

**STATE OF MINNESOTA  
IN THE COURT OF APPEALS**

CASE TITLE:

Bright Star Inc. d/b/a Tom and Joe's Market,

vs.

City of Saint Paul; City Council,

**PETITION FOR  
WRIT OF CERTIORARI**

Agency Case # RES PH 22-233

Date of Decision 09/21/2022

TO: The Court of Appeals of the State of Minnesota:

Bright Star Inc. d/b/a Tom and Joe's Market (your name)

hereby petitions the Court of Appeals for a Writ of Certiorari

pursuant to (choose one):  Minn. Stat. §§ 14.63, 14.64       Minn. Stat. § 606.01

to review a decision of Saint Paul City Council (agency name)

issued on the date noted above, upon the grounds that:

The violation at issue was the first flavored product violation for Bright Star Inc. Pursuant to St. Paul Legislative Code § 324.10(b), the presumptive penalty for the first violation is a 10-day suspension. Further § 324.10(a) states that "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." There was not a substantial and compelling reason to issue an upward departure and revoke the cigarette/tobacco license.

(Summarize why you are appealing in a sentence or two. You will make a detailed argument in the brief that you will be filing later.)

Dated: 10/4/22



(Signature of you or your attorney)

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