

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

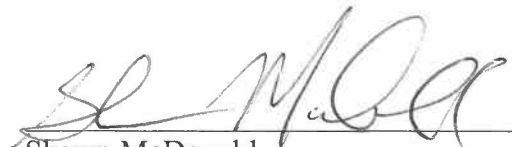
Shawn McDonald, being first duly sworn, deposes and says that on the 1st day of December, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF A \$500 FINE FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE** and a correct copy thereof in an envelope addressed as follows:

DG Retail LLC
d/b/a Dollar General Store #19172
1055 Payne Avenue
Saint Paul, MN 55130

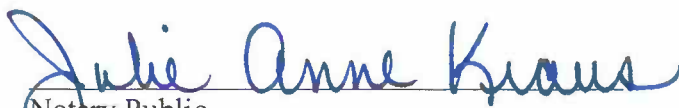
John Garratt
100 Mission Ridge
Goodlettsville, TN 37072

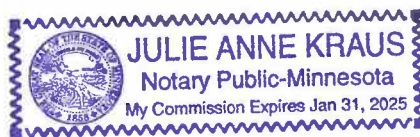
Jack Byers, Executive Director
Payne-Phalen Community Council
567 Payne Avenue
Saint Paul, MN 55130

(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 1st day of December 2022


Notary Public





December 1, 2022

**NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION
OF A \$500 FINE FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE**

DG Retail LLC
d/b/a Dollar General Store #19172
1055 Payne Avenue
Saint Paul, MN 55130

RE: Tobacco Shop (Cigarette/Tobacco) license held by DG Retail LLC d/b/a Dollar General Store #19172 for the premises located at 1055 Payne Avenue in Saint Paul
License ID #: 20170002904

DG Retail LLC:

The Department of Safety and Inspections ("Department") is recommending adverse action against the Tobacco Product Shop license held by DG Retail LLC d/b/a Dollar General Store #19172 ("Licensee") for the premises located at 1055 Payne Avenue in Saint Paul. ("Licensed Premises").

Minnesota Statute § 461.12, Subd. 5 states: "A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855."

Minnesota Statute §609.685, Subd. 4 allows for more stringent regulation for selling or furnishing tobacco, tobacco-related devices, or electronic delivery devices to someone under the age of 21.

Saint Paul Legislative Code section 324.10(b)(1) sets the presumptive penalties for violations of provisions of the Legislative Code relating to the Sale to a person under twenty-one (21) years of age:

Under section 324.10(b)(1), the presumptive penalty for a first-time violation is a \$500 fine.



Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based. Section 310.06(b)(c) says that adverse action can be pursued for failure to comply with laws related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

Saint Paul Legislative Code §324.07(i) prohibits the sale of tobacco products to person under the age of twenty-one (21) years.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Minnesota Statute § 609.685, Subd. 4 and Saint Paul Legislative Code §324.07(i) by a preponderance of the evidence.

Synopsis of alleged facts:

On November 8, 2022, at 12:31 pm, a tobacco compliance check was conducted at Dollar General Store #19172 located at 1055 Payne Avenue. A minor entered your store and attempted to purchase cigarettes. The clerk asked for identification to confirm age. Nevertheless, the clerk sold a package of Marlboro cigarettes.

Inspector Vang came into the establishment afterward and spoke to the clerk, Tasheena Trout. She was informed that she failed the minor compliance check by selling Marlboro cigarettes to an underage person.

Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(i).

As the Licensee you have 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 **December 15, 2022**, I will presume that you agree with the facts as alleged, have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.



2. You can admit to the violation and pay the \$500.00 fine. If this is your choice, send the payment directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **December 15, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 fine will be considered an admission to the facts as alleged and a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500.00 fine, 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 **December 15, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 fine. You will have an opportunity to appear before the Council and make a statement on your own behalf.
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 **December 15, 2022**. 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 December 15, 2022, I will assume that you agree with the facts as alleged and do not contest the imposition of the \$500.00 Fine. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Please be advised the clerk who made the sale on this date will be charged a \$50.00 administrative penalty pursuant to Minn. Stat. §461.12, subd. 3. This is a separate action from this license matter.



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

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,



Therese Skarda
Assistant City Attorney
License No.: 0240989

Cc: John Garratt, 100 Mission Ridge, Goodlettsville, TN 37072
Idpayne LLC, 100 Mission Ridge, Goodlettsville, TN 37072
Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130

Attachments:

- Inspector's Report
- Screenshots EClips System
- License Group Comments Text
- Adverse Action Comments Text
- STAMP – Ownership/Zoning Information
- Tobacco Youth Compliance Check Purchase Form
- Clerk Identification form
- Copy of Receipt from purchased cigarettes
- Photo of purchased cigarettes

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.



Inspector's Report

Inspectors Name: Allan Vang
Date & Time: 11/8/2022 at 12:31 pm Staff Member's Name: Tasheena Trout
Business/DBA Name: Dollar General Store #19172
Property Address: 1055 Payne Ave. Paul, MN 55130
Reason for Visit: 2022 Underage Tobacco Compliance Check
Observations: _____

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

Action Taken: ☐ Education / warning

☒ Request for Adverse Action

Other: _____

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival I spoke to clerk
Tasheena Trout, I introduced myself as a DSI Inspector for the City of Saint
Paul. I informed her that she failed an underage tobacco compliance check,
an attempted purchase of Marlboro Light was successfully made from an
underage buyer at 12:38 p.m.

Properties For License 1055 PAYNE AVE

Licensee: DG RETAIL LLC
DBA: DOLLAR GENERAL STORE #19172

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: DG RETAIL LLC
DBA: DOLLAR GENERAL STORE #19172
Sales Tax Id: ***** Non-Profit: ☐ Worker's Comp: 00/00/0000
AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
AA Fee Collected: 00/00/0000 Discount Rec'd: ☐

Other Agency Licenses

Other Licensing Agency Name / License Type	License #	Expiration

Financial Hold Reasons

Reason	Active	Date

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho
Business	07/19/2017	00/00/0000	DG RETAIL LLC			(615) 855-4000	
Mail To	07/19/2017	00/00/0000	TAX DEPT			(615) 855-4000	
Other	07/19/2017	00/00/0000	GARRATT	JOHN	OWNER	() -	

Background Check Required ☐

License # 170002904 Save Changes to History ☒ OK Cancel Help

Properties For License 1055 PAYNE AVE

Licensee: DG RETAIL LLC
DBA: DOLLAR GENERAL STORE #19172

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: DG RETAIL LLC
DBA: DOLLAR GENERAL STORE #19172
Sales Tax Id: ***** Non-Profit: ☐ Worker's Comp: 00/00/0000
AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
AA Fee Collected: 00/00/0000 Discount Rec'd: ☐

Other Agency Licenses

Other Licensing Agency Name / License Type	License #	Expiration

Financial Hold Reasons

Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dr
1055 PAYNE AVE	ST PAUL	55130	00/00/0000	00/00/0000	
100 MISSION RIDGE	GOODLETTSVILLE	37072	00/00/0000	00/00/0000	
100 MISSION RIDGE	GOODLETTSVILLE	37072	00/00/0000	00/00/0000	

Background Check Required ☐

License # 170002904 Save Changes to History ☒ OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)[Help using this report](#)**Run Date:** 11/14/22 10:53 AM**House#:****Last updated from Ramsey County data on:****Street Name:**

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

1055 Payne Ave - Dollar General - 55130-3842 - [Other Applications](#)**PIN: 292922130057****Census Track:** 31000 **Census Block:** 4006**Council Ward:** 6 **District Council:** 5**Year Built:****Foundation Sq Feet:** **Loan Company:****Land****Building****Value:** 375000**Value:** 271200**Unverified Usage:** 10- GENERAL RETAIL & SVC- B- Commercial**ISP:****Units:****Zoning:** B2**Legal Desc:** ARLINGTON HILLS ADD B40&45-49 LOTS 26 THRU LOT 30 BLK 5**Owner:**Idpayne Llc
100 Mission Rdg
Goodlettsville TN 37072-2171**Tax Owner:**Idpayne Llc
100 Mission Rdg
Goodlettsville TN 37072-2171

License Group Comments Text

11/14/2022

Licensee: DG RETAIL LLC

DBA: DOLLAR GENERAL STORE #19172

License #: 20170002904

11/08/22 Youth compliance check fail. AYV
07/27/2021 Youth compliance check pass KY
6/19/19 Youth tobacco compliance check, pass. Broken water valve, recheck. ARM
4/22/19 Tobacco compliance check, passed. ARM
8/15/18 Youth compliance check Pass JNV
07/20/2018 Sent delinquent letter. Response deadline date is August 10, 2018. Max
07/10/2018 Received \$500.00 fine payment for sale of flavored tobacco. MN
6/27/18 To CAO for adverse JNV.
5/1/2018 menthol education / inspection Failed flavor issues JNV
08/23/2017 Rcvd. signed lic. cond. affidavit and least. JWF
07/28/2017 Email to Daniel Breton, Licensing Specialist for applicant, return signed lic. cond. affidavit & signed lease. JWF

Adverse Action Comments Text

11/14/2022

Licensee: DG RETAIL LLC

DBA: DOLLAR GENERAL STORE #19172

License #: 20170002904

7/10/2018 - \$500.00 matrix penalty paid.JAK

7/10/2018 - Spoke to Yolanda (Corporate) and gave her the number to call at DSI to make a payment over the phone. JAK

7/6/2018 - Sent Notice of Violation with a 7/16/2018 deadline to respond. JAK



SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

Tobacco Underage Buyers/Minor Compliance Check Purchase Form

20170002904
DOLLAR GENERAL STORE #19172
1055 PAYNE AVE
ST PAUL, MN 55130-3842

Fail

Business Type:

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

Inspector: Allan Vang
Name

Date: 11 / 8 / 2022
MM DD YY

Time: 12 : 31 a.m. / p.m.

Was purchase attempted?

☒ Yes ☐ No

If NO, check reason:

☐ Does not sell tobacco ☐ Unsatisfactory/unsafe conditions
☐ After business hours ☐ Out of business
☐ Not applicable ☐ Other _____

Underage Buyer:
Name

Age
19

Sex
Female

Did adult or Inspector/Officer view transaction?

☐ Yes ☐ No

Was sale made?

☒ Yes ☐ No

Was age asked?

☐ Yes ☒ No

Was ID requested?

☒ Yes ☐ No

Was ID shown?

☒ Yes ☐ No

Type of purchase:

☐ Self Service
☐ Clerk assisted
☐ Vending machine - Unlocked
Location of machine _____
☐ Vending machine - Locked
Location of machine _____

Type of product:

☐ Cigarettes _____
☐ Smokeless _____
☐ Cigars _____
☐ Shisha _____
☐ E-juice _____
☐ Other (cigarette papers, lighter, etc.) _____

Amount spent: \$11.25

Clerk Information: ☒ Female ☐ Male Approximate Age: ☐ 18 or ☐ Under 18 Actual age if known _____

Name of Clerk: _____ Address: _____

City: _____

Dr: _____

De: _____



DOLLAR GENERAL STORE #19172
SAINT PAUL, MN 612-268-5222

MARLBORO GOLD BOX 10 *11.25
028200004659-115
REGULAR PRICE 11.45

TOTAL SALE \$11.25
CASH \$20.00
CHANGE \$8.75

ITEMS 1
2022-11-08 12:38:08 19172 01 1154


890081063028339120710920410169910218311321

-----CUT HERE-----

* Complete survey at dgcustomerfirst.com *
* For a chance to *
WIN A \$100 Gift Card
* Weekly Drawings, Must be 18+ to enter *
* Survey Code *
* 1901-2038-1221-862 *

-----CUT HERE-----
SATURDAY NOV. 12TH ONLY!

DG Store Coupon

Valid 11/12/2022

\$1 OFF \$25



Clerk Identification Form

As it appears on Driver's License or State I.D. Card

Name: Tasheena Michelle Trout

Primary address: 706 Case Ave Apt 2

Secondary address: -

City: Saint Paul

State: MN

Zip code: 55106

DOB: 4 / 25 / 97

Identification Number: Y255-264-966-012

Place Snip of I.D. below

