, went behind the front counter, brandishing a water bottle, and taunting the crowd, yelling "Nobody can touch me!" toward the door, as Faris and Maan tried to calm her. They allowed her behind the counter because they were concerned for her safety.[142] The crowd returned, with a couple of people getting behind the counter and pursuing Dior as she ran toward the back of the store again. Osama followed this time, and Maan blocked others.[143] Osama closed and locked the back-office gate.[144]

74. There was a shotgun kept out of sight in the back office. It was just for show, to scare people in case of an emergency. There were no shells for it in the store. It has never been used.[145] Osama grabbed it from the back office, where it was placed out of sight. Osama re-entered the main part of the store with the shotgun his hands.[146] He brought it to Maan, who was standing at the front door.[147] Almost immediately, Maan returned the shotgun to the back of the store and put it behind the printer, where he felt it was secure. Then he put Fresh, their security person, in charge of it while Maan again

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[136] Ex. 1-13, 21:27:57.
[137] Ex. 1-13, 21:27:57-21:28.
[138] Ex. 1-13, 21:28:06.
[139] Ex. 1-13, 21:28:10.
[140] Ex. 1-13, 21:28:10-29:00. Test. of Maan A.
[141] *Id.*
[142] Test. of Maan A.
[143] Ex. 1-13, 21:29:00-29:53.
[144] Test. of Maan A.
[145] Test. of Faris A. and Maan A.
[146] Ex. 1-13, 21: 30:26.
[147] Ex. 1-13, 21: 31:10.



EXHIBIT tabbies 9-17

tried to secure the store.[148] Fresh passed the shotgun to Faris who was behind the counter.[149]

75. Osama returned from the back of the store as people milled around, some again starting to help clean. Again, Faris and Osama ushered people out.[150]

76. There was also a handgun in a hidden, secured location near the front cash register on the evening of June 1, 2020. Only Faris and the other employees knew the handgun was there.[151] The gun was not loaded.[152]

77. A few agitated people remained. Maan and Fresh together removed them from the store. A woman in a white tank top who had been fighting earlier came out from the back and had a few words with Faris. When Faris walked away from his spot at the counter, the young woman looked at the front counter where he had been sitting and found the gun. She pocketed it. Another person in the store saw her take the gun and alerted Faris, who retrieved the gun from her.[153] She then left the store, followed by Dior.[154]

78. OSM staff called police within four minutes of the time Dior first entered the store. Dior herself called them, too.[155] At that time in 2020, it would usually take from five to 15 minutes for the police to arrive. The police had told OSM employees not to call unless it was an emergency.[156] That night the police arrived 20 minutes after Dior first entered the OSM.[157]

79. Officer Adam Hollander was the first officer to arrive. He told the remaining customers to leave and instructed Maan to finish his business with his cell customers and to close the store.[158]

80. Following the events of June 1, 2020, OSM was called to a meeting with Eric Hudak from OSI and Chief Axtel of the SPPD. Maan and Zak attended. Maan felt that Mr. Hudak did not respect the services provided by OSM and Maan, and was very critical of how they operated. Hudak left the meeting after about 15 minutes.[159] The conversation with the SPPD was cordial and primarily about how Zak and Maan were familiar with the neighborhood and several of the police assigned to the area and that

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[148] Test of Maan.
[149] *Id.*
[150] Ex. 1-13, 21:29:53-30:25.
[151] Test. of Faris A.
[152] Test. of Zak A.
[153] Ex. 1-13, 21: 33:21-:33:42.
[154] Ex. 1-13, 21: 34:10.
[155] Test of Faris A. and Maan A.
[156] Test. of Faris A.
[157] Ex. 1-13, 21:14:44, 21:34:32. Maan testified that it took the police an hour to arrive. While it may have felt like an hour to him, the videotape shows that it was 20 minutes.
[158] Test. of Maan A.
[159] *Id.*

they were working to help clean up the area. They brought information about the SPPD officers they had worked with to the meeting with them.[160]

### C. July 20, 2020, Report

81. Two officers from the SPPD filed a report stating that, on July 20, 2020, they passed OSM on their way to another call for service:

> As we drove by we saw a large group of black males loitering on the west side of the building. The males were gambling and shooting dice with a large pile of us [sic] currency in the middle of them on the ground as the prize for the dice game.
>
> . . . .
>
> As we were already on another call for service we were unable to get out and identify the individuals but did create a call for service and active BWC footage as we drove by.[161]

82. The west side of OSM has no windows. All the windows face the front of the store. A person would have to leave the store and walk over to the west side of the building in order to see what is happening on that side of the building.[162]

83. In the past, people gathered in groups to gamble in the vicinity of OSM. They stayed on the sidewalk, which is city property, so that OSM employees could not force them to move. OSM employees called police on several such occasions.[163]

84. No one from SPPD ever spoke to Zak or any of his employees about concerns regarding people gathering to gamble on the west side of the building before the July 20, 2022, report.[164]

85. Any Conclusion of Law more properly considered a Finding of Fact is adopted herein.

86. Any portion of the Memorandum more properly considered as a Finding of Fact is incorporated herein.

## CONCLUSIONS OF LAW

1. The Administrative Law Judge and the St. Paul City Council have jurisdiction to consider this matter pursuant to Minn. Stat. § 14.55 (2022) and Saint Paul Legislative Code §§ 310.05, .06 (2021).

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[160] Test. of Maan A. Ex. 100.
[161] Ex. 2-105.
[162] Test. of Zak A.
[163] *Id.*
[164] *Id.*



EXHIBIT tabbies 9-19

2. The hearing in this matter was conducted in accordance with the Saint Paul Legislative Code § 310.05 and the contested case procedures of Minn. Stat. §§ 14.57, .62 (2022).

3. The City provided proper notice of the hearing and complied with all relevant procedural requirements of ordinance, rule or law.

4. Because the City is proposing that disciplinary action be taken, it has the burden of proving by a preponderance of the evidence that adverse action is warranted against the licenses held by OSM.[165]

5. Under the Saint Paul Legislative Code, the City Council may take adverse action against a City-issued license if the licensee violates a statute or ordinance related to the licensed activity, or if the licensee violates conditions placed on its license.[166]

6. Saint Paul Legislative Code § 310.06(b)(5) supports adverse action when the licensee has failed to comply with any condition set forth in the license or set for the resolution granting or renewing the license.

7. Saint Paul Legislative Code § 310.06(b)(6)(c) supports adverse action when the licensee has engaged in or permitted a pattern or practice of conduct or 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.

8. Saint Paul Legislative Code § 310.06(b)(7) supports adverse action when the activities of the licensee in the licensed activity create a serious danger to the public health, safety, or welfare.

9. Saint Paul Legislative Code § 310.06(b)(8) supports adverse action when the way in which a licensed 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.

10. The penalty matrix of the Saint Paul Legislative Code includes presumptive penalties for particular code violations.[167]

11. Saint Paul Legislative Code § 310.05(m) provides a matrix of penalties for first, second, third, and fourth appearances before the city council. For a first violation, the matrix penalty is a $500 fine. For a second violation, the penalty is a $1,000 fine. For a third violation, the penalty is a $2,000 fine and a 10-day suspension. For a fourth violation, the penalty is revocation of the license.[168]

12. Saint Paul Legislative Code § 310.05 (m) provides that the matrix penalties are presumed to be appropriate for every case, but also notes that the City Council may

[165] Minn. R. 1400.7300, subp. 5 (2021).
[166] St. Paul Legis. Code §§ 310.05(m); 310.06(a), (b)(6)(a).
[167] St. Paul Legis. Code § 310.05(m).
[168] *Id.*



EXHIBIT tabbies 9-20

deviate in an individual case where the council finds substantial and compelling reasons making it more appropriate to do so. Multiple violations shall be grounds for departure from the presumptive penalties in the council's discretion.[169] If the City Council deviates, it must provide written reasons why the penalty selected was more appropriate than the presumptive penalty.[170]

13. The City failed to demonstrate by a preponderance of the evidence that OSM violated condition 3 of its license by failing to provide requested surveillance video to DSI.

14. The City failed to demonstrate by a preponderance of the evidence that OSM violated the condition 2 of its license by failing to take reasonable steps to discourage loitering on March 30, 2020, June 1, 2020, and July 2020, 2020.

15. The City failed to demonstrate by a preponderance of the evidence that OSM violated the condition 2 of its license by failing to take reasonable steps to discourage loitering on March 30, 2020, June 1, 2020, and July 2020, 2020.

16. The City failed to demonstrate by a preponderance of the evidence any OSM violations that would support adverse action under Saint Paul Legislative Code § 310.06(b)(5)-(8).

17. The City may take appropriate disciplinary licensing action against Respondent's license based on the following violations established by Administrative Law Judge James LaFave's September 7, 2021, undisputed Recommended Order on Summary Disposition:

a. By engaging in sales of single cigarettes and flavored tobacco products on June 1, 2020, and July 20, 2020, Respondent violated St. Paul Legislative Code § 324.07(a) and (f); and

b. By allowing patrons to smoke within the licensed premises in violation of the Minnesota Clean Indoor Air Act, Respondent violated St. Paul Legislative Code § 310(b)(6)(a).

18. The City has not shown substantial and compelling reasons to triply upwardly depart from the presumptive penalty and revoke Licensee's cigarette/tobacco and second-hand licenses.

19. The attached Memorandum explains the reasons for these conclusions and is incorporated by reference.

Based on the Conclusions of Law, and for the reasons explained in the attached Memorandum, the Administrative Law Judge makes the following:

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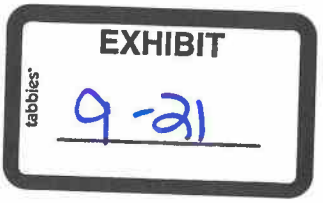
[169] *Id.* at § 310.05(m)(ii).
[170] *Id.* at § 310.05(m); Ex. 3-10.





## RECOMMENDATION

The St. Paul City Council should upwardly depart from the presumptive penalty and impose a penalty of $1,000 on OSM's licenses for the violations of law cited above.

Dated: December 6, 2022

LAURASUE SCHLATTER
Administrative Law Judge

Reported: Digitally recorded; no transcript prepared

## NOTICE

This report is a recommendation, not a final decision. The Saint Paul City Council will make the final decision after reviewing the record and may adopt, reject or modify the Findings of Fact, Conclusions of Law, and Recommendation issued by the Administrative Law Judge. Pursuant to Saint Paul Legislative Code § 310.05, the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. The parties should contact Shari Moore, City Clerk, City of Saint Paul, 290 City Hall, 15 West Kellogg Boulevard, St. Paul, MN 55102, to find out the procedure for filing exceptions and presenting argument.

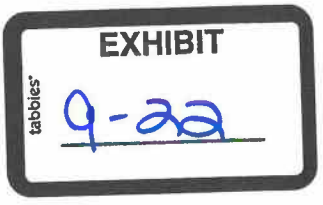
## MEMORANDUM

### I. Background

The Licensee had only owned the OSM for eight or nine months when the March 30, 2020, incident occurred in the parking lot of the OSM. But Zak and his staff were familiar with, and committed to serving, the east St. Paul neighborhood where the store was located. Before it was the One Stop Market, the store was Sam's Dairy, and was owned for a period of years by John, another relative of the Abukhudeers. Zak and Faris had both worked in the store when they were younger, and Maan had owned his cell phone business within the store since 2014. None had seen the kind of violence on the property that they witnessed in the spring of 2020 – the spring of the COVID-19 pandemic lockdown and the widespread civil unrest, including violent uprisings, following the police killing of George Floyd in Minneapolis. Zak and Maan were committed to remaining open to serve the community, even when nearby businesses closed.

OSM employed off-duty St. Paul police for a time, to act as security and to help trespass loiterers. When it became clear that people arrested for trespass were immediately released and showing up back at the store, and the St. Paul police were too expensive for OSM, the store switched to neighborhood people to assist with security.





One of those people, who is known as Fresh, was at the store on March 30, and June 1, 2020. All of the Abukhudeer cousins working at the store on the relevant days - Mohamed, Zak, Maan, and Faris - have conceal/carry gun licenses.

## II. March 30, 2020, Alleged Violations

The City relied on Sgt. Stanway and Mr. Hudak's conclusions following their review of the videotapes of the March 30, 2020, events at the OSM when it determined that the Licensee violated Saint Paul Legislative Code §§310.06(b)(5)-(8) and license condition 2, requiring it to take reasonable steps to discourage loitering in front of or on the property of the licensed business on that date. All of the March 30, 2020, violations related to Licensee's alleged failure to take reasonable steps to discourage loitering.

Hudak, Licensing Manager of the DSI, determined that the OSM had violated the cited ordinances and license condition concerning loitering. Hudak's findings were influenced by Sgt. Stanway's report, which was in turn based on his April 15, 2020, viewing of the video of the March 30 incident. But Hudak did not completely agree with Stanway's report. Hudak originally believed the first shots were fired from the Durango. Even at the hearing, after reviewing the relevant section of Stanway's report and the video, Hudak would only say that he would have to review the video more closely himself to decide whether he agreed with Sgt. Stanway.[171] The City specifically alleged it was OSM's failure to take reasonable steps to discourage the Dodge Durango from loitering on the afternoon of March 30, 2020, that caused the melee, and ultimately the shooting, in the parking lot.

Sgt. Stanway had not been to the OSM for a number of years – and not at all under its current ownership. Mr. Hudak had limited familiarity with the neighborhood and was unaware of problems in the area with gang activity.[172]

When Sgt. Stanway saw the beginning of the March 30, 2020, camera 12 video, and noted three people sitting outside the store, he assumed all three were loiterers. He was unaware that Fresh was employed as a security person by OSM.[173] Sgt. Stanway was not certain that Mohamed was an employee when Mohamed exited the store to stand outside with Fresh and two other people.

Sgt. Stanway testified that he considered "hanging around" with no apparent purpose for five minutes to be loitering. As the minutes passed, and conflict developed among people from various vehicles coming and going in the parking lot, Sgt. Stanway identified Mohamed as a likely staff person, and determined that neither Mohamed nor others he presumed to be staff did anything to prevent the Durango from loitering. Sgt. Stanway concluded that it was the presence of the Durango that caused the fighting

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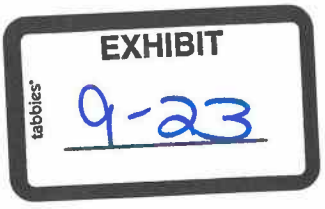
[171] Test. of E. Hudak.
[172] Test. of R. Stanway and E. Hudak.
[173] Ex. 1-13, 16:46:22 (Camera 12).





and that, had the Durango not been in the parking lot, there would have been no shots fired.[174]

Sgt. Stanway was not aware when he wrote his report where the shirtless man who fired the first shots got his weapon.[175] Nor did he comment on whether the shooter appeared to be connected to any of the other parties to the conflict.

The City failed to support its conclusion that OSM failed to take reasonable steps to discourage loitering at the store for several reasons. First, neither the Legislative Code nor the license conditions define "loitering." The basic meaning of the term is not hard to find. The Minnesota Supreme Court considers loitering "a term of common usage with a meaning reasonably understood by persons of common intelligence."[176] Black's Law dictionary defines "loitering" as "remaining in a certain place (such as a public street) for no apparent reason."[177] But neither the case law nor the dictionary specifies how long a person must remain in a certain place for "loitering" to apply. Nor did the City provide any guidance to OSM about how long a person, or a vehicle could remain on licensed premises "for no apparent reason" before it was considered loitering. The occupants of the Durango were not causing any trouble, they did not appear to be dealing drugs or otherwise breaking the law before their antagonists arrived. It is not clear how long they had been at OSM before the video recording begins, but at the very beginning of the video one of the occupants appears to have just made a purchase at the store.

Sgt. Stanway acknowledged that he had never been to the OSM, and that it had been some time since he had been to the east side of St. Paul. Sgt. Stanway drew a rigid five-minute line to define loitering.

But Sgt. Dunaski was very familiar with the area, and with the store. He deals with gangs, drugs, and violent crime in that area daily. He pointed out that, in a location such as the OSM, where there are a bus stop and a laundromat adjacent, and where the store is a kind of neighborhood hub, people linger in parking lots.[178] Sgt. Dunaski stated whether the lingering constitutes loitering depends on why the person is there – they may be waiting for someone, to give them a ride, to get a ride, to go somewhere. They may be looking at Google Maps. A corner store is a place to hang out. To determine whether someone is loitering, Sgt. Dunaski looks at the conduct of the people involved - whether there are transactions, lots of people handing things in and out of the car, whether there is money changing hands. He asks himself whether the behavior he sees is consistent with drug transactions or gang activity. Sgt. Dunaski gets concerned about loitering at about fifteen minutes or more.[179] While it is true that Sgt. Dunaski is concerned about crime while loitering as a license condition does not explicitly address criminal activity,

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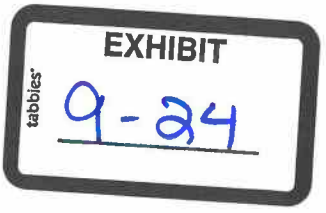
[174] Test. of R. Stanway.
[175] *Id.* Ex. 2-6.
[176] State v. Armstrong, 162 N.W.2d 357, 360 (Minn. 1968).
[177] *Black's Law Dictionary* 1084 (10th ed. 2014).
[178] Test. of R. Dunaski.
[179] *Id.*





the purpose of the license condition is to protect public safety. Therefore, Sgt. Dunaski's opinion concerning timing and loitering is both highly credible and relevant to this case.

DSI may correctly believe that a license holder lacks the expertise to determine whether certain conduct is suspicious. But with no timeline attached to the loitering condition, and the licensee's apparent comfort with the Durango, the City failed to demonstrate by a preponderance of the evidence that OSM failed to take reasonable steps to discourage loitering. Both Mohamed and Maan testified about their habits of making personal contact with customers. Maan emphasized the importance of knowing who their regular customers were, and who was law-abiding to their knowledge. If the Durango customers were familiar to Mohamed, he would have had no real reason to discourage them from remaining where they were.

Second, Sgt. Stanway did not recognize that both Fresh and Mohamed were aware of, and moved to clear, vehicles from the parking lot to avoid problems. Fresh began to address the two window-to-window vehicles while he was still sitting. Then he rose and walked closer to them, motioning to them to leave.[180] He continued to watch them, and was joined by Faris, Mohamed, and Maan.[181] Mohamed first waved the vehicles on, then he, Faris and Maan all walked toward them. Mohamed walked up to each of the vehicles, spoke to the drivers, including speaking to the people in the Durango as he walked past.[182] Mohamed even closed the passenger-side door of the west-facing SUV in the parking lot as he ushered the vehicle out.[183] These were reasonable steps to discourage loitering, taken as soon as it became apparent that something out of the ordinary might be going on.

It is not clear why the Durango did not leave with the other vehicles, but just one and a half minutes after the dark-colored SUV left, it returned. The woman in the yellow shirt exited the SUV, and the conflict began in earnest. Mohamed and Fresh watched for just about a minute, thinking the crowd, which was streaming eastward, was going to continue its fight off the property. When Mohamed realized the group was staying on the premises, he handed his gun to his brother, Zakariya, so that it would not be taken from him, and he moved toward the fighting parties to try to calm them down. In his attempt to intervene in the fight and to keep anyone from getting hurt, Mohamed wound up getting hit in the head with a crutch, and close to the line of gunfire. This attempt to keep the premises safe was, if anything, putting himself too much at risk. The City's claim that OSM failed to take reasonable steps to discourage loitering is not supported by a preponderance of the evidence.

The City asserted that, but for the presence of the Durango, there would not have been a shooting in the parking lot of the OSM on March 30, 2020. There is no evidence to support the City's assertion. The shirtless young man shot once or twice into the air to the east of where the crowd was fighting, then ran through the crowd, pointing his gun

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[180] Ex. 1-13, 16:53.
[181] *Id.* 16:55-16:56:30.
[182] *Id.* 16:56:28
[183] *Id.* 16:55:52.

toward them. He ran toward the Durango, finally shooting into the front passenger window of the Durango, then ran off, along the northwest side of the building.

He first arrived on the scene just before the fight started, and, after a momentary detour into the store, ran to the eastern portion of the parking lot, where he fought with the person in the orange coat from the Durango. He did not arrive with the gun, or with the person who gave him the gun. He also did not arrive in any of the other vehicles. It is unclear whether he was connected to the original antagonists in the fight, or he just showed up and got caught up in, or took advantage of, the height of the moment when he shot into the van. He did not shoot into the back seat, where the person in the orange jacket was sitting. His actions did not appear planned or well-executed.

There is no basis to conclude that, had the Durango not been there, the shooting would not have occurred, because it is not at all clear why the shooting occurred, or what the relationship was between the shooter and the occupants of the Durango. Therefore, the City failed to show by a preponderance of the evidence that, even if OSM failed to take reasonable steps to discourage the Durango from loitering, that that led to the shooting in the parking lot that day.

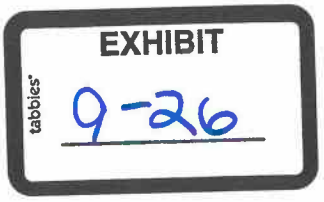
Finally, both Hudak and Stanway concluded that the individuals standing outside the store, including Fresh and Mohamed, were loitering, when they were engaged in conversation. Remaining in a particular place and engaging in conversation is different than remaining in a place for no particular reason. There are good reasons for store employees to engage people outside the store in conversation – to get to know who the neighborhood customers are, for example, especially unfamiliar people. At a neighborhood convenience store in a rough neighborhood, on the first nice spring day, with COVID-19 posing a danger to people in close quarters, it was not unreasonable for Fresh, Mohamed or other employees to chat with people in front of the store, and that conduct should not be considered loitering.

## III. April 27, 2020, Video Request

The City alleges that OSM violated license condition 3. That condition requires in relevant part that the license holder make surveillance videos available for at least 30 days to the SPPD immediately upon request, when it is responding to a crime and, in other circumstances, if the SPPD or the DSI requests copies of surveillance video, the licensee has 48 hours to provide such copies. The City determined that OSM's failure to provide all of the indoor video recordings from March 30, 2020, from 4:30 p.m. to 5:30 p.m. as DSI requested on April 27, 2020, violated license condition 3.

OSM's response to DSI's request was that the recordings were destroyed when the hard drive was damaged on April 24, 2020, after a representative of the SPPD, James Legierski, retrieved video from the store's video recorder and the recorder subsequently fell. Zak's May 4, 2020, email explaining the reason that the video was unavailable characterized Legierski's handling of the recording equipment as "mistreatment." The wording was unfortunate and inaccurate.





Legierski's testimony that, when he left the OSM, the equipment was still hanging from the shelf and all twelve cameras were working was both believable and consistent with Zak's testimony that, when he arrived later that night, the equipment had fallen to the floor and the hard drives were damaged. Legierski explained that the unnamed employee who was present told him not to worry about reinstalling the equipment up on its shelf near the ceiling. The employee was never identified and did not testify. Legierski could not deny the equipment pictured in exhibit 104 was the equipment he handled on April 24, 2020. He would not have seen it again, because the system was rewired so video footage could be retrieved from counter height instead of having to go up to the DVR itself.

Zak stated that all of his security systems are connected using ethernet cables.[184] He does not use coaxial cable. Ethernet cables connect using a lightweight plastic connector that snaps into place, like an old-fashioned telephone line connector. Furthermore, only a few of the 12 cameras in the security system are connected directly to the DVR. The remainder of the cameras are connected to the server via switch box using a "splitter system," which are in turn connected to the DVR. This configuration permits the cameras to be connected to the internet so they can be viewed online.[185] The configuration Zak described is consistent with the photograph at Exhibit 104. It is also consistent with the possibility that sometime between the time when the photograph at Exhibit 104 was taken and Zak arrived at the store later that night, the DVR might have fallen to the floor.

Assuming that is what happened, it did not occur due to Legierski's "mistreatment" of the recorder. It is not clear why the employee who said he would take care of it did not place the DVR back on its shelf. Nonetheless, the preponderance of the evidence supports Zak's statement that the DVR fell, albeit accidentally. The OSM had a perfect record of providing recordings at the request of the SPPD and the DSI. There would have been no reason for the OSM to lie in this instance and withhold a recording, or to destroy one early intentionally.

Hudak testified that only an "act of God or nature" would suffice as an excuse for not producing a video. The City does not include those limitations in condition 3. An accident that damaged a hard drive is a reasonable excuse, especially with a licensee who otherwise has a perfect response record and whose recording system, including the hard drive, was fixed by the next day. Here, while OSM was not able to provide the specific video requested, the most important video of the events of that day was provided to the SPPD which made a copy for the DSI. The DSI has not shown by a preponderance of the evidence that OSM's inability to provide the requested video by May 4 constituted a violation in substance of condition 3. For the City to refuse to excuse a single failure to comply with a request due to an accident, especially when there are no written exceptions for compliance, and the City's representative's testimony would have allowed one only for an "act of God or nature" appears to be an act of the City's whim rather than its

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[184] *Id.*
[185] *Id.*

judgment. This is especially so where the equipment in question involves electronics that can malfunction, sometimes in mysterious circumstances.[186]

## IV. June 1, 2020

The DSI also relied on video of the June 1, 2020, events at the OSM to determine the Licensee violated Saint Paul Legislative Code § 310.06(b)(5)-(8) and license condition 2, requiring it to take reasonable steps to discourage loitering in front of or on the property of the licensed business on that date. The allegations relevant to this proceeding include loitering, allowing an uncontrolled and dangerous environment, which included fighting, and unsecured firearms.

The video and testimony demonstrated, by a preponderance of the evidence, that OSM employees tried repeatedly to clear the store of an angry, drunk crowd that descended on them at about 9:15 p.m. Because they feared for Dior's safety, they tried to protect her by guiding her to a safe exit out the back door. When she would not go, they allowed her to remain in the store, trying to keep the crowd outside while waiting for the police to arrive. During the 20-minute wait, the crowd returned several times. Maan, who primarily took charge, tried to intervene as tempers flared. He tried to selectively allow a couple of people in to talk to Dior, hoping to calm everyone. He was not successful, and finally, he tried to keep everyone except Dior and his telephone customers outside.

When the crowd streamed back in and the fight erupted into chaos, Osama retrieved the rifle that was kept hidden in the back room. The rifle was not loaded, had never been loaded, and there were no shells in the store for it. It was purely for show. Osama, who was not an employee, but a friend helping out on a busy day, apparently thought it would be helpful to bring the rifle out. He brought it to Maan, who quickly brought it back behind the counter, trying to put it out of sight. Initially Maan put it near the cell phone counter, but no one was there to watch it, so he handed it to Fresh, who brought it to where Faris was standing at the front counter. He handed it to Faris, who put it between himself and the front counter. Ideally, the rifle should have been returned to its spot in the back room, but Dior was in the back room at that point. It was reasonable to leave to the unloaded rifle with Faris under the circumstances. It did not pose a danger to anyone at that time.

Faris, who is a licensed gun owner, testified that the handgun was secured next to the front register, inaccessible to the public. He can be seen handling the gun in view of non-employees who are helping to clean the store after the second outbreak of fighting. He puts the gun back under the counter but does not appear to secure it.[187] About two minutes later, a woman in a white tank top picks up the gun and puts it in her waistband or pocket. Another customer watches her do this, and alerts Faris, who goes after her and retrieves the gun from her without incident. The woman was not identified. Zak's testimony that the gun was not loaded was not refuted. While the unsecured gun is

[186] The City, in its post hearing brief, also claims that the OSM's response to the request was late. It was not – the letter requesting the video specifically allowed until the end of business on May 4. Ex. 1-15.
[187] Ex. 1-13, 21:31:27 (June 2, 2020, Camera 1).



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a concern, it did not place the public in danger because it was not loaded. Therefore, there was no violation of Saint Paul Legislative Code § 310.06(b) (6)(a), (7), and (8).

DSI also accurately stated that a customer who purchased cigarettes revealed a handgun for about two seconds as he adjusted it in his waistband after he is handed the cigarettes. Osama handed him the cigarettes and may have seen the gun, although that is not certain. Maan was getting the customer's change and appears to have been looking down in that moment. Again, it is not clear whether he noticed the gun. The customer left after getting his change. Even if Osama and Maan noticed the gun, it is unclear what they could or should have done since the cigarettes had already changed hands. Nor was there any reason to believe the public was ever in danger.

Based on all the evidence in the record, alleged firearms violations, and the alleged loitering violations, including allowing an uncontrolled and dangerous environment, are not supported by a preponderance of the evidence. The evidence shows that the employees of the OSM did all they reasonably could to control an unruly, drunk crowd that invaded the store.

## V. July 20, 2020, Violation

The City alleged that OSM violated license condition 2 requiring it to take reasonable steps to discourage loitering in front of or on the property. Two SPPD officers filed a report stating that, at approximately 7:40 p.m. on July 20, 2020, they passed the One Stop Market on their way to another call for service. Although they did not have time to stop and get out to observe what they saw, they were able to identify "a large group of black males loitering on the west side of the building." According to the report, the group was "gambling and shooting dice with a large pile of us (sic) currency . . . on the ground as the prize . . .." The police report stated that the group engaged in this conduct "in broad daylight on the store property where the employees could view them by looking out a window with ease." The report does not state how long the group on the west side of the building had been there, or what evidence the officers had to support their assumption that the group was there to gamble. The officers involved were not called to testify at the hearing.

The violation was based on this report alone, with no follow-up. OSM demonstrated that its store has no windows facing west and that, in order to see what was happening on the west side of the building, a person would have to leave the store, walk to the west corner of the building, and look around it. Zak testified that, to the extent OSM had witnessed gambling in the area around the store, people were careful to gamble on public sidewalks so store owners could not force them to leave. OSM had called police on several such occasions. The police had never expressed concerns about activities on the west side of the building.

The City failed to prove a violation of license condition 2 by a preponderance of the evidence. It is not reasonable to expect OSM to have an employee permanently stationed outside on a side of the building they cannot observe in any other way. An OSM employee could have checked the west side of the building five minutes before the police



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drove by and found nothing. There was no evidence presented at the hearing regarding this alleged violation at all. Thus, there was no basis to determine that whatever activity may have been occurring on the west side of the building on July 20, 2020, was due to OSM's failure to take reasonable steps to discourage loitering.

## VI. Penalty

Judge LaFave discussed the legal standard for upward departure from the presumptive penalty in a licensing case in his recommendation on motion for summary disposition in this matter. Because no additional violations have been found as a result of this evidentiary hearing, the Administrative Law Judge recommends that the City impose a penalty consistent with Judge LaFave's original recommendation: a $1,000 fine for Licensee's multiple sales of single cigarettes and flavored tobacco products, and for allowing patrons to smoke cigarettes while inside the store.

Judge LaFave reasoned that Minnesota courts have held that the presumptive sentence should only be exceeded if the enhanced penalty is deemed to be "more appropriate, reasonable or equitable than the presumptive [penalty]."[188] In this case, where these are licensee's first violations, the presumptive penalty is $500 under the City's penalty matrix.[189]

The decision maker should impose the presumptive penalty unless "'substantial and compelling circumstances' based on aggravating factors warrant an upward departure."[190] To properly impose a penalty that is an upward departure from the presumptive penalty in the sentencing guidelines, then, the decision maker must have a specific factual basis.[191] "Substantial and compelling circumstances" are "factual circumstances that distinguish the case, making it atypical."[192] The occurrence of multiple violations shall be grounds for departure from presumptive penalties at the city council's discretion.[193]

The Minnesota Supreme Court has also held that "generally in a case in which an upward departure in sentence length is justified, the upper limit will be double the presumptive sentence length."[194] The Court wrote: "Only in cases of 'severe aggravating circumstances' may the district court impose a greater-than-double departure from the presumptive sentence. Such cases, we have stated, are 'extremely rare.'"[195]

Here, the City seeks to revoke the Respondent's licenses. Revocation is a quadruple upward departure from the presumptive $500 fine for a first violation provided

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[188] *Dillion v. State*, 781 N.W.2d 588, 595 (Minn. Ct. App. 2010) (citing *State v. Bingham*, 406 N.W.2d 567, 570 (Minn. Ct. App. 1987).
[189] St. Paul Legis. Code § 310.05(m)(2).
[190] *Id.*
[191] St. Paul Legis. Code § 310.05(m)(ii).
[192] *Dillion*, 781 N.W. 2d. at 595.
[193] St. Paul Legis. Code § 310.05(m).
[194] *State v. Evans*, 311 N.W.2d 481, 483 (Minn. 1981).
[195] *State. v. Shattuck*, 704 N.W.2d 131, 140 (Minn. 2005) (citing *State v. Spain*, 590 N.W.2d 85, 89 (Minn. 1999)).

in the penalty matrix. This case has multiple tobacco-related violations – an upward departure is justified. But unlike the City's case regarding Midway Amoco BP, a gas station in St. Paul, Minnesota, this is not a case involving gunfire from the premises of the gas station into neighboring buildings on multiple occasions, neighbors who feared for their safety, large disruptive crowds repeatedly gathering in the early morning hours dancing and smoking marijuana, drug deals in the parking lot, physical assaults, and ultimately, a homicide.[196]

Even if the evidentiary hearing had resulted in findings of fact supporting some of the allegations regarding license condition 2 and permitting dangerous behavior on the licensed premises, that still would not come close to the conditions in the Midway Amoco BP case. But the evidentiary hearing revealed that the City failed to demonstrate by a preponderance of the evidence that the Licensee violated either of the license conditions, or the related provisions of the Saint Paul Legislative Code. Therefore, the recommended penalty is based on the violations as found in the Recommendation on the Motion for Summary Disposition.

**L. S.**

[196] *Midway University & Hamline LLC d/b/a Midway Amoco BP*, 562416 WL 2021, at *4.

# *Chapter 310. Uniform License Procedures*

## Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

*Adverse action* means 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.

*Bond* means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

*Building official* means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

*Chapters* and *these chapters* shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

*Class R licenses* means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class R Licenses | Legislative Code Chapter |
|---|---|
| Animal Foods Manufacturing and Distributing | 316 |
| Amusement Rides | 317 |
| Mechanical Amusement Devices | 318 |
| Bed and Breakfast | 378 |
| Bituminous Contractors | 320 |
| Rooming and Boardinghouses; Dormitories | 321 |
| Christmas Tree Sales | 323 |
| Cigarettes/Tobacco | 324 |
| Commercial Vehicles | 167 |
| Building Contractors | 326 |
| Courtesy Bench | 127 |

| | |
|---|---|
| Dry Cleaning Establishments and Pickup Stations; Laundries | 327 |
| Alarm Devices | 329 |
| Food Protection Standards | 331A |
| Fuel Dealers—Liquid Fuel | 332 |
| Fuel Dealers—Solid Fuel | 333 |
| Pest Control | 334 |
| House Sewer Contractors | 338 |
| Keeping of Animals | 198 |
| Lawn Fertilizer and Pesticide Application | 377 |
| Mercantile Broker | 340 |
| Oil—Bulk Storage | 342 |
| Peddlers | 345 |
| Solicitors | 345 |
| Pet Grooming Facility | 382 |
| Pet Shops | 347 |
| Solid Waste Hauler | 357 |
| Rental of Hospital Equipment | 350 |
| Rental of Kitchenware | 351 |
| Rental of Trailers | 352 |
| Roller Rinks | 353 |
| Sanitary Disposal Vehicle | 354 |
| Secondhand Dealers (Single Location, Multiple Dealers) | 355 |
| Sidewalk Cafe | 106 |
| Sidewalk Contractors | 356 |
| Solid Waste Transfer Station | 357 |
| Sign and Billboard Construction | 66 and 33 |
| Sound Trucks and Broadcasting Vehicles | 359 |
| Public Swimming Pools | 360 |
| Tanning Facility | 380 |
| Wreckers and Tow Trucks | 361 |
| Taxicab Driver | 376 |
| Taxicab Vehicle | 376 |
| Tree Trimming | 362 |
| Food Vending Machines | 363 |
| Veterinary Hospital | 364 |
| Window Cleaning | 365 |
| Block Parties | 366 |
| Wrecking of Buildings | 368 |
| Building Trades Business Licenses | 369 |
| Building Trades Certificates of Competency | 370 |
| Finishing Shop | 371 |
| Tire Recapping Plants | 372 |
| Massage Center | 412 |
| Therapeutic Massage Practitioner | 414 |
| Vehicle Immobilization | 383 |
| Short-term Rental Platform | 379 |
| Short-term Rental Host | 379 |



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*Class T licenses* means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class T Licenses | Legislative Code Chapter |
|---|---|
| Amusement Rides—Temporary | 317 |
| Close-Out Sales | 325 |
| Transient Merchants | 345 |
| Gambling—Temporary | 402.06 |
| Entertainment—Temporary | 411 |
| Extension of Service Area-Liquor | 409 |
| Soliciting Funds—Tag Days | 391 |
| Temporary On-Sale Malt (3.2) | 410 |
| Temporary Wine, Wine Licenses for Festivals and Liquor | 409 |
| Secondhand Dealer—Exhibition | 355 |
| Temporary World Cup Soccer License | 409, 410 |

*Class N licenses* means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

| Class N Licenses | Legislative Code Chapter |
|---|---|
| Automobile Repair Garage and Body Shop | 423 |
| Pool Hall, Bowling Center | 322 |
| New Motor Vehicle Dealer | 401 |
| Bingo | 402 |
| Bingo Halls | 403 |
| Cabaret | 426 |
| Private Clubs - Liquor | 409 |
| Dance or Rental Halls | 405 |
| Firearms Dealer | 225 |
| Gambling Hall | 278 |
| Game Rooms | 406 |
| Gas Station | 424 |
| Gambling Location | 409 |
| Hotel/Motel | 407 |
| Health/Sports Club | 427 |
| Infectious Waste Processing | 429 |
| Recycling Collection Center/Recycling Processing Center | 408 |
| Second Hand Dealer—Motor Vehicle Parts | 401 |
| Motor Vehicle Salvage Dealer | 422 |
| Intoxicating Liquor—On and Off Sale | 409 |

| | |
|---|---|
| Brewpub/Off-Sale | 409 |
| Off-Sale Brewery | 409 |
| Motorcycle Dealer | 401 |
| Pawn Shop | 344 |
| Nonintoxicating Liquor-On and Off Sale | 410 |
| Entertainment | 411 |
| Conversation/Rap Parlors | 413 |
| Steam Room/Bathouse | 428 |
| Theatres and Movie Theaters | 415 |
| Motion Picture Drive-In Theatres | 416 |
| Second Hand Dealer—Motor Vehicle | 401 |
| Parking Lots and Parking Garages | 417 |
| Scrap and Metal Processor | 420 |
| Liquor Extension of Service Hours | 409 |
| Liquor Outdoor Service Area (Patio) | 409 |
| Currency Exchange | 381 |
| Small Brewer Off-Sale—128 Ounces License | 409 |

*Department* means the department of safety and inspections.

*Director* means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

*Fee* means and includes both the license fee and application fee unless otherwise provided.

*Inspector* as used in these chapters means the director of the department of safety and inspections or his or her designee.

*License* means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

*Person* means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

*Zoning administrator* means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19; Ord 22-35, § 2, 8-3-22)

## Sec. 310.02. Application.

(a) *Form.* All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall

not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.

(b) *Taxes.* No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.

Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:

(1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;

(2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or

(3) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (1) above, the license may be revoked if the licensee defaults upon such agreement.

(c) *Additional information.* The inspector shall prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The inspector shall require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

(d) *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no person may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

(e) *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

(f) *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.

(g) *Waiting period after filing of petition.* Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

(Code 1956, § 510.02; C.F. No. 95-473, § 2, 5-31-95; Ord. 21-26, § 2, 7-28-21)

## Sec. 310.03. Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

## Sec. 310.04. Levels of approval; recommendations.

(a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.

(d) *Class N licenses.*

(1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected

neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal.* The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal.* The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

## Sec. 310.05. Hearing procedures.

(a) *Adverse action; notice and hearing requirements*. In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee shall be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the

inspector, by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.

(b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee shall have been notified in writing that adverse action may be taken against the license or application, and that he or she is entitled to a hearing before action is taken by the council. The notice shall be served or mailed a reasonable time before the hearing date, and shall state the place, date and time of the hearing. The notice shall state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the inspector or by the city attorney.

(c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing shall be held before the council. Otherwise the hearing shall be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee shall be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.

(c-1) *Procedure; hearing examiner.* The hearing examiner shall hear all evidence as may be presented on behalf of the city and the applicant or licensee, and shall present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council shall consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and shall not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council shall provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with such additional arguments presented at the hearing, the council shall determine what, if any, adverse action shall be taken, which action shall be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

(c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein shall prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, shall mean and include a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.

(d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.

(e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.

(g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall be complied with and shall supersede inconsistent provisions of these chapters. This shall include, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.

(h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

(i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.

(j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall be prepared by the license inspector and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.

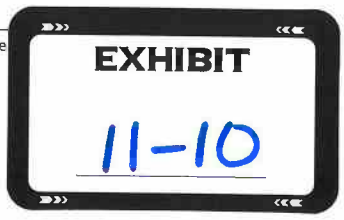
(k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor.

(l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall be controlling.

(m) *Presumptive penalties for certain violations*. The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. 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.

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |
| (1) Violations of conditions placed on the license | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (2) Violation of provisions of the legislative code relating to the licensed activity | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 10-day suspension | Revocation |
| (4) Failure to permit entrance or inspection by DSI inspector or police | 5-day suspension | 10-day suspension | 15-day suspension | Revocation |
| (5) Commission of a crime other than a felony on the premises by a licensee or employee | $700.00 | $1,500.00 | 5-day suspension | Revocation |
| (6) Commission of a felony on the premises by a licensee or employee | $2,000.00 | Revocation | n/a | n/a |





| | | | | |
|---|---|---|---|---|
| (7) Death or great bodily harm in establishment related to violation of law or license conditions | 30-day suspension | 60-day suspension | Revocation | n/a |
| (8) Failure to pay license fees | Suspension | Revocation | | |
| (9) Critical violations under 331A | $250.00 | $500.00 | $1,000.00, 5-day suspension | Revocation |
| (10) Non-critical violation under 331A | $150.00 | $250.00 | $500.00 | $1,000.00 |
| (11) Taxi fail to display driver's license as required by 376.16(f) | $100.00 | $250.00 | $500.00 | Revocation |
| (12) Taxi fail to display number of information and complaint office as required by 376.11(v) | $100.00 | $250.00 | $500.00 | Revocation |
| (13) Violation of restrictions upon sidewalk café license under 106.01(b) | $200.00 | $400.00 | $800.00 | Revocation |

(i) *Fines payable without hearing.*

A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance"

for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

(iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.

(iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.

(v) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.

(6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

## Sec. 310.06. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.

(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;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

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.

(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.

(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.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.

(13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section shall mean and include any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting

security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The inspector may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses. The council may impose such conditions on Class N licenses with the consent of the license holder, or upon any class of license as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the council in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.

(d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

(1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;

(2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

(3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;

(4) The management practices of the licensee or applicant with respect to each of such licenses;

(5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;

(6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and

(7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Code 1956, § 510.06; Ord. No. 17584, § 1, 8-25-88; Ord. No. 17657, § 15, 6-8-89; Ord. No. 17659, § 2, 6-13-89; Ord. No. 17901, §§ 2, 3, 1-14-92; Ord. No. 17917, §§ 2, 3, 3-31-92; Ord. No. 17922, § 1, 4-28-92; C.F. No. 94-500, § 3, 7-6-94; C.F. No. 94-1340, § 3, 10-19-94; C.F. No. 95-473, § 5, 5-31-95; C.F. No. 99-500, § 3, 7-7-99; C.F. No. 06-954, § 2, 11-8-06; C.F. No. 06-1072, § 2, 12-27-06)

## Sec. 310.07. Termination of licenses; surety bonds; insurance contracts.

(a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications shall automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and shall not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § 310.05. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul shall be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, shall first be approved as to form by the city attorney.

(3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.

(4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.

(c) *Termination of bonds and insurance required by city.* Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the requirements of Chapter 8 of the Saint Paul Legislative Code.

(d) *Expiration date to be concurrent with term of license or permit.* The expiration date of all such policies, bonds, guarantees or certifications shall be concurrent with the expiration date of the license or permit.

(Code 1956, § 510.07; Ord 12-74, § 1, 11-28-12)

## Sec. 310.08. Terms of licenses; uniform dates.

(a) All licenses or permits shall be valid for a period of one (1) year from the date of issuance by the inspector, except as otherwise provided herein or in these chapters or in cases of revocation, suspension or termination under section 310.06.

(b) Licensees may continue to operate their business after the expiration date of their license; provided, that the licensee has filed with the inspector on or before the expiration date the appropriate license application, license fees, insurance and bonds. The inspector shall process the renewal application in the manner provided for in this Code.

(c) Whenever any licensee is the holder of the two (2) or more licenses of the City of Saint Paul which expire on different dates, the inspector is authorized, at the request of the licensee, to determine a uniform date for the expiration of all or any number of such licenses, notwithstanding the term and expiration dates of such licenses as originally issued, and notwithstanding any provision as to term of license of any ordinance of the city heretofore or hereafter enacted. The provisions hereof shall govern the issuance of any new license to one already holding a license.

(d) In order to conform to the foregoing provisions, new licenses may be issued for a term of less than one (1) year, and the license fee therefor shall be prorated for the period of issuance.

(Code 1956, § 510.08; Ord. No. 17360, § 1, 6-5-86)

## Sec. 310.09. Fees.

(a) *Exempt organizations.* The Legislative Code exempts certain organizations from paying the customary license or permit fees or establishes a nominal fee of less than seven dollars ($7.00). The terms and conditions of such exemptions are stated within the applicable chapters. Such organizations shall pay a five dollars ($5.00) minimum processing fee for each and every application for a license or permit to be issued by the division manager, director or council of the city.

(b) *Fee schedule.* The council may by ordinance determine and establish one (1) fee schedule for any or all licenses and permits issued pursuant to these chapters, and a separate fee schedule for applications for such licenses and permits, which may include fees to cover costs incurred by reason of the late filing. Such fees, in either schedule, shall be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration shall mean and include, but without limitation by this specification, both direct and indirect costs and expenses, such as salaries, wages, benefits and all personnel costs including training, seminars and schooling, expenses of investigations and inspections, handling of inquiries and requests for assistance, telephone and communications, stationery, postage, paper, reproduction, office capital equipment and all office supplies. Such fee schedules as adopted by ordinance and posted in the office of the inspector shall supersede inconsistent fee provisions in these chapters or in other ordinances or laws.

(c) *Fee for one year; may be prorated.* Unless otherwise specifically provided, the license fee stated is for a period of one (1) year. Such fee may be prorated where a license is issued for a period of less than a year.

(d) *Late fee.* Unless otherwise specifically provided by the particular licensing provisions involved, an applicant for the renewal of a license who makes application for such renewal after the expiration date of such license shall be charged a late fee for each such license. The late fee shall be in addition to any other fee or payment required, and shall be ten (10) percent of the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the expiration date of such license. The late fee shall not exceed fifty (50) percent of the annual license fee. If any provision of these chapters imposes more stringent or additional requirements for the issuance of an original license than would be the case for mere renewal, those requirements must be met when the license has lapsed by reason of expiration.

(e) Environmental change of ownership fee. Unless otherwise stated, the environmental change of ownership fee shall be 25% of the environmental plan review fee for each license type.

(Code 1956, § 510.09; Ord. No. 16884, 2-11-82; Ord. No. 17802, § 1, 1-10-91; C.F. No. 03-893, § 1, 11-5-03)

## Sec. 310.10. Refunds of fees.

(a) *Refund where application withdrawn; service charge.* Unless otherwise specifically provided by the particular licensing provisions involved, where an application for any license is withdrawn, the inspector shall refund to the applicant the license fee submitted less a service charge to recover in part the costs incurred in processing the application in the amount of twenty-five (25) percent of the annual license fee.

(b) *Limitation on refund; other cases.* In all other cases as provided in paragraph (c), the director of the department of safety and inspections, or his designee, may upon receipt of a written request refund the license fee, less a service charge to recover in part the costs incurred in processing the application up to twenty-five (25) percent of the annual licensee fee.

(c) *Bases for refunds.* Refunds under paragraph (b) may be made to the licensee or his estate:

(1) Where the place of business of the licensee or his principal equipment is destroyed or so damaged by fire or any other cause that the licensee ceases for the remainder of the licensed period to engage in the licensed activity or business;

(2) Where the business or licensed activity ceases by reason of the death or illness of the licensee or the sole employee or manager; or

(3) Where it has become unlawful for the licensee to continue in the business or licensed activity other than by cancellation, termination, revocation, suspension, denial or any criminal activity on the part of the licensee.

(Code 1956, § 510.10; C.F. No. 09-516, § 1, 6-10-09; Ord. No. 11-69, § 1, 8-24-11; Ord 12-33, § 1, 6-27-12)

## Sec. 310.11. Transfers; general.

(a) *License a privilege, not property.* All licenses or permits issued by the City of Saint Paul pursuant to these chapters or other ordinances or laws confer a privilege on the licensee to engage in the activity or occupation so licensed, and do not constitute property or property rights or create any such rights in any licensee. No such license or permit may be seized, levied upon, attached, executed upon, assessed or in any manner taken for the purpose of satisfaction of any debt or obligation whatever.

(b) *Licenses not transferable; conditions.* Notwithstanding any other provision of the Saint Paul Legislative Code to the contrary, no licenses issued by the City of Saint Paul shall be transferable.

(c) *Transfer; definition.* "Transferable" means the ability to transfer a license or licenses from one (1) person to another, or from one (1) location to another. "Transfer," as used in these chapters, shall include a transfer from person to person, or from place to place, or a transfer of stock in a corporate licensee, or of shares or interests in a partnership or other legal entity. "Transfer," as used in these chapters, shall not include the instance where a license is held by an individual or partnership and the transfer is by said individual or partnership to a corporation in which the majority of the stock is held by said individual or by the members of said partnership.

(d) *Deceased licensee.* Notwithstanding any other provision of these chapters, in any case where a liquor license is held by a person not incorporated and where the license would, by reason of the death of said licensee, lapse to the city in the absence of this paragraph, the authorized representative of the estate of the deceased licensee may consent to and seek to reissue said license to the beneficiary to the licensed establishment. The reissuance shall be subject to all applicable requirements of these chapters and existing law.

(Code 1956, § 510.11; Ord. No. 16822, 9-3-81; Ord. No. 17551, § 3, 4-19-88; C.F. No. 95-473, § 6, 5-31-95)

## Sec. 310.12. Inspection of premises.

The premises, facilities, place, device or anything named in any license issued pursuant to any provision of the Saint Paul Legislative Code or other law shall at all times while open to the public or while being used or occupied for any purpose be open also to inspection and examination by any police, fire, or health officer or any building inspector of the city, as well as the inspector.

(Code 1956, § 510.12)

## Sec. 310.13. Renewal.

Every license renewal under these chapters may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust, or similar program, established for the benefit of his employees.

(Code 1956, § 510.13)

## Sec. 310.14. Savings clause.

(a) If any provision in these chapters is held unconstitutional or invalid by a court of competent jurisdiction, the invalidity shall extend only to the provision involved and the remainder of these chapters shall remain in force and effect to be construed as a whole.

(b) The repeal of any ordinance by this ordinance (which enacts the Uniform License Ordinance) shall not affect or impair any act done, any rights vested or accrued, or any suit, proceeding or prosecution had or commenced in any matter, prior to the date this ordinance became effective. Every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if the repealed ordinances had themselves remained in force and effect. Every such suit, proceeding or prosecution may be continued after repeal as though the repealed ordinances were fully in effect. A suit, proceeding or prosecution which is based upon an act done, a right vested or accrued, or a violation committed prior to repeal of the repealed ordinances, but which is commenced or instituted subsequent to repeal of the repealed ordinances, shall be brought pursuant to and under the provisions of such repealed ordinances as though they continued to be in full force and effect.

(Code 1956, § 510.14)

## Sec. 310.15. Penalty.

Any person who violates any provision of these chapters, or other ordinances or laws relating to licensing, or who aids, advises, hires, counsels or conspires with or otherwise procures another to violate any provision of these chapters or other ordinances or laws relating to licensing is guilty of a misdemeanor and may be sentenced in accordance with section 1.05 of the Saint Paul Legislative Code. The term "person," in addition to the definition in section 310.01, shall for the purpose of this section include the individual partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof, who shall be responsible for the violation.

(Code 1956, § 510.15)

## Sec. 310.16. Reserved.

Editor's note(s)—Section 310.16, pertaining to license fees and annual increases, and derived from Ord. No. 16885, adopted Feb. 11, 1982; Ord. No. 17059, adopted Oct. 20, 1983; and Ord. No. 17303, adopted Oct. 29, 1985, was repealed by Ord. No. 17884, § 1, adopted Nov. 19, 1991.

## Sec. 310.17. Licensee's responsibility.

Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working for or 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. To the extent this section is in conflict with sections 409.14 and 410.09 of the Legislative Code, this section shall be controlling and prevail; but shall not otherwise amend, alter or affect such sections.

(Ord. No. 17629, § 1, 1-31-89)

## Sec. 310.18. License fee schedule.

Notwithstanding the provision of any other ordinance or law to the contrary, the following fees are hereby provided for all the licenses listed herein. These fees supersede all inconsistent provisions, including, but not limited to, graduated fee provisions, in these chapters and in other ordinances and laws, and include the fee for the license application as part of the license fee; provided, however, that this section does not amend or modify sections 310.09(a) or 310.09(d) of the Legislative Code with respect to exempt organizations or late fees. Pursuant to section 310.09(b) of the Legislative Code, these schedules shall be posted in the office of the director. These fees shall be effective for license renewals and new license applications occurring on and after January 1, 1995, or on the effective date of this section, whichever is later; provided, however, that with respect to all licenses whose renewal dates occur after the effective date of this new schedule, there shall be no increases in, nor offsets or refunds of, the existing fees paid, or due and owing.

(a) ENFORCEMENT LEVEL 1

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 165 | Agricultural Vehicle Parking Permit | $21.00 |
| 316.02 | Animal Foods Manufacturing and Distribution | 79.00 |
| 317.01 | Amusement Rides | 79.00 |
| 323.02 | Christmas Tree Sales | 79.00 |
| 325.02 | Close Out Sale | 79.00 |
| 327.03 | Laundry Dry Cleaning Pickup Station | 79.00 |
| 332.03 | Liquid Fuel Vehicle | 79.00 |
| 333.03 | Solid Fuel Vehicle | 79.00 |
| 340.04 | Mercantile Broker | 79.00 |
| 345.04 | Peddler (Solicitor/Transient) | 79.00 |
| 346.03 | Mobile Retail Vehicle | 79.00 |
| 348.01 | Animal Day Care | 77.00 |

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| 348.01 | Animal Boarding | 77.00 |
| 350.02 | Rental of Hospital Equipment | 79.00 |
| 350.02 | Rental of Hospital Equipment Vehicle | 79.00 |
| 351.03 | Rental of Kitchenware | 79.00 |
| 353.02 | Roller Rinks | 79.00 |
| 355.02 | Secondhand Dealer-Single Location | 79.00 |
| 357.03 | Solid Waste Hauler—Each Vehicle Over One | 79.00 |
| 359.03 | Sound Trucks and Broadcast Vehicles | 79.00 |
| 371.02 | Finishing Shop | 79.00 |
| 361.01 | Tow Truck/Wrecker Vehicle | 79.00 |
| 362.02 | Tree Trimmer—Additional Vehicle | 79.00 |
| 372.02 | Tire Recapping Plant | 79.00 |
| 377.03 | Lawn Fertilizer and Pesticide Application | 79.00 |
| 382.03 | Pet Grooming Facility | 79.00 |
| 409.05(b), 410.07(c) | Liquor-Outdoor Service Area (Patio) | 79.00 |
| 424.02 | Gas Stations | 104.00 |

(b) ENFORCEMENT LEVEL 2

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 320.03 | Bituminous Contractor | $194.00 |
| 322.02(a) | Pool Halls | 194.00 |
| 322.02(b) | Bowling Centers | 194.00 |
| 326.06 | Building Contractors | 194.00 |
| 327.03 | Laundry/Dry Cleaning Plants | 194.00 |
| 332.03 | Fuel Dealers—Liquid | 194.00 |
| 333.03 | Fuel Dealers—Solid | 194.00 |
| 334.03 | Pest Control | 194.00 |
| 338.02 | House Sewer Contractors | 194.00 |
| 342.02 | Bulk Oil Storage | 194.00 |
| 347.03 | Pet Shop | 194.00 |
| 352.03 | Rental of Trailers | 194.00 |
| 355.02 | Secondhand Dealer—Exhibitions | 194.00 |
| 356.02 | Sidewalk Contractors | 194.00 |
| 362.02 | Tree Trimming (with One Vehicle) | 194.00 |
| 364.02 | Veterinary Hospital | 194.00 |
| 365.02 | Window Cleaning | 194.00 |
| 401.02 | Motorcycle Dealer | 194.00 |
| 405.02 | Dance or Rental Hall | 297.00 |
| 406.04 | Game Room | 194.00 |
| 408.03 | Recycling Collection Center | 194.00 |

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| 415.04 | Theaters and Movie Theaters | 194.00 |
| 416.03 | Motion Picture Drive-in Theater | 194.00 |
| 426.04 | Cabaret (Class A and B) | 194.00 |

(c) ENFORCEMENT LEVEL 3

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 225.04(a) | Firearms | $375.00 |
| 324.04 | Cigarettes | 495.00 |
| 354.02 | Sanitary Disposal Vehicle | 375.00 |
| 355.02 | Secondhand Dealer-Multiple Dealers | 375.00 |
| 357.03 | Solid Waste Hauler and Vehicle | 375.00 |
| 360.03 | Public Swimming Pools | 375.00 |
| 360.03 | Whirlpools | 375.00 |
| 361.13 | Tow Truck/Wrecker Operator | 375.00 |
| 383.03 | Vehicle Immobilization Service | 375.00 |
| 376.04 | Taxicabs | 434.00 |
| 376.05 | Taxicabs (Reciprocity Event) | 34.00 |
| 379.02 | Short-term Rental Platform License | 10,353.00 |
| 379.02 | Short-term Rental Host License | 42.00 |
| 381.02(d) | Currency Exchanges | 375.00 |
| 401.02 | New Motor Vehicle Dealer | 375.00 |
| 401.02 | Secondhand Dealer Motor Vehicle Parts | 469.00 |
| 401.02 | Secondhand Motor Vehicle Dealer | 469.00 |
| 407.03 | Hotel/Motel—To 50 rooms | 375.00 |
| 407.03 | Hotel—Each additional room over 50 | 13.00 |
| 409.07.1(a), 410.04(c) | Liquor—Extension of Service Hours | 375.00 |
| 412A.03 | Massage Center—Adult | 375.00 |
| 412A.03 | Environmental Plan Review Massage Center Adult | 413.00 |
| 413.04 | Conversation/Rap Parlor (A and B) | 375.00 |
| 415.04 | Mini-Motion Picture Theater—Adult | 375.00 |
| 417.04 | Parking Lots and Parking Garages | 375.00 |
| 417.04 | Parking Garages (Government) | 0.00 |
| 417.04 | Parking Garages (Private) | 367.00 |
| 422.02 | Motor Vehicle Salvage Dealer | 375.00 |
| 423.02(b) | Auto Body Repair Garage | 469.00 |
| 423.02(a) | Auto Repair Garage | 469.00 |
| 427.04 | Health/Sports Clubs | 375.00 |
| 427A.04 | Health/Sports Club (Adult) | 375.00 |
| 428.04 | Steam Room/Bath House (Class A and B) | 375.00 |
| 423.02(b) | Auto Body Repair/Painting Shop | 469.00 |

(d) ENFORCEMENT LEVEL 4

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 331A.04 | Catering-Limited | $ 326.00 |
| 331A.04 | Environmental Plan Review—Catering—Limited | 380.00 |
| 331A.04 | Catering | 570.00 |
| 331A.04 | Environmental Plan Review—Catering | 625.00 |
| 331A.04 | Catering—Add on | 250.00 |
| 331A.04 | Environmental Plan Review—Catering—Add on | 380.00 |
| 331A.04 | Customer Appreciation—Food Sales | 55.00 |
| 331A.04 | Day Care Food | 109.00 |
| 331A.04 | Food Give-Away | 55.00 |
| 331A.04 | Food Processing/Packaging/Distributing | 217.00 |
| 331A.04 | Environmental Plan Review—Food Processing/Packaging/Distributing | 380.00 |
| 331A.04 | Food Vehicle | 92.00 |
| 331A.04; 363.02(a) | Food Vending Machine | 16.00 |
| 331A.04: 363.02(a) | Food Vending Machine Operator | 136.00 |
| 331A.04 | Food/Boarding Facility | 353.00 |
| 331A.04 | Environmental Plan Review—Food/Boarding Facility | 380.00 |
| 331A.04 | K—12 School Food Service | 217.00 |
| 331A.04 | Environmental Plan Review — K—12 School Food Service | 272.00 |
| 331A.04 | K—12 School Food Service—Limited | 109.00 |
| 331A.04 | Environmental Plan Review—K—12 School Food Service—Limited | 136.00 |
| 331A.04 | Mobile Food Vehicle | 244.00 |
| 331A.04 | Mobile Food Cart—Limited | 110.00 |
| 331A.04 | Mobile Food Cart—Full | 217.00 |
| 331A.04 | Environmental Plan Review—Restaurant (1) | 381.00 |
| 331A.04 | Environmental Plan Review—Restaurant (2) | 381.00 |
| 331A.04 | Environmental Plan Review—Restaurant (3) | 625.00 |
| 331A.04 | Environmental Plan Review—Restaurant (4) | 625.00 |
| 331A.04 | Environmental Plan Review—Restaurant (5) | 625.00 |
| 331A.04 | Restaurant (D)—Add-On | 272.00 |
| 331A.04 | Environmental Plan Review Restaurant (D) Add-On | 381.00 |
| 331A.04 | Restaurant (D)—Add-on (Bar Only) | 109.00 |
| 331A.04 | Environmental Plan Review Restaurant (D) Add-On (Bar Only) | 190.00 |
| 331A.04 | Restaurant (E)—Extension | 164.00 |
| 331A.04 | Environmental Plan Review—Restaurant (E)—Extension | 136.00 |
| 331A.04 | Environmental Plan Review—Restaurant (L)—Limited | 381.00 |



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|---|---|---|
| 331A.04 | Restaurant (L)—Limited | 272.00 |
| 331A.04 | Restaurant (1)—no seats | 435.00 |
| 331A.04 | Restaurant (2)—1—12 | 478.00 |
| 331A.04 | Restaurant (3)—13—50 | 580.00 |
| 331A.04 | Restaurant (4)—51—150 | 631.00 |
| 331A.04 | Restaurant (5)— 151 and over | 673.00 |
| 331A.04 | Retail Food Establishment (A)—1 to 100 Sq. Ft. | 82.00 |
| 331A.04 | Environmental Plan Review—Retail Food Establishment (A) | 136.00 |
| 331A.04 | Retail Food Establishment (B)—101 to 1000 Sq. Ft. | 109.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (B) | 272.00 |
| 331A.04 | Retail Food Establishment (C)—1001 to 3000 Sq. Ft. | 408.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (C) | 408.00 |
| 331A.04 | Retail Food Establishment (D)—3001 to 6000 Sq. Ft. | 652.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (D) | 516.00 |
| 331A.04 | Retail Food Establishment (E)—6001 to 10,000 Sq. Ft. | 978.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (E) | 652.00 |
| 331A.04 | Retail Food Establishment (F)—over 10,000 Sq. Ft. | 1,413.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment (F) | 816.00 |
| 331A.04 | Retail Food Establishment—Farmers' Market | 164.00 |
| 331A.04 | Retail Food Establishment—Temporary | 65.00 |
| 331A.04 | Retail Food Establishment—Nonprofit | 27.00 |
| 331A.04 | Environmental Plan Review—Retail Food Establishment—Nonprofit | 55.00 |
| 331A.04 | Retail Food Establishment—Secondary Facility | 82.00 |
| 331A.04 | Environmental Plan Review Retail Food Establishment—Secondary Facility | 381.00 |
| 331A.04 | Retail Food Establishment—Restricted Food Service | 79.00 |
| 331A.04 | Special Event Food Sales—1 to 3 days (up to 150 sq. feet) | 190.00 |
| 331A.04 | Special Event Food Sales—4 to 10 days (up to 150 sq. feet) | 217.00 |
| 331A.04 | Special Event Food Sales—Up to 3 events (up to 150 sq. feet) | 217.00 |
| 331A.04 | Special Event Food Sales—late fee | 50% of special event food sales fee |
| 331A.04 | Special Event Food Sales (Nonprofit) (up to 150 sq. feet) | 55.00 |
| 331A.04 | Special Event Food Sales—Extension (up to 150 sq. feet) | 109.00 |
| 331A.04 | Special Event Food Sales—Each additional 150 square feet portion thereof | 25% of special event foods sales fee |
| 331A.04 | Special Event Food Sales—Each additional location fee | 85.00 |
| 331A.04 | Nonprofit 1 Day Special Event—1—10 Stands | 275.00 |

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| 331A.04 | Nonprofit 1 Day Special Event—Each Additional 10 Stands or Portion of 10 Stands | 275.00 |
| 331A.04 | Seasonal Temporary Food Stand | 244.00 |

(e) ENFORCEMENT LEVEL 5

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 409.27 | 2:00 a.m. closing | $55.00 |
| 409.05(i) | Intoxicating Liquor—Fee waived for government agencies | 0.00 |
| 409.01(c) | Liquor Catering Permit—Annual | 178.00 |
| 409.02 | Off-Sale Microdistillery | 190.00 |
| 409.05(b) | Liquor Catering Permit—Temporary | 55.00 |
| 409.05(b) | On-Sale—100 seats or less | 4,964.00 |
| 409.05(b) | On-Sale—101—180 seats | 5,497.00 |
| 409.05(b) | On-Sale—181—290 seats | 5,889.00 |
| 409.05(b) | On-Sale—291 or more seats | 5,970.00 |

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 409.05(b) | On-Sale—Theater | 1,772.00 |
| 409.25(b) | Temporary Liquor | 55.00 |
| 409.05(f) | On-sale Club—Under 200 members | 300.00 |
| 409.05(f) | On-sale Club—201—500 members | 500.00 |
| 409.05(f) | On-sale Club—501—1,000 members | 650.00 |
| 409.05(f) | On-sale Club—1,001—2,000 members | 800.00 |
| 409.05(f) | On-sale Club—2,001—4,000 members | 1,000.00 |
| 409.05(f) | On-sale Club—4,001—6,000 members | 2,000.00 |
| 409.05(f) | On-sale Club—6,000+ members | 3,000.00 |
| 409.05(h) | Additional family members | 57.00 |
| 409.02 | Brewpub/Off-sale (Growler) | 190.00 |
| 409.02 | Off-Sale Brewery | 190.00 |
| 409.05 | Off-Sale | 1,398.00 |
| 409.07(b)(2) | Sunday On-Sale | 200.00 |
| 409.11(b) | Extension of Service Area—Temporary | 63.00 |
| 410.07(a)(8), 409.15(b) | Wine On-Sale | 2,000.00 |
| 409.25 | Temporary Wine | 55.00 |
| 409.25 | Wine Licenses for Festivals | 55.00 |
| 409.15(d) | On-Sale Malt (Strong) | 659.00 |
| 409.28 | Brewery Taproom | 659.00 |
| 409.31 | Microdistillery Cocktail Room | 659.00 |
| 410.02 | On-Sale Malt (3.2) | 659.00 |

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| 410.02, 410.11 | On-Sale Malt—Fee waived for municipal golf courses | 0.00 |
| 410.02 | Off-Sale Malt | 208.00 |
| 410.10(a) | Temporary Malt | 55.00 |
| 411.03 | Entertainment—Class A | 257.00 |
| 411.03 | Entertainment—Class B | 622.00 |
| 411.03 | Entertainment—Class C | 2,955.00 |
| 411.05 | Entertainment Temporary | 32.00 |
| 409.08 | Live Music Event—18 and Up | 32.00 |
| 409.15(e) | Culinary On-sale | 236.00 |
| 409.01 | Private Event—Restaurant/Liquor Caterer | 32.00 |
| 409 | Small Brewer Off-Sale—128 Ounces License | 30.00 |
| 409, 410 | Temporary World Cup Soccer | 250.00 Per event |

(f) ENFORCEMENT LEVEL 6

| Chapter/Section | | |
|---|---|---|
| No. | License Description | Fee |
| 329.02 | Alarm Permits | $40.00 |
| 317.01 | Amusement Rides—Temporary | 30.00 |
| 106.01(b) | Sidewalk Café—Food Only | 37.00 |
| 106.01(b)(4) | Sidewalk Café—Liquor | 37.00 |
| 127.04 | Courtesy Benches | 24.00 |
| 127 | Courtesy Benches Transfer | 16.00 |
| 293.09 | Noise Variance | 178.00 |
| 368.02 | Wrecking of Buildings | 60.00 |
| 369.03 | Building Trades Business License | 174.00 |
| 370.09 | Building Trades Certificates of Competency | 22.00 |
| 370.17 | Trade Worker—Tier 1 | 34.00 |
| 370.17 | Trade Worker—Tier 2 | 65.00 |
| 278.03 | Gambling Hall | 412.00 |
| 318.02 | Mechanical Amusement Device | 19.00 |
| 318.02 | Music Machine | 19.00 |
| 318.02 | Amusement Rides | 19.00 |
| 318.02 | T.V. Units | 19.00 |
| 344.02(a) | Pawn Shops | 2,955.00 |
| 344.02(b) | Pawn Shop Billable Transaction Fee | 3.00 |
| 373 | Transportation Network Companies | 38,069.00 |
| 374.3 | Commercial Pedal Car Driver | 47.00 |
| 374.3 | Commercial Pedal Car Vehicle | 109.00 |
| 374.3 | Commercial Pedal Car Business | 326.00 |
| 375.2(a) | Pedicab Vehicle | 105.00 |
| 375.2(b) | Pedicab Driver | 47.00 |
| 376 | Taxicab Vehicle—Duplicate Sticker | 19.00 |

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| 376 | Taxicab Replacement Vehicle Sticker | 52.00 |
| 376.05 | Taxicab Driver (Reciprocity Event) | 33.00 |
| 376.16(d) | Taxicab Driver (new) | 47.00 |
| 376.16(i) | Taxicab Driver Renewal | 47.00 |
| 376 | Taxicab Driver Duplicate Identification Card | 6.00 |
| 376.17(d) | Taxicab Driver (provisional) | 47.00 |
| 391.02 | Soliciting Funds—Tag Days | 24.00 |
| 402.08 | Temporary Gambling (3 types) | 55.00 |
| 403.03 | Bingo Halls | 212.00 |
| 409.05(g) | Gambling Location | 78.00 |
| 409.08(11) | Modification of Parking | 445.00 |
| 359.03 | Sound Trucks and Broadcast Vehicles Nonprofit Organizations) | 29.00 |
| 380.04 | Tanning Facility | 98.00 |
| 380.04 | Environmental Plan Review Tanning Facility | 178.00 |
| 414.02 | Massage or Bodywork Practitioner—One Location | 98.00 |
| 414.02 | Massage or Bodywork Practitioner—Each Additional Location | 29.00 |
| 414.02 | Massage Center (Class A)—One practitioner | 93.00 |
| 412.04 | Massage Center (Class A)—Two or more practitioners | 243.00 |
| 412.04 | Therapeutic Massage Practitioner—Temporary | 46.00 |
| 412.04 | Environmental Plan Review Massage Center (Class A) | 437.00 |
| 412.04 | Massage Center (Class B) | 98.00 |
| 412.04 | Environmental Plan Review Massage Center (Class B) | 178.00 |
| 357.03 | Solid Waste Transfer Station | 1,771.00 |
| 408.03 | Recycling Processing Center | 887.00 |
| 429.03 | Infectious Waste Processing Facility | 1,771.00 |
| 198.04(c) | Keeping of Animal (includes more than three (3) chickens | 77.00 |
| 198.04(c) | Keeping of Animal—Renewal | 28.00 |
| 198.04(c) | Tier 1 Chicken Permit | 26.00 |
| 198.04(c) | Tier 1 Chicken Permit Renewal | 16.00 |
| 198.04(c) | Tier 2 Chicken Permit | 77.00 |
| 198.04(c) | Tier 2 Chicken Permit Renewal | 28.00 |
| 198.04(c) | Keeping of More than Three (3) Cats | 77.00 |
| 198.04(c) | Keeping of More than Three (3) Cats (Renewal) | 28.00 |
| 200.03 | Dog License—Annual Altered | 20.00 |
| 200.03 | Dog License—Annual Unaltered | 81.00 |
| 200.03 | Dog License—Annual Altered Reduced | 10.00 |
| 200.03 | Dog License—Lifetime (with Microchip, altered) | 142.00 |
| 200.03 | Dog License—Reduced, Lifetime (with Microchip and altered) | 71.00 |
| | Dog License—Reduced Rate, Lifetime (with Microchip, unaltered) | 34.00 |



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| | Declared, Animal (microchip and altered | 142.00 |
| | Declared, Animal (microchip and altered | 284.00 |
| 200.04 | Dog License—Replacement | 10.00 |
| 200.07 | Impounding Fee | 36.00 |
| 200.02(a) | Unlicensed Dog | 59.00 |
| 200.121(e) | Dangerous Dog Registration | 305.00 |
| 200.07 | Boarding Fee—Per Day | 19.00 |
| | Animal Adoption—St. Paul Resident | 51.00 |
| | Rabies Vaccination for impounded dogs, cats, ferrets | 30.00 |
| | Microchipping for impounded animals | 30.00 |
| | Delinquent License Renewal fee (per month) | 5.00 |
| 376.17 | Taxicab Service Company | 422.00 |

(C.F. No. 92-1742, § 1, 12-8-92; C.F. No. 93-1650, § 1, 12-9-93; C.F. No. 94-201, § 1, 3-16-94; C.F. No. 94-1447, § 1, 12-14-94; C.F. No. 95-519, § 2, 6-7-95; C.F. No. 95-1457, § 1, 1-3-96; C.F. No. 96-391, § 3, 5-8-96; C.F. No. 96-1095, § 1, 10-2-96; C.F. No. 97-912, § 1, 8-20-97; C.F. No. 99-500, § 4, 7-7-99; C.F. No. 99-812, § 1, 9-8-99; C.F. No. 00-457, § 1, 6-7-00; C.F. No. 00-1064, § 1, 12-12-00; C.F. No. 00-1065, § 1, 12-20-00; C.F. No. 01-613, §§ 1, 2, 7-5-01; C.F. No. 01-1244, § 1, 12-26-01; C.F. No. 02-770, § 1, 10-2-02; C.F. No. 1031, § 2, 11-27-02; C.F. No. 03-102, § 2, 3-12-03; C.F. No. 03-694, § 2, 9-3-03; C.F. No. 03-695, § 1, 9-3-03; C.F. No. 03-893, § 2, 11-5-03; C.F. No. 04-670, § 1, 8-4-04; C.F. No. 04-960, § 1, 11-3-04; 04-961, § 1, 11-10-04; C.F. No. 05-631, § 1, 8-10-05; C.F. No. 05-697, § 1, 8-24-05; C.F. No. 06-409, § 1, 5-24-06; C.F. No. 06-574, § 2, 7-26-06; C.F. No. 06-752, § 1, 9-13-06; C.F. No. 06-821, § 2, 9-27-06; C.F. No. 07-149, § 74, 3-28-07; C.F. No. 07-966, § 1, 12-12-07; C.F. No. 07-967, § 1, 12-12-07; C.F. No. 08-382, § 1, 5-14-08; C.F. No. 08-568, § 1, 6-25-08; C.F. No. 08-1009, § 1, 10-8-08; C.F. No. 08-1208, § 2, 12-17-08; C.F. No. 09-478, § 1, 5-27-09; C.F. No. 09-684, § 1, 7-22-09; C.F. No. 09-893, § 1, 10-14-09; C.F. No. 09-987, § 1, 10-14-09; Ord No. 11-56, § 1, 7-13-11; Ord No. 11-63, § 1, 4-25-12; Ord No. 12-24, § 1, 6-13-12; Ord 12-49, § 1, 9-12-12; Ord 12-45, § 1, 10-10-12; Ord 12-83, § 1, 1-9-13; Ord 13-1, § 1, 1-23-13; Ord 13-31, § 1, 5-22-13; Ord 13-34, § 1, 6-26-13; Ord 14-33, § 1, 8-27-14; Ord 14-40, § 1, 12-3-14; Ord 15-29, § 7, 5-27-15; Ord 15-65, § 1, 12-2-15; Ord 16-9, 4-20-16; Ord 16-16, § 2, 7-27-16; Ord 16-66, § 1, 1-4-16; Ord 17-47, § 1, 10-25-17; Ord 17-53, § 1, 11-8-2017; Ord 17-25, § 1, 8-2-17; Ord 18-65, § 1, 1-9-19; Ord 18-68, § 2, 1-9-19; Ord 19-78, § 1, 1-8-20; Ord 20-5, § 1, 2-20-20; Ord 21-65, § 2, 12-22-21; Ord 22-35, § 2, 8-3-22)

## Sec. 310.19. Discount from certain license fees.

(a) A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee shall maintain on the premises, in a location accessible at all times to all employees of the licensed establishment:

a. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and

b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state as outlined in Chapter 7515 of the State of Minnesota Rules and Minn. Stat. Ch. 340A. This compilation must also include chapters 240 through 246, 409 and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee shall maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One (1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section within the lounge area in which the writing on the sign behind the bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (½) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.

(3) *Contract with security agency.*

a. *Generally.* The licensee shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the security agency shall charge the same amount to all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.

b. *Investigation.* The contract with the city shall provide for and require one (1) or more investigations by the security agency each calendar year into the practices of the licensee with respect to (i) age identification of customers in order to prevent sales of alcoholic beverages to minors, and (ii) preventing the sale of alcoholic beverages to persons who are obviously intoxicated. The contract shall require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, to the department, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract shall require that all such investigations shall include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency shall employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract shall also provide for alcohol awareness training by the security agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year shall receive such training within four (4) weeks following their hiring, and shall not work in the premises after that four-week period until they have received such training.

d. *Standards for approval.* In addition to the requirements specified elsewhere in this subsection, the security agency and its investigations and training must meet or exceed the following:

1. The alcohol awareness course shall cover all of the topics listed herein. The content of each training course shall include, but need not be limited to:

(a) Pertinent laws and ordinances regarding the sale of alcohol.

(b) Verification of age, forms of identification, and forms of false or misleading age identification.

(c) The effect of alcohol on humans and the physiology of alcohol intoxication.

(d) Recognition of the signs of intoxication.

(e) Strategies for intervention to prevent intoxicated persons from consuming further alcohol.

(f) The licensee's policies and guidelines, and the employee's role in observing these policies.

(g) Liability of the person serving alcohol.

(h) Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations.

(i) Training available in languages other than English that are spoken by the license holders and/or the license holders employees.

2. The security agency shall have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.

3. The security agency shall have sufficient personnel and physical resources to provide an alcohol awareness training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract. The cost covering the training and investigation service provided to license holders shall be identified and charged equally to each participant.

The (7) seven percent shall be applied to the following licenses:

Brew pub

Off-sale brewery

Liquor catering permit

On-sale—Over 200 seats

On-sale—Over 100 seats

On-sale—100 seats or less

On-sale club—Under 200 members

On-sale club—201—500 members

On-sale club—501—1,000 members

On-sale club—1,001—2,000 members

On-sale club—2,001—4,000 members

On-sale club—4,001—6,000 members

On-sale club—6,000+ members

On-sale extended service hours

On-sale theatre

Off-sale

Sunday on-sale

Liquor—Outdoor service area

Wine on-sale

On-sale malt (strong)

On-sale malt (3.2)

Off-sale malt

(b) A discount will be provided for restaurant and catering licenses issued under Chapter 331A. Such fees shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) The licensee shall employ a person in charge, who, in the absence of the certified food manager, shall be on duty at all times and who can demonstrate that he/she have viewed a video concerning food allergies. The video presentation shall be provided by and will be viewed at the department of safety and inspections. If the person in charge leaves the licensee's employment, the establishment will have two months to either:

a. Have the new person in charge view the video on food allergy at a presentation by the department of safety and inspection; or

b. If there is no presentation within two months of that person being hired, ensure that the new person in charge is registered for the next available video presentation.

(2) Allergic customer alert process. The licensee shall produce a written procedure to alert all employees of an allergic customer. That policy shall, at a minimum, require that once a customer has notified any employee of an allergy to particular food item(s) or group(s), the establishment shall notify the above-referenced person in charge or certified food manager, and all employees who may handle any food item served to that customer of the food allergy.

(C.F. No. 94-1447, § 2, 12-14-94; C.F. No. 00-237, § 1, 4-5-00; C.F. No. 01-1260, § 1, 12-26-01; C.F. No. 02-107, 3-6-02; C.F. No. 04-1093, § 1, 12-15-04; C.F. No. 06-821, § 3, 9-27-06; C.F. No. 07-149, § 75, 3-28-07; C.F. No. 09-1290, § 1, 12-9-09)

# Chapter 324. - Tobacco

## Sec. 324.01. - License required.

(a) No person shall sell or offer for sale at retail within the city any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product or maintain a tobacco vending machine for the sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products without a license.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee;

(2) Any machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all tobacco purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed.

(3) Any tobacco vending machine shall have posted on or near it a sign with the statement, in letters at least one-half (½) inch high, "The sale of tobacco products or electronic delivery devices to persons under twenty-one is prohibited."

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years, subject to the following exceptions:

(1) Notwithstanding subdivision (d), a license may be issued if the new applicant:

a. Currently holds another tobacco license in the city;

b. Has held the license for at least five (5) years; and

c. The license:

1. Has not been subject to adverse action within the past two (2) years;

2. Has been subject to no more than one (1) adverse action within the past five (5) years; and

Is not the subject of any pending adverse actions

is not the subject of any pending adverse actions.

3.

(2) Notwithstanding subdivision (d), a license may be issued if the new applicant is otherwise able to demonstrate at least five (5) years of previous experience operating a tobacco retail establishment in a law abiding manner in the State of Minnesota. In considering an application made pursuant to this subsection, the factors to be considered by the council include, but are not limited to:

a. Any adverse or disciplinary actions against any business licenses held by the applicant in the previous five (5) years; and

b. Any violations of the law related to operating a retail establishment, committed by the applicant in the previous five (5) years, regardless of whether any criminal charges have been brought in connection therewith.

(3) Any license granted pursuant to subpart (d)(1) or (d)(2) must be approved by the affirmative vote of no less than five (5) members of the council.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 1, 10-16-19)

Sec. 324.02. - License for each location or vending machine.

A license shall permit the licensee to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(Code 1956, § 366.05; C.F. No. 94-341, § 2, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 324.03. - Definitions.

The following words and phrases, as used in this chapter, shall, 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that

has been approved or certified 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 marketed and sold for such an approved purpose.

(3) *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 shall constitute presumptive evidence that the product or device is a flavored product.

(4) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(5) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.

(6) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(7) *Tobacco* or *tobacco product* 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 cigarettes, cigars, little 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. 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.

(8) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(9) *Tobacco vending machine* means a machine for vending tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17)

Sec. 324.04. - Fee, duration, limitation on number of licenses.

The annual license fee for each location of sale or each tobacco vending machine shall be established by ordinance as specified in section 310.09(b) of the Legislative Code. The license shall expire one (1) year from the date of issuance during each calendar year. The annual license fee shall be prorated for licenses in force less than a full year.

The total number of licenses issued by the city for the retail sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products shall not exceed two hundred forty-two (242). Establishments or locations holding licenses on July 1, 2018, or with an application of a license pending on July 1, 2018, that is ultimately granted shall not be affected by this limitation, but shall be entitled to have such licenses renewed or new license granted, subject to the following exceptions:

1. The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;
2. The previous license has not terminated or expired more than two (2) years before the new license had been first applied for;
3. A previous license has not been revoked by the council.

(Code 1956, § 336.03; Ord. No. 17386, § 1, 8-19-86; C.F. No. 92-1930, § 1, 1-14-93; C.F. No. 94-341, § 4, 4-13-94; C.F. No. 95-1271, § 1, 11-8-95; C.F. No. 97-314, § 1, 4-20-97; Ord 18-19, § 1, 6-27-18)

Sec. 324.05. - Application.

In addition to any other information required by the director, the applicant shall state the true name of the applicant, the name under which he or she shall conduct his or her business, whether such business is that of an individual, sole trader, firm, partnership, or corporation, and the address where such business is to be conducted. Any person applying for more than one (1) license shall file with the department of safety and inspections a list of all locations of sale and/or the location of each vending machine for which license applications are being filed. Any change in the location of the place of sale shall be reported to the director within five (5) days of said change.

(Code 1956, § 336.04; C.F. No. 94-341, § 5, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 07-149, § 81, 3-28-07)

Sec. 324.06. - License to be displayed.

The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location. In the case of a tobacco vending machine, the operator shall also affix his or her name, address and telephone number in a conspicuous place on each machine.

(Code 1956, § 336.06; C.F. No. 94-341, § 6, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 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.

(b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.

(c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.

(d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than twenty-one (21) years of age is present, or permitted to enter, at any time.

(e) No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition,

no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

(g) Sale to persons under the age of twenty-one (21) years prohibited.

(1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of twenty-one (21) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.

(2) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stat. § 340A.503, subd. 6.

(h) Exceptions.

(1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under twenty-one (21) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.

(4) Establishments holding an off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19)

**Editor's note—** Ord 17-28, § 2, adopted November 1, 2017, shall take effect and be in force beginning November 1, 2018.

Sec. 324.08. - Distribution of free products prohibited.

No person in the business of selling or promoting tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products or agent or employee of such person shall distribute any products free to any person on the sidewalks, pedestrian concourses, pedestrian malls or pedestrian skyway systems within the city.

(Code 1956, § 336.08; Ord. No. 17714, § 1 2-20-90; C.F. No. 92-1930, § 2, 1-14-93; C.F. No. 94-341, § 8, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

Sec. 324.09. - Use of false identification by minors prohibited.

No person under the age of twenty-one (21) years shall purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products using a driver's license, a Minnesota identification card, or other form of identification which is false, fictitious, altered or counterfeited as to age or any other material fact of identification. Use of false identification to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products is a misdemeanor.

(Ord. No. 17733, § 1, 5-8-90; C.F. No. 94-341, § 9, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 13-8, § 3, 4-24-13; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 3, 10-16-19)

Sec. 324.10. - Presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations. 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 which make it appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

(b) *Presumptive penalties for violations.* Adverse penalties for violations or convictions shall be presumed as follows:

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |

| | | | | |
|---|---|---|---|---|
| (1) Sale to a person under twenty-one (21) years of age | $200.00 fine | $400.00 fine | $800.00 fine and 7-day suspension | Revocation |

(c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) Computation of time.

(1) Second, third and fourth appearances. A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) Any appearance not covered by subsections (1) above shall be treated as a first appearance. Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19)

**Editor's note**— Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.

# *Chapter 324. Tobacco*

## Sec. 324.01. License required.

(a) No person shall sell or offer for sale at retail within the city any licensed product or in any manner represent or hold himself or herself out as one who sells or offers for sale at retail any licensed product or maintain a tobacco vending machine for the sale of licensed products without a license from the city.

(b) A tobacco vending machine may be located in a public accommodation, provided that:

(1) All tobacco vending machines shall be operable only by the activation of an electronic switch operated by an employee of the establishment before each sale, or by insertion of a token provided to the purchaser by an employee of the licensee;

(2) Any machine shall be located in the immediate vicinity, plain view and control of a responsible employee so that all purchases will be readily observable by that employee. The tobacco vending machine shall not be located in a coatroom, restroom, unmonitored hallway, outer waiting area or similar unmonitored areas. The tobacco vending machine shall be inaccessible to the public when the establishment is closed;

(3) Any tobacco vending machine shall have posted on or near it a sign with the statement, in letters at least one-half (½) inch high, "The sale of tobacco products or electronic delivery devices to persons under twenty-one is prohibited."

(c) Any license issued pursuant to this chapter shall be issued to the person, firm or corporation that operates the principal business at that address. Each vending machine shall be required to have a separate license.

(d) No license may be issued pursuant to this chapter for a location or place of sale if a tobacco license previously issued for that location or place of sale has been revoked for any reason other than nonpayment of license fees within the past five (5) years.

(Code 1956, § 366.02; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 1, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-12, § 1, 4-22-15; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 1, 10-16-19; Ord 21-29, § 2, 11-3-21)

## Sec. 324.02. License for each location or vending machine.

A license shall permit the licensee to sell licensed products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(Code 1956, § 366.05; C.F. No. 94-341, § 2, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16; Ord 21-29, § 3, 11-3-21)

## 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:

(1) *Cigar* means any roll of tobacco that is wrapped in tobacco leaf, or in any other substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stats. § 297F.01, subd. 3, as may be amended from time to time.

(2) *Cigarette* means and includes any roll for smoking, made wholly or in part of tobacco, irrespective of size and shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except whole tobacco leaf, and includes any cigarette as defined in Minn. Stats. § 297F.01, subd. 3.

(3) *Drug paraphernalia* means drug paraphernalia as defined in Saint Paul Legislative Code Section 255.01.

(4) *Electronic delivery device* means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified 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 marketed and sold for such an approved purpose.

(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.

(6) *Licensed products* means collectively any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

(7) *Nicotine or lobelia delivery product* means any product containing or delivering nicotine or lobelia, whether natural or synthetic, intended for human consumption, or any part of such a product, that is not a tobacco product or an electronic delivery device, as defined in this section. Nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale 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 marketed and sold for such an approved purpose.

(8) *Non-discounted price* means the higher of the price listed for licensed products on a package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the sale price.

(9) *Price reduction instrument* means any coupon, voucher, rebate, card, paper, note, form, statement, ticket, image, or other issue, whether in paper, digital, or any other form, not included in the non-discounted price, used for commercial purposes to receive an article, product, service, or accommodation without charge or at a discounted price.

(10) *Sale* means and includes any transfer, conditional or otherwise, of title or possession.

(11) *Sale at retail* means and includes all sales except those where the merchandise is sold for the purpose of resale by a person principally engaged in selling merchandise for resale.

(12) *Snuff* means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

(13) *Snus* means any smokeless tobacco product marketed and sold as snus, and sold in ready-to-use pouches or loose as a moist powder.

(14) *Tobacco* or *tobacco product* 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, cigarettes, cigars, little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snus, 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. 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.

(15) *Tobacco license* means either a tobacco shop or a tobacco products shop license.

(16) *Tobacco shop license* means a license issued to a person, firm, or corporation for an establishment that:

a. May offer for sale licensed products which are accessible to the public only with the intervention of a store employee; and,

b. May allow persons who are under the age of twenty-one (21) to enter the establishment; and

(17) *Tobacco products shop license* means a license issued to a person, firm, or corporation for an establishment that:

a. Must derive at least ninety (90) percent of its revenue from the sale of licensed products;

b. Must prohibit persons who are under the age of twenty-one (21) from entering the establishment;

c. Must be accessible only through a door opening directly to the outside; and

d. Must be staffed by at least one individual solely dedicated to the tobacco products shop during all operating hours.

(18) *Tobacco-related devices* means cigarette papers, pipes for smoking, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.

(19) *Tobacco vending machine* means a machine for vending licensed products by the insertion of money, tokens, or other form of payment.

(Code 1956, § 336.01; C.F. No. 94-341, § 3, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 10-1014, § 1, 10-13-10; Ord 13-8, § 1, 4-24-13; Ord 14-34, § 1, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 1, 11-1-17; Ord 21-29, § 4, 11-3-21)

## Sec. 324.04. Fee, duration, limitation on number of licenses.

(a) *License fee, duration.* The annual license fee for each license issued under this chapter will be established by ordinance as specified in section 310.09(b) of the Legislative Code. Each license will expire one (1) year from the date of issuance during each calendar year. The annual license fee will be prorated for licenses in force less than a full year.

(b) *Limitation on number of licenses and location.*

(1) The total number of tobacco shop licenses issued under this chapter will not exceed one hundred fifty (150). The total number of tobacco products shop licenses issued under this chapter will not exceed twenty-five (25). Establishments or locations holding either tobacco shop or tobacco product shop licenses on July 31, 2021, or with an application of a license pending on July 31, 2021, that is ultimately granted will not be affected by this limitation but will be entitled to have such licenses renewed or new license granted, subject to the following conditions:

a. The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;

b The previous license has not terminated or expired more than one (1) year before the new license had been first applied for;

c. A previous license has not been revoked by the council.

(2) No tobacco license may be issued to a person, firm, or corporation for any establishment located within one-half mile (2,640 feet) of another establishment possessing a tobacco license. Said one-half mile being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the tobacco license to the property line of any other tobacco license.

(Code 1956, § 336.03; Ord. No. 17386, § 1, 8-19-86; C.F. No. 92-1930, § 1, 1-14-93; C.F. No. 94-341, § 4, 4-13-94; C.F. No. 95-1271, § 1, 11-8-95; C.F. No. 97-314, § 1, 4-20-97; Ord 18-19, § 1, 6-27-18; Ord 21-29, § 5, 11-3-21)

## Sec. 324.05. Application.

In addition to any other information required by the director, the applicant must state the true name of the applicant, the name under which he or she will conduct his or her business, whether such business is that of an individual, sole trader, firm, partnership, or corporation, and the address where such business is to be conducted. Any person applying for more than one (1) license must file with the department of safety and inspections a list of all locations for which license applications are being filed. Any change in the location of the place of sale will require a new license application.

(Code 1956, § 336.04; C.F. No. 94-341, § 5, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 07-149, § 81, 3-28-07; Ord 21-29, § 6, 11-3-21)

## Sec. 324.06. License to be displayed.

The license shall be displayed by the licensee in a prominent and conspicuous place at the licensed location. In the case of a tobacco vending machine, the operator shall also affix his or her name, address and telephone number in a conspicuous place on each machine.

(Code 1956, § 336.06; C.F. No. 94-341, § 6, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16)

## Sec. 324.07. Sales prohibited.

(a) No person may sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes may be sold individually or in packages of fewer than twenty (20) cigarettes.

(b) No person may sell or dispense licensed products from a motor vehicle or other movable place of business.

(c) No person may sell licensed products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.

(d) No person may offer for sale licensed products in any open displays which are accessible to the public without the intervention of a store employee. This restriction does not apply to establishments holding a tobacco products shop license.

(e) No person may sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents ($2.60) per cigar contained within. In addition, no person may sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents ($10.40) per package.

(f) No person may sell or offer for retail sale cigarette packages or cartons for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per pack.

(g) No person may sell or offer for retail sale moist snuff retail packages or multipacks for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per 1.2 ounce package. No person may sell or offer for retail sale any smokeless tobacco/moist snuff unless it is sold in a package of at least 1.2 ounces minimum package size. The price floor for packages larger than 1.2 ounces shall be computed by adding two dollars and fifty cents ($2.50) for each 0.3 ounces or any fraction thereof in excess of 1.2 ounces, excluding all applicable taxes.

(h) No person may sell or offer for sale or otherwise distribute snus for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars ($10.00) per 0.32 ounce package. No person may sell or offer for retail sale any snus unless it is sold in a package of at least 0.32 ounces minimum pack size. The price floor for packages larger than 0.32 ounces shall be computed by adding two dollars and fifty cents ($2.50) for each 0.08 ounces or any fraction thereof in excess of 0.32 ounces, excluding all applicable taxes.

(i) No holder of a license issued under this chapter, nor any employee or agent of same may sell tobacco products to a person under the age of twenty-one (21) years. Sale to persons under the age of twenty-one (21) years prohibited.

(1) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stats. § 340A.503, subd. 6.

(j) No person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter.

(k) *Coupons and price promotions.* No holder of a license issued under this chapter, nor any employee or agent of same, may:

(1) Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any price reduction instrument or other offer that provides any licensed product without charge or for less than the listed or non-discounted price; or

(2) Sell or offer to sell licensed products, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any licensed products, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other licensed products.

Nothing in this chapter is intended to prohibit communication of pricing information or other truthful, non-misleading information to consumers.

(l) *Exceptions.*

(1) Notwithstanding section (i), individuals exempted under Minn. Stats. § 609.685 are also exempt from this section.

(2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase licensed products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.

(3) Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products.

(m) Any violation of this chapter will subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19; Ord 21-29, § 7, 11-3-21)

## Sec. 324.08. Distribution of free products prohibited.

No person shall distribute any tobacco products free to any person on the sidewalks, pedestrian concourses, pedestrian malls or pedestrian skyway systems within the city.

(Code 1956, § 336.08; Ord. No. 17714, § 1 2-20-90; C.F. No. 92-1930, § 2, 1-14-93; C.F. No. 94-341, § 8, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; Ord 15-57, § 1, 1-6-16; Ord 21-29, § 8, 11-3-21)

## Sec. 324.09. Reserved.

Editor's note(s)—Ord 21-29, § 9, adopted November 3, 2021, repealed § 324.09. Former § 236.09 pertained to the use of false identification by minors is prohibited and derived from Ord. No. 17733, § 1, adopted May 8, 1990; C.F. No. 94-341, § 9, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 3, adopted April 24, 2013; Ord 15-57, § 1, adopted January 6, 2016; and Ord 19-57, § 3, adopted October 16, 2019.

## Sec. 324.10. Presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. 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 which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under Saint Paul Legislative Code Section 310.

(b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:

| Type of Violation | Appearance | | | |
|---|---|---|---|---|
| | 1st | 2nd | 3rd | 4th |
| (1) Sale to a person under twenty-one (21) years of age | $500.00 fine | $1,000.00 fine | $2,000.00 fine and 7-day suspension | Revocation |
| (2) Display, possession or multiple incidents of sales of;<br>• single cigarettes;<br>• menthol tobacco products; or<br>• flavored tobacco products | 10-day suspension | Revocation | | |

(c) *Fines payable without hearing.* Notwithstanding the provisions of section 310.05(l), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(d) *Computation of time.* Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent violations are subject to the following:

(1) *Second, third and fourth appearances.* A second violation within twenty four (24) months shall be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.

(2) *Any appearance not covered by subsections (1) above shall be treated as a first appearance.* Measurement of the twenty four (24) month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(Ord. No. 17733, § 3, 5-8-90; C.F. No. 94-341, § 11, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 02-898, § 1, 11-6-02; C.F. No. 07-149, § 82, 3-28-07; Ord. No. 11-114, § 1, 12-28-11; Ord 15-57, § 1, 1-6-16; Ord 19-57, § 5, 10-16-19; Ord 21-29, § 10, 11-3-21)

Editor's note(s)—Ord 19-57, §§ 4, 5, repealed § 324.10 and renumbered § 324.11 as § 324.10. Former § 324.10 pertained to the use of tobacco prohibited and derived from Ord. No. 17733, § 2, adopted May 8, 1990; C.F. No. 94-341, § 10, adopted April 13, 1994; C.F. No. 97-314, § 1, adopted April 20, 1997; Ord 13-8, § 4, adopted April 24, 2013; and Ord 15-57, § 1, adopted January 6, 2016.

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 21011884 | | 01/18/2021, 13:39 |

*Primary offense*
AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | ARNTZEN, MATTHEW | *Name of location/business:* | |
| *Primary squad:* | 347 | *Location of incident:* | 1541 Maryland Avenue E, St Paul, MN 55106 |
| *Secondary reporting officer:* | Arntzen, Matthew | | |
| *District:* | East District | *Date & time of occurrence:* | 01/18/2021, 13:38 to 01/18/2021, 14:09 |
| *Site:* | Maryland Ave E / Hazelwood St | | |
| *Secondary offense:* | | *Arrest made?* | |
| *Pursuit engaged?* | No | *Resistance encountered?* | No |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

| | | |
|---|---|---|
| **Suspect:** | Unknown | |
| **Victim:** | Scurlock, Tamil Arnell Cameron | |
| | ST. PAUL | MN |
| **Owner:** | Anderson, Yasmine Arianna | |
| | BROOKLYN PARK | MN 55428-1318 |

## PUBLIC NARRATIVE

On 01/18/2021 at 1338 hours police were sent to Maryland / Hazelwood for a person who had been shot. The victim was taken to Regions Hospital by private vehicle. The victim has non-life threatening injuries.

EXHIBIT
14-1

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 20062710 | | 03/30/2020, 17:10 |

*Primary offense*
AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | MARQUIS, DILLON | *Name of location/business:* | |
| *Primary squad:* | 369 | *Location of incident:* | 1541 Maryland Avenue E, St Paul, MN 55106 |
| *Secondary reporting officer:* | | | |
| *District:* | Eastern | *Date & time of occurrence:* | 03/30/2020, 17:09 to 03/30/2020, 17:09 |
| *Site:* | | | |
| *Secondary offense:* | | *Arrest made?* | |
| *Pursuit engaged?* | | *Resistance encountered?* | |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

EXHIBIT

14-2

| | | |
|---|---|---|
| **Suspect:** | Unknown | |
| **Victim:** | (Restricted) | |
| **Parent/Guardian:** | (Restricted) | |
| **Other:** | (Restricted) | |
| **Driver:** | Flowers, Rhonda Jeanette | |
| | ST. LOUIS PARK | MN |
| **Parent/Guardian:** | (Restricted) | |
| **Other:** | (Restricted) | |
| **Other:** | (Restricted) | |
| **Parent/Guardian:** | (Restricted) | |
| **Owner:** | Holding Corp, Pv | |
| | MINNEAPOLIS | MN 55450 |

## PUBLIC NARRATIVE

On 03/30/2020 at 1709 hours, Officers responded to Sana's Market 1541 Maryland Avenue East for a report of a male shot in the parking lot. A report was taken.

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 20144580 | | 07/20/2020, 10:35 |

*Primary offense*
ADMIN-INVESTIGATE,ADMINISTRATIVE RECORD

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | BALDWIN, PETER | *Name of location/business:* | |
| *Primary squad:* | | *Location of incident:* | 1541 Maryland Avenue E, St. Paul, MN 55126 |
| *Secondary reporting officer:* | | | |
| *District:* | Central District | *Date & time of occurrence:* | 07/20/2020, 10:00 to 07/20/2020, 17:07 |
| *Site:* | Sana's Market | | |
| *Secondary offense:* | | *Arrest made?* | |
| *Pursuit engaged?* | No | *Resistance encountered?* | No |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

## PUBLIC NARRATIVE

Administrative report.

EXHIBIT
14-4

Saint Paul Police Department

PUBLIC

# ORIGINAL OFFENSE / INCIDENT REPORT

| *Complaint Number* | *Reference C.N.* | *Date and Time of Report* |
|---|---|---|
| 20076456 | | 04/23/2020, 15:56 |

*Primary offense*
WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS

| | | | |
|---|---|---|---|
| *Primary Reporting Officer:* | MUELLER, THOMAS | *Name of location/business:* | |
| *Primary squad:* | 378T | *Location of incident:* | 1541 Maryland Avenue E, St. Paul, MN 55106 |
| *Secondary reporting officer:* | Trammel, Jordan | | |
| *District:* | | *Date & time of occurrence:* | 04/23/2020, 15:56 to 04/23/2020, 15:56 |
| *Site:* | Sam's Dairy | | |
| *Secondary offense:* | AGGRAVATED ASSAULT | *Arrest made?* | |
| *Pursuit engaged?* | No | *Resistance encountered?* | No |

***Weapons Used by Suspect at Time of Arrest***

(None)

## Arrest (None)

## Names

| | | |
|---|---|---|
| **Witness:** | Shackleton, Nashaun Lamar | |
| | AFTON | MN 55001 |
| **Victim:** | Unknown | |
| | ST. PAUL | MN |
| **Witness:** | Johnson, John Nmn | |
| | MINNEAPOLIS | MN 55104 |
| **Witness:** | Shelton, Marcellus Lee | |
| | OAKDALE | MN 55128 |

## PUBLIC NARRATIVE

On 04/23/2020 at approximately 1556 hours SPPD Officer responded to 1541 Maryland AVE E for shots fired. Suspects left prior to officer arrival. No report of injuries.

Zakariya and Mann,

Please confirm that you've received the message below.

Eric Hudak

**Eric Hudak**
*Licensing Manager*
Dept. of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
P: 651 266-9132

Making Saint Paul the Most Livable City in America

**From:** Hudak, Eric (CI-StPaul)
**Sent:** Thursday, June 18, 2020 7:10 PM
**To:** Theonestopmarket651@gmail.com
**Subject:** One Stop Market - 1541 Maryland Ave. W.

Zakariya and Maan Abukhudeer,

Attached find documents and links that define the rules and regulations governing the secondhand dealer and cigarette/tobacco licenses issued to your convenience store, One Stop Market at 1541 Maryland Avenue East.

As discussed in our meeting at the Eastern District Saint Paul Police Department Offices on June 17, 2020, it is your direct responsibility as license holders to ensure compliance with all the rules and regulations contained within these attachments.

Cigarette/Tobacco
Imitation Tobacco Products and Novelty Lighters Ordinance
Secondhand Dealers
Uniform License Procedures

Please confirm you have received this message. Questions may be asked by reply to this message or calling (651) 266-1932.

Respectfully,

EXHIBIT
15-1

**Eric Hudak**
*Licensing Manager*
Dept. of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
**P:** 651 266-9132

EXHIBIT
15-2

1541 Maryland Avenue East – DBA: The One Stop Market

Video Comparison

On 5/30/2023, Assistant City Attorney, Therese Skarda informed me that she could not find the video from two of the incidents of prohibited sales that I had documented in my report and with snippy photos using the video.

Highlighted in red below are the missing videos, that are the same from the snips that were taken from my original report that is also attached to this document.

Per my report on 2/10/2021, I observed and documented the below flavor tobacco violations by pulling out still photographs when I originally watched the 1/18/2021 video request. I do not know what happened to the video or why these segments are missing.

On June 10, 2023 I went back and watched the video from 1/18/2021 and also did not find the missing video.

Based on the still photographs I pulled off the 1/18/2021 video, I still believe that on 1/18/2021 at 12:18:14-51 and 1/18/2021 at 12:19:18 the licensee sold prohibited tobacco products.

Base my conclusion on the following:

In my still photos, the cashier is wearing the same clothes and facemask, items such as the candy and other items on or near the cash register counter are sharing the same space as well

I can see that the set of keys on the upper right of the IPad are in the same position as the video snips below.

My photos contain the same date as the other violations.

Joseph Voyda
Licensing inspector III

June 10, 2023

Violations found:
USB Flash Drive labeled 1/18/2021:
*Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars*
*Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars* *Missing Video*
Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars
Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars
Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

## 1541 Maryland Avenue East – DBA: The One Stop Market

## license # 20190001624

## Surveillance Video Observations

## January 18, 2021 – From 12:00 p.m. to 2:30 p.m.

**Violations found:**

USB Flash Drive labeled 1/18/2021:

Camera 6 – 1/18/2021 at 12:18:14-51 – 'Backwoods' Russian Cream Cigars

Camera 6 – 1/18/2021 at 12:19:18 – 'Dutch' Honey Fusion and Blue Dream Fusion Cigars

Camera 6 - 1/18/2021 at 12:44:04 – 'Dutch' Honey Fusion Cigars

Camera 6 - 1/18/2021 at 12:46:01 – 'Backwoods' Honey Bourbon cigars

Camera 3 - 1/18/2021 at 12:22:00 - It appears that they didn't have any 'Newport' at this time of day, or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

**Violations Found:**

City of Saint Paul's Legislative Code 324.07(f) - (h-3) – Flavor violations

**NOTE:** No customers were carded by the clerk for tobacco purchases at the 'The One Stop Market' counter and no violations observed from the 'One Stop Wireless' counter.

See attached documents for pictures of violations and the request for video letter dated January 18, 2021

Joseph Voyda
Licensing inspector III

February 10, 2021

'Backwoods' Russian Cream Cigars

EXHIBIT
16-3

'Dutch' Honey Fusion and Blue Dream Fusion Cigars

'Dutch' Honey Fusion Cigars

EXHIBIT
16-4

'Backwoods' Honey Bourbon cigars

EXHIBIT
16-5

It appears that they didn't have any 'Newport' cigarettes at this time of day or it could be that they all together stopped selling menthol due to the SPPD effort's sending a CRI that successfully purchased two single 'Newport' cigarettes (loosies) on July 20, 2020.

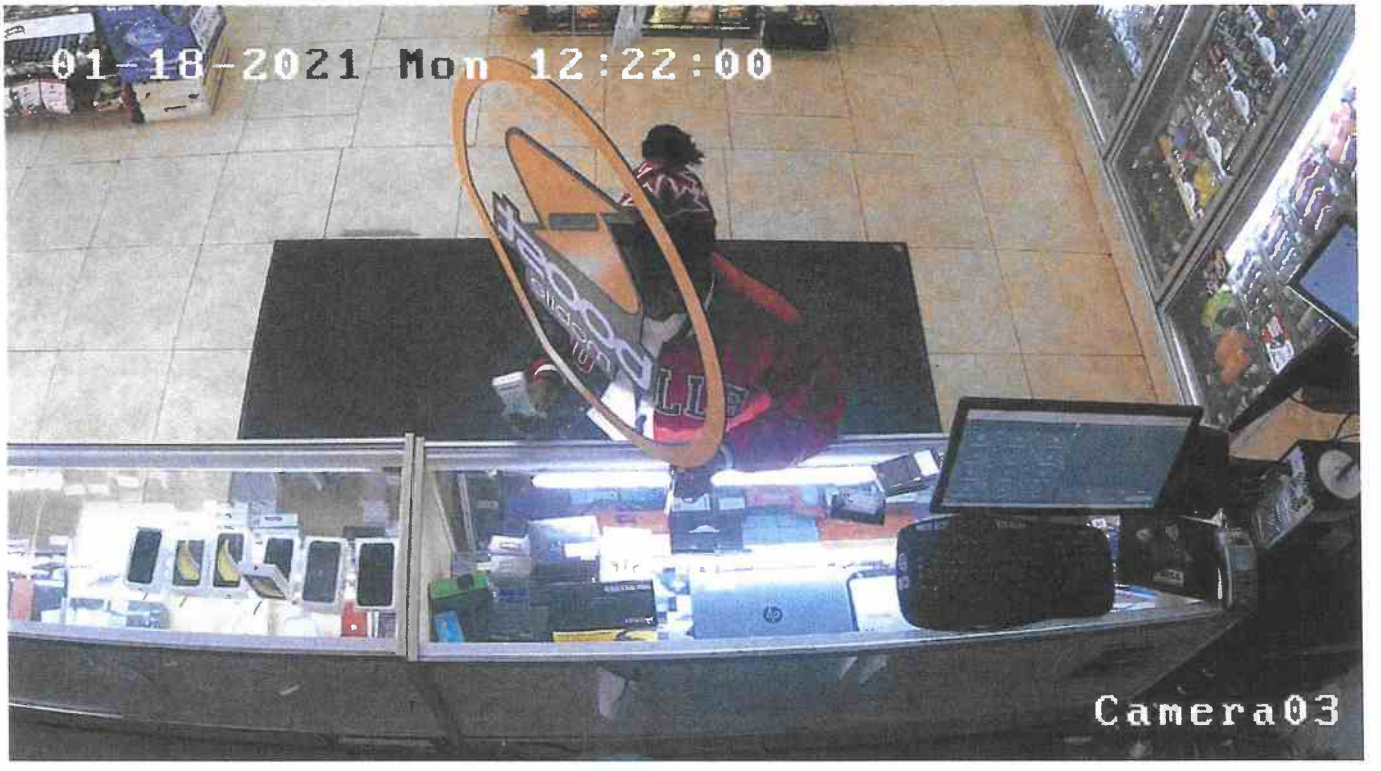


EXHIBIT
16.6

DEPARTMENT OF SAFETY AND INSPECTIONS
Amanda K. Lawrence, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

January 21, 2021

The One Stop Market LLC.
The One Stop Market
1541 Maryland Ave E.
St. Paul, MN 55106

**HAND-DELIVERED: 01-21-2020 @ 1:30 P.M**

Mr. Abukhudeer,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following period:

**Monday, January 18, 2021 from 12:30 p.m. until 2:30 p.m. Monday, January 18, 2021**

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 no later than 4:00 p.m. on Monday, January 25, 2021. Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have previously been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Attorney Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Zakariya Abukhudeer, 520 Lake Elmo Ave. N. Lake Elmo, MN 55042.

An Equal Opportunity Employer

EXHIBIT
16-9

RECEIVED
By: OAH on 07/14/2023 9:27am

```
# MD5 checksums generated by MD5summer (http://www.md5summer.org)
# Generated 1/20/2021 1:54:51 PM

c96fcf7deac16d8ef5d69da4b9598f51 *ch10_20210118123834.mp4
0a4103c3d806b624dfe6db9a44fe40e6 *ch10_20210118132515.mp4
90b00916c6d02f3a1cf2b97033af9ee1 *player.exe
```

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 5/19/2023 3:53 PM

OAH Docket Number: 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

**AMENDED**

**NOTICE OF APPEARANCE**

**(Change of Legal Assistant)**

**PLEASE TAKE NOTICE that**:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**[1]

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Party's/Agency's Name**: Department of Safety and Inspections

Email: eric.hudak@ci.stpaul.mn.us Telephone: (651) 266-9132

Mailing Address: 375 Jackson Street, Ste. 220, Saint Paul, MN 55101-1806

**Party's/Agency's Attorney**: Therese Skarda

Firm Name: City of Saint Paul – Office of City Attorney

Email: Therese.Skarda@ci.stpaul.mn.us Telephone: (651) 266-8755
Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

**Party's/Agency's Legal Assistant:** Julie Kraus

Firm Name: City of Saint Paul – Office of City Attorney

Email: Julie.Kraus@ci.stpaul.mn.us Telephone: (651) 266-8776

Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

[1] In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2017).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

**Respondent's/Opposing Party's Name**: Mark K. Thompson

Firm Name: MKT Law, PLC

Email: mkt@mktlawoffice.com Telephone: (612) 260-5109

Mailing Address: 4927-34th Avenue South, 100 Nokomis Professional Building, Minneapolis, MN 55417

Dated: 5/19/2023

Therese Skarda /jk

**Signature of Party/Agency or Attorney**

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

March 15, 2023

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
shawn.mcdonald@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

**Re:** ***In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul***
**OAH 23-6020-39016**

Dear Parties:

Enclosed and served upon you please find the **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | OAH Docket No.: 23-6020-39016 |

On March 15, 2023, a true and correct copy of the **FIRST PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

**VIA EMAIL ONLY**
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us
shawn.mcdonald@ci.stpaul.mn.us

**VIA EMAIL ONLY**
Mark K. Thompson
MKT Law, PLC
4927 34th Ave S
Minneapolis, MN 55417
mkt@mktlawoffice.com

OAH 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

| | |
|---|---|
| In the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul | **FIRST PREHEARING ORDER** |

This matter came before Administrative Law Judge Suzanne Todnem for a prehearing conference on March 9, 2023.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City). Mark K. Thompson, MKT Law, PLC, appeared on behalf of Respondent Zakariya Abukhudeer (Licensee).

Based upon the submissions of counsel and the hearing record,

**IT IS HEREBY ORDERED**:

1. **Expert Witnesses.** The parties do not anticipate calling expert witnesses at this time.

2. **Discovery.** The period for discovery shall close on **June 8, 2023**. All discovery shall be completed by that date. The parties are encouraged to resolve any discovery disputes between themselves but may request a telephone conference if their efforts are unsuccessful. To obtain copies of the agency's file, a party should make a written demand pursuant to Minn. R. 1400.6700 (2021). The parties should not copy the Administrative Law Judge on discovery requests or responses unless such documents are the subject of a filed motion.

3. **Mediation.** The parties are encouraged to consider settlement and/or mediation. Requests for a settlement conference or mediation shall be made to the Chief Administrative Law Judge so that she can promptly assign a mediator to conduct the mediation or settlement conference. *See* Minn. R. 1400.5950 and 1400.6550 (2021). Note that both parties must join in a request for mediation.

4. **Dispositive Motions.** Dispositive motions shall be filed and served by **4:30 p.m.** on **July 14, 2023**. Upon receipt, the responding party shall have ten (10) working days in which to serve and file a written response or by **4:30 p.m.** on **July 28, 2023**, whichever is earlier. Reply motions shall be served and filed by **4:30 p.m.** on the fifth working day, or **August 4, 2023**, whichever is earlier. All dispositive motions shall be served, filed, and heard by **August 11, 2023**, if a hearing is requested. Generally, dispositive motions are made by written submissions without oral argument. However, upon request of a party, a motion hearing can be scheduled. Motion hearings can be conducted by telephone conference or in person. If you are requesting a motion hearing, please identify what type of hearing you are requesting (e.g., in person or by telephone). Unless a hearing is requested, the motion will be decided based upon the parties' written submissions. The procedure for motion practice is set forth in Minn. R. 1400.6600 (2021).

The Administrative Law Judge requests that all memoranda submitted with motions for summary disposition comply with the format set forth in Minn. Gen. R. Prac. 115.03(d), and include, most importantly, a numbered recital by the moving party of all material facts as to which there is no genuine dispute, along with a specific citation to that part of the record supporting each fact. The party opposing the motion shall, in like manner, make a recital of any material facts claimed to be in dispute.

5. **Subpoena Requests.** The deadline to request subpoenas for the attendance of witnesses or the production of documents shall be **4:30 p.m.** on **November 22, 2023**. Requests for subpoenas for the attendance of witnesses or for the production of documents shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000 (2021). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at http://mn.gov/oah/forms-and-filing/forms/.

6. **Exhibits and Witness Lists.** By **4:30 p.m.** on **November 22, 2023**, the parties shall exchange and file with this Office their proposed pre-labeled exhibits, an index of the proposed exhibits, and their witness lists. *See* Minn. R. 1400.6950 (2021). The City shall label its exhibits sequentially using numbers beginning with 1. Licensee shall label his exhibits sequentially using letters beginning with A. For hearings held at the Office of Administrative Hearings, there is technology where a laptop can be utilized to display electronic exhibits on a monitor in the courtroom. To utilize this technology, parties must bring their own laptops with a storage device containing their electronic exhibits.

7. **Motions in Limine.** Motions in limine shall be filed and served by **4:30 p.m.** on **November 22, 2023**. Responses shall be filed and served by **4:30 p.m.** on **December 1, 2023**.

8. **Stipulations.** To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and the foundation for anticipated exhibits. Any party objecting to the foundation for any written exhibit shall notify the offering party and the judge in writing at least two (2) working days prior to the hearing or the foundation objection is considered waived.

9. **Hearing Location, Date and Time.** A three-day hearing in this matter will be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, on **December 6, 7, and 8, 2023**, beginning at **9:30 a.m.** In the event the assigned judge changes the location of the hearing to videoconference, the judge will communicate that change to the parties via email.

10. **Hearing Recording.** Hearings are ordinarily digitally recorded. A copy of the digital recording of the hearing can be obtained by a party who makes a written request. Transcripts of the hearing are not provided unless the cost for such transcription is paid in advance by the party making the request. Any party may arrange to have a court reporter at the hearing. A party shall notify the Office of Administrative Hearings prior to the hearing if the party has arranged for a court reporter to be at the hearing. All logistical and payment arrangements related to court reporters are the responsibility of the requesting party, not the Office of Administrative Hearings. If a transcript is requested by any party, the requesting party is required to provide a copy of the transcript to the Administrative Law Judge. If the Chief Administrative Law Judge requests the presence of a court reporter and the preparation of a transcript, the costs of such will be borne by the agency pursuant to Minn. R. 1400.7400, subp. 2 (2021).

11. **Accommodation Requests.** The parties have not requested accommodation for a disability nor the appointment of an interpreter. Please advise the Office of Administrative Hearings in writing as soon as possible if either an accommodation or an interpreter is needed.

12. **Continuance Requests.** Pursuant to Minn. R. 1400.7500 (2021), requests for continuances of a hearing shall be granted only upon a showing of good cause. A request for a continuance filed within five (5) business days of the hearing shall be denied unless the reason for the request could not have been earlier ascertained or unless good cause is shown.

13. **Default.** Under Minn. R. 1400.6000 (2021), the failure of a party to appear at a prehearing conference or hearing without the prior consent of the Administrative Law Judge shall be considered a default by that party. Upon default, the allegations contained in the Notice and Order for Prehearing Conference or Hearing may be accepted as true, and the City's proposed action may be upheld.

14. **Settlement.** If the matter is resolved prior to hearing, please provide written notice to the Office of Administrative Hearings immediately, and provide notice to the Administrative Law Judge by contacting Judge Todnem's legal assistant at dara.xiong@state.mn.us or (651) 361-7943.

15. **Filing.** Any document filed with the Office of Administrative Hearings, or which a party wishes to make part of the record in this matter, may be filed with the Office of Administrative Hearings in any one of the following ways: (1) **by eFiling** through the Office of Administrative Hearings' eFiling system at http://mn.gov/oah/forms-and-filing/efiling/; (2) **by mail**; (3) **by fax**; or (4) **by personal delivery**. *See* Minn. Stat. § 14.58 (2022); Minn. R. 1400.5550, subp. 5 (2021). Attorneys representing government agencies are encouraged to eFile. Any party filing proposed hearing exhibits using the eFiling system or by fax shall also provide a paper copy of the proposed hearing exhibits to the Administrative Law Judge on the same date the exhibits are faxed or eFiled. Filings are effective on the date the Office of Administrative Hearings receives the filing. *See* Minn. R. 1400.5550, subp. 5, .5500 J, Q (2021).

Dated: March 15, 2023

SUZANNE TODNEM
Administrative Law Judge

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 3/9/2023 4:06 PM

OAH Docket Number: 23-6020-39016

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

**NOTICE OF APPEARANCE**

**PLEASE TAKE NOTICE that**:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**[1]

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Party's/Agency's Name**: Zakariya Abukhudeer- Licensee d/b/a The One Stop Market LLC

Email: abukhudeer96@gmail.com Telephone: 612-212-8558

Mailing Address: 1541 Maryland Avenue, St. Paul, MN 55106

**Party's/Agency's Attorney**: Mark K. Thompson

Firm Name: MKT Law, PLC

Email: mkt@mktlawoffice.com Telephone: 612-999-2404

Mailing Address: 4927 34th Ave. South, Suite 100, Minneapolis, MN 55417

**Respondent's/Opposing Party's Name**: Therese Skarda, Assistant Saint Paul City Attorney

Email: therese.skarda@ci.stpaul.mn.us Telephone: 651-266-8710

Mailing Address: 400 City Hall, 12 West Kellog Blvd., St. Paul, MN 55102

Dated: March 9, 2023

**Signature of Party/Agency or Attorney**

[1] In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2021).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

SAINT PAUL
CITY ATTORNEY

RECEIVED
By: OAH on 03/03/2023 9:32am

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

March 2, 2023

**NOTICE OF PREHEARING TELEPHONE CONFERENCE**

The One Stop Market LLC
1541 Maryland Avenue
St. Paul, MN 55106
Attn: Mark K. Thompson, MKT Law, PLC, 4927 34th Avenue South, 100 Nokomis Professional Building, Minneapolis, MN 55417 on behalf of Zhariya Abukhudeer

RE: Cigarette/Tobacco licenses held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.
License ID #: 20190001624
OAH Docket No.: 23-6020-39016

Dear Licensee:

Please take notice that a **PREHEARING TELEPHONE CONFERENCE** has been scheduled concerning the Cigarette/Tobacco license held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

**Date:** **Thursday, March 9, 2023**
**Time:** **11:00 a.m.**

**Call in information: 1-(877)-304-9269**
**Conference Code: 931 873#**

The hearing will be presided over by an Administrative Law Judge from the State of Minnesota Office of Administrative Hearings:

**Name:** **Judge Suzanne Todnem**
**Office of Administrative Hearings**
**600 North Robert Street**
**St. Paul, MN 55101**
**Telephone:** **(651) 361-7900**



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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: 651-266-8710 | Fax: 651-298-5619

Evidence will be presented to the administrative law judge that may lead to adverse action against the Cigarette/Tobacco license held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul.

the Department of Safety and Inspections ("Department") is recommending 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 to Revocation based on:

- Evidence that the Licensee failed to comply with his license condition requiring him to take reasonable steps to discourage loitering on January 18, 2021,
- Evidence of failure to maintain video in accordance with his license condition,
- Evidence of multiple additional incidents of sales of flavored products on January 18, 2021 documented on video provided by licensee,
- Evidence of a large volume of flavored products observed by Inspector Voyda during his inspection on February 8, 2021 and documented report and through photos,
- Evidence that the licensed premises were being operated in a manner that violated several sections of Saint Paul Legislative Code Section 306 310 on January 18, 2021 and February 8, 2021.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based.

- 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



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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.

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

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 (f) which prohibits the sale 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



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in the delivery of services or employment practices.

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
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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 portion of the Saint Paul Legislative Code relating to the sale of flavored products is:

Saint Paul Legislative Code Section 324.07 – Sales Prohibited.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products.

**Requested Penalty – Revocation:**

On January 18, 2023, Saint Paul City Council considered and adopted the Findings of Fact, Conclusions of Law and Recommendation of Judge LaFave issued on September 7, 2021, under OAH 60-6020-37157 and the Findings of Fact, Conclusions of Law and Recommendation of Judge Schlatter on December 6, 2022, under OAH 80-6020-37157 in the Matter of the Cigarette/Tobacco License held by Zakariya Abukhudeer d/b/a The One Stop Market, LLC for the premises located at 1541 Maryland Avenue in Saint Paul. Under resolution RES PH 23-10 imposed a second level matrix penalty of $1,000 on the cigarette/tobacco license held by Licensee.

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) also states that the occurrence of multiple violations **shall** be grounds for departure from such penalties at the council's discretion (emphasis



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added). 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.

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, including successive sales of prohibited flavored products and possession of an amount of prohibited products that show lack of mistake and total disregard for ordinances and statutes on January 18, 2021 and February 8, 2021.
- 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 surveillance equipment in good working order,
- the failure to attempt to check identification of individuals who appear to be underage before selling them tobacco products,
- the fact that these additional serious violations occurred after a June 18, 2020 meeting with the Department, representatives of the Saint Paul Police Department and you to discuss the problems at the Licensed Premises, and
- the fact that these new violations occurred less than 8 months after the June 5, 2020, incident in which Administrative Law Judge LaFave found numerous violations of sales of prohibited flavored products and single cigarettes as well as violations of the clean indoor air act; and

The Department believes that the report of Inspector Voyda, video and photographic evidence support the violations and the Department plans on asking the City Council to impose the costs as allowed under 310.05 (k). 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.

The Department is recommending an upward departure, one box on the penalty matrix to Revocation under Saint Paul Legislative Code §310.05. This is the matrix penalty that was in effect at the time of the violation. The relevant sections of Saint Paul Legislative Code §§ 310 and 324 that were in effect at the time of these violations are included as attachments to this correspondence and will be included in the materials sent to the Administrative Law Judge.



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**List of Violations in Chronological Order:**

**Violation #1 – Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021.**

**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 January 18, 2021 Saint Paul Police responded to a call at the Licensed Premises on a report of a person who had been shot in the parking lot and taken to Regions hospital with non-life threatening injuries. Saint Paul Police documented the incident under Saint Paul Police Case Number ("CN") 21011884. Responding officers recovered six (6) 9mm casings near the scene. Officers also spoke with employees who advised that a bullet had entered the front entry door of the business and had lodged itself into a small ice cream freezer.

On January 19, 2021, Sgt. Graupman, the Sgt. currently assigned to DSI learned of this incident.

On January 21, 2021, Sgt. Graupman drafted and delivered a formal letter requesting surveillance video from Monday, January 18, 2021 from 12:30 p.m. to 2:30 p.m. on Monday, January 18, 2021.

On January 25, 2021 the requested video was turned in at DSI. Sgt. Graupman viewed the video and made the following observations which DSI alleges support adverse action on the basis that the Licensee failed to take reasonable steps to discourage loitering in front of or on the property of the licensed business on January 18, 2021:

- 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Chevrolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
- 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if



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items were being exchanged during the interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.

- Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
- Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.

**Violation #2 - On January 18, 2021, Licensee failed to maintain video camera in accordance with License Condition #3.**

**License Condition Violated:** License Condition #3 which states: "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:** Sgt. Graupman noted in CN 2106681 that when he viewed the video turned in to DSI by the Licensee he noted that the DVR time displayed on the surveillance video from the business was approximately 6 minutes behind the actual time. This information was also documented in a separate supplemental report by Video Management Technician Ricard Bertholf.

**Violation #3 - On January 18, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**



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**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:** DSI Inspector Joseph Voyda viewed the January 18, 2021 video and pulled still photographs of 6 separate sales of flavored products, specifically:

- Camera 6 – 1/18/2021 at 12:18:14 – Backwoods Russian Crème Cigars
- Camera 6 – 1/18/2021 at 12:19:18 – Dutch Honey Fusion and Blue Dream Fusion Cigars
- Camera 6 – 1/18/2021 at 12:44:04 – Dutch Honey Fusion Cigars
- Camera 6 – 1/18/2021 at 12:46:01 – Backwoods Honey Burbon Cigars

**Violation #4 - The Licensee (or any person whose conduct may be imputed to the licensee) managed the property engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn; the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare and 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 the members of the public.**

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

**Synopsis of Alleged Facts:**

- Video recovered of January 18, 2021 shooting shows a failure to monitor Licensed Premises.
    - 12:19 hours – Sgt. Graupman reports in CN 21026681 that he observed 2 vehicles, 1 black Cheverolet and a black Dodge Caliber arrive and park in the parking lot near the S/W corner of the lot. These vehicles remain in the lot for an extended period of time.
    - 12:50 hours - Sgt. Graupman reports in CN 21026681 that he observed a black Hyundai sedan arrive and back into a parking space in the parking lost near the S/W corner of the lot next to the vehicles above. He observed that from this period of time until the shooting at 1:31 hours, the occupants of these vehicles enter and exit their vehicles and the Hyundai multiple times. He observed that the occupants are seen approaching customers and entering customers vehicles that arrive in the parking lot. While it was unclear based on the quality of the video if items were being exchanged during the



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interactions based on Sgt. Graupman's training and experience, this type of behavior can be indicative of narcotics transactions.
  - Sgt. Graupman reports in CN 21026681 that at no point did he observe any of the employees of the Licensed Premises perform a walk thru of the parking lot or monitor the activity. He also noted that this suspicious behavior could be deemed loitering on its own – but no request was made for a police response.
  - Sgt. Graupman reports in CN 21026681 that at 12:31 hours a male stands in the crosswalk near the middle of the street and raises a gun and fires towards the black Hyundai sedan, which is occupied and still parked in the S/W portion of the business parking lot. After firing the shots, the suspect then turns around and runs S/B. The black Hyundai then pulls out of the parking lot and exists the parking lot, turning S/B on Hazelwood.
- Sergeant Graupman documented in his CN 21026681 that during the year period between 02/09/2020 and 02/09/2021, this property generated 786 calls for police service. 529 of the calls were self-generated police activities to include - traffic stops, proactive police visits, and investigations. 59 of the calls were deemed "quality of life" type calls having a direct and negative impact on the surrounding neighborhood residents.
- Inspector Voyda noted that his observations of the video from January 18, 2021 showed that no customers were carded by the clerk for tobacco purchases.
- Repeated sales of prohibited flavored tobacco products on January 18, 2021 and the presence of a large amount of prohibited flavored tobacco products on February 8, 2021.

**Violation #5 – On February 8, 2021 the Licensee sold flavored tobacco products in violation of Saint Paul Legislative Code Section 324.07 (f).**

**Portion of Saint Paul Legislative Code Section 324.07 violated – (f) "No person shall sell, offer for sale, or otherwise distribute any flavored products.**

**Synopsis of Alleged Facts:**

On February 8, 2021 Sgt. Graupman and DSI Inspector Voyda went to the Licensed Premises to follow up on a licensing complaint. They made contact with 2 employees working behind the front counter. They verbally identified one of the employees as the Licensee, Zakariya Abukhudeer. Inspector Voyda informed them that the purpose of this inspection was to ensure that the Licensed Premises was compliant with Saint Paul Legislative Code 324.07(f). During the Inspection, Inspector



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Voyda located and photographed multiple boxes containing prohibited flavored products behind the sales area. Inspector Voyda advised the Licensee to remove the prohibited products from the premises.

If you think that this matter can be resolved or settled without a formal hearing, please contact the undersigned. If a stipulation or agreement can be reached as to the facts, that stipulation will be presented to the Administrative Law Judge for incorporation into his or her recommendation for Council action.

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true. If non-public data is received into evidence at the hearing, it may become public unless objection is made and relief requested under Minnesota Statutes, Section 14.60, subdivision 2.

If you have any questions, you can call me at (651) 266-8710.

Sincerely,

/s/

Therese Skarda
Assistant Saint Paul City Attorney
License No.: 0240989



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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 2nd day of March, he served the attached **NOTICE OF PREHEARING TELEPHONE CONFERENCE** and a correct copy thereof in an envelope addressed as follows:

Mark K. Thompson
MKT Law, PLC
4927 34th 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.

/s/
Shawn McDonald

Subscribed and sworn to before me
This 2nd day of March 2023

Julie Anne Kraus
Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 2/16/2023 4:15 PM

OAH Docket Number: _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Cigarette/Tobacco license held by Zakariya Abukhudeer d/b/a The One Stop Market LLC for the premises located at 1541 Maryland Avenue in Saint Paul

**NOTICE OF APPEARANCE**

**PLEASE TAKE NOTICE that**:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency acknowledges that it has read and agrees to the terms of the Office of Administrative Hearings' e-Filing policy and chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Party's/Agency's Name**: Department of Safety and Inspections

Email: eric.hudak@ci.stpaul.mn.us Telephone: (651) 266-9132

Mailing Address: 375 Jackson Street, Ste. 220, Saint Paul, MN 55101-1806

**Party's/Agency's Attorney**: Therese Skarda

Firm Name: City of Saint Paul – Office of City Attorney

Email: therese.skarda@ci.stpaul.mn.us Telephone: (651) 266-8755
Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

**Party's/Agency's Legal Assistant:** Shawn McDonald

Firm Name: City of Saint Paul – Office of City Attorney

Email: Shawn.Mcdonald@ci.stpaul.mn.us Telephone: (651) 266-8729

Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

**Respondent's/Opposing Party's Name**: Mark K. Thompson

Email: mkt@mktlawoffice.com Telephone: (612) 999-2404

Mailing Address: 4927 34th Avenue South, Minneapolis, MN 55417

Dated: 02/16/2023

Therese Skarda

**Signature of Party/Agency or Attorney**

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.