

**OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COUNCIL OF
THE CITY OF SAINT PAUL**

In Re: The Cigarette/Tobacco Licenses held by Bright Star Inc. d/b/a Tom and Joe's Market for the premises located at 684 Western Avenue North in Saint Paul.

**CITY'S
EXHIBIT LIST**

DATE: June 24, 2022

TO: Judge Barbara Case - Office of Administrative Hearings, 600 North Robert Street.

The following constitutes a list of the City's exhibits submitted in conjunction with the July 13, 2022, Evidentiary Hearing:

| Exhibit No. | Description |
|--------------------|--|
| Ex. No. 1-1- 1-5 | Notice of Violation and Request for Upward Departure to Revocation dated 3/22/2022 (4 pages) |
| Ex. No. 2-1- 2-4 | Inspector's Report from DSI Inspector Kaozouapang Yang (4 pages) |
| Ex. No. 3 | STAMP Ownership/Zoning Information regarding Owner and Certificate of Occupancy Responsible Party (1 page) |
| Ex. No. 4-1-4-2 | Business information/License Conditions Text/License Group Comments Text (2 page) |
| Ex. No. 5-1-5-53 | Photos of Flavored Tobacco Products Violations (53 Pages) |
| Ex. No. 6-1-6-10 | Saint Paul Legislative Code sections 310.05 and 310.06 (10 pages) |
| Ex. No. 7-1-7-8 | Saint Paul Legislative Code Chapter 324 (8 pages) |
| Ex. No. 8 | Request for ALJ Hearing (1 page) |

Respectfully submitted the 24th day of June 2022

Stephen Earnest /s.m.

Stephen Earnest, Assistant City Attorney
License No: 0402652
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102



June 24, 2022

Derek Thooft
Attorney at Law
3460 Washington Dr., Suite 212
Eagan, MN 55122

RE: Cigarette/Tobacco License held by Bright Star Inc. d/b/a Tom and Joe's Market for the premises located at 684 Western Avenue in Saint Paul
License ID #20190003653
OAH Docket No.: 82-6020-38293

Dear Mr. Thooft:

Below is the list of witnesses the City may call to testify. If I add any witnesses to this list, I will provide you with that information as well.

1. Eric Hudak, DSI Licensing Manager, 375 Jackson Street, Ste. 220, St. Paul, MN 55101 (651)-266-9110
2. Kaozouapang Yang, Licensing Inspector, 375 Jackson Street, Ste. 220, St. Paul, MN 55101 (651) 266-9110

Sincerely,

Stephen Earnest
Assistant City Attorney
License No: 0402652

Cc: Barbara J. Case, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620

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 22nd 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:

Bright Star Inc.
d/b/a Tom and Joe's Market
684 Western Avenue North
Saint Paul, MN 55103
Attn: Husham Alko Al Furaiji

Husham Alko Al Furaiji
7762 Lakeview Lane NE
Minneapolis, MN 55432

Dadders Estates LLC
351 Kellogg Blvd E
Saint Paul, MN 55101

Caty Royce, Co-Executive Director
Frogtown Neighborhood Association
501 Dale Street
Saint Paul, MN 55117

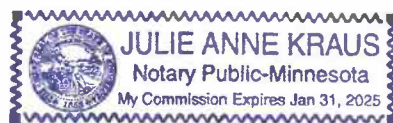
Tia Williams, Co-Executive Director
Frogtown Neighborhood Association
501 Dale Street
Saint Paul, MN 55117

(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 22nd day of March 2022


Notary Public





SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDESEY 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 22, 2022

NOTICE OF VIOLATION AND
REQUEST FOR UPWARD DEPARTURE TO
REVOCAION

Bright Star Inc.
d/b/a Tom and Joe's Market
684 Western Avenue North
Saint Paul, MN 55103
Attn: Husham Alko Al Furaiji

RE: Cigarette/Tobacco license held by Bright Star Inc. d/b/a Tom and Joe's Market for the premises located at 684 Western Avenue in Saint Paul.
License ID #: 20190003653

Dear Licensee:

The Department of Safety and Inspections ("Department") is recommending adverse action against the Cigarette/Tobacco license held by Bright Star Inc. ("Licensee") for the premises known as Tom and Joe's Market located at 684 Western Avenue in Saint Paul ("Licensed Premises"), including an upward departure to Revocation, based on the following violations:

- Evidence of flavored tobacco products being hidden under a plastic chair seat;
- Evidence of "Newport" cigarettes and tobacco-flavored disposable vapes found in a drawer under the cash register;
- Evidence of unstamped menthol cigarettes found in a green jacket on the wall; and
- Evidence of a large volume of flavored tobacco products observed by Inspector Yang during the complaint inspection on January 6, 2022.

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

Saint Paul Legislative Code section 324.10(b)(2) sets the presumptive penalties for violations of provisions of the Legislative Code relating to the display, possession, or multiple incidents of sales of

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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menthol or flavored tobacco products. Under section 324.10(b)(2), the presumptive penalty for a first-time violation is a 10-day license suspension. The presumptive penalty for a second violation within a 24-month period is revocation of the license.

Although matrix penalties are presumed to be appropriate, Saint Paul Legislative Code section 324.10(a) allows the City Council to upwardly depart where the Council finds that there are substantial and compelling reasons to do so. Even though this is a first-time violation, the Department believes that the following factors constitute substantial and compelling reasons to upwardly depart to Revocation of your Cigarette/Tobacco license:

- The amount of flavored tobacco products found on the Licensed Premises; and
- The blatant, intentional nature of the violations and the total disregard for ordinances.

The Department asserts that the following facts, along with photos of the violations attached herein, constitute proof of a violation of section 324.07(a) of the Saint Paul Legislative Code by a preponderance of the evidence.

Synopsis of Alleged Facts:

On January 6, 2022, Department Inspector Yang and an inspector from the Minnesota Department of Revenue ("MDR") went to the Licensed Premises for a complaint inspection. Upon their arrival, Inspector Yang noticed flavored disposable vapes of THC Delta 8, Delta 9, and Delta 10 next to the cash register. Inspector Yang spoke with the store clerk, Gamal Zaji, and informed him that the Department received a complaint of the business selling flavored tobacco products. Yang asked the clerk to go behind the counter to conduct a flavor inspection and the clerk said "Yes".

During the inspection, Inspector Yang located and photographed flavored tobacco products under a plastic chair, an open box of "Newport" cigarettes under the cash register, and unstamped menthol cigarettes found in a green jacket. The inspector from MDR asked the clerk whether there were any other flavored tobacco products in the store and the clerk responded that he would check the back room. The MDR inspector followed him to the back room and found a box of flavored tobacco products. The clerk was advised to remove all flavored products into a back storage and to call a distributor to pick them up.





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

You have three (3) options to proceed:

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 5, 2022**, 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 5, 2022**. The matter will then be scheduled before the City Council to determine whether to revoke the license. You 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 5, 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 section 310.05(k).

If you have not contacted me by April 5, 2022, 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.

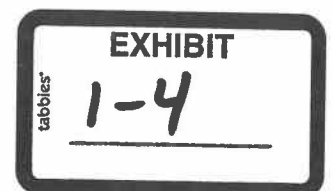
Sincerely,

Stephen Earnest
Assistant City Attorney
License No.: 0402652

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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CITY ATTORNEY

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LYNDSEY M. OLSON, CITY ATTORNEY

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Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

cc: Husham Alko Al Furaiji, 7762 Lakeview Lane NE, Minneapolis, MN 55432
Dadders Estates LLC, 351 Kellogg Blvd E, Saint Paul, MN 55101
Caty Royce, Co-Executive Director, 501 Dale Street, Saint Paul, MN 55117
Tia Williams, Co-Executive Director, 501 Dale Street, Saint Paul, MN 55117

Attachments: Inspector's Report
Licensee information on Eclips System
License Group Conditions Text
License Group Comments Text
Adverse Action Comments Text
STAMP - Ownership/Zoning Information
Photos of tobacco products





CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1906

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

Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 01/06/2022 @ 12:30 p.m.

Name of Clerk: Gamal Zaji

Business/Property Name: Tom & Joe's

Property Address: 684 Western Avenue North

Reason for Visit: Complaint Inspection

Observations: Flavor Violations

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

Action Taken: Education / warning

Request for Adverse Action

Other: -

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

Upon arrival, I noticed the display of flavored disposable vapes of THC Delta 8, Delta 9 and Delta 10 next to the cash register. I introduced myself as a DSI licensing inspector and handed him my business card. MN State inspector introduced herself that she is from the MN Department of Revenue, and that we were accompanied by SPPD, to the clerk Gamal Zaji. I informed him that I was here today due to a complaint that DSI received for selling flavor tobacco products. I asked if I could go behind the counter to conduct flavor inspection, he replied, "yes" and stepped out. No one was in the store at the time, and we advise the clerk to lock the door as we conduct the inspection. Located behind the counter/cash register, under the plastic chair's seat were hidden flavored products. The drawers underneath the cash register were filled with tobacco flavored disposable vapes and an open boxed of "Newport" cigarettes. We found menthol cigarettes hidden in a green jacket hanging by the wall. Some of the cigarettes found in the green jacket did not have the MN Stamp on the box. MN State inspector then asked the clerk if there were any other flavored tobacco products in the store and he said he was not sure, but he will check the back room. She followed him to the back and found a box of flavored tobacco products. I advise the clerk to remove all products that are in flavor violation to the back-storage room and advise him to notify the store manager to call the distributor for a pickup.

List of flavored disposable vapes, THC Delta 8 & Delta 10 on display next to cash register:

Torch: Torch Flow Delta 10 Blend Super Lemon Haze, Torch Flow Delta 10 Blend Trainwreck, Torch Hybrid

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Delta 8 Gelato, Torch Diamond Premium THC-O Cereal Runtz, Torch Diamond Premium THC-O Candyland

Baked: Baked Delta 10 THC 1 Gram Tropicana Cookies, Baked Delta 10 THC 1 Gram Forbidden Fruit, Baked Delta 10 THC 1 Gram Runtz, Baked Delta 10 THC 1 Gram Blueberry Pie,

Plastic bag of: Cake Delta 8 1-gram Sour Tangie, Cake Delta 8 1 gram Banana Runtz, Cake Delta 8 1 gram Super Silver Haze, several green Urb Disposables

Tree Top Hemp Co: Tree Top Hemp Co Delta 8 Blue Dream, Tree Top Hemp Co Delta 8 Orange Cookies, Tree Top Hemp Co Delta 8 Head Band, Tree Top Hemp Co Delta 8 Gelato,

Premium VibeZ: Premium VibeZ Delta 9 Raspberry Lemonade, Premium VibeZ Delta 9 Pineapple Melon, Guava Peach

Just: Just Delta 8 Pineapple Express, Strawberry Cough

D8-HI: D8-HI THC-O Apple Fritter, D8-HI THC-O Sour Diesel, D8-HI THC-O Gushers

The Work Sledgehammer: The Work Sledgehammer Delta 8 Rainbow Candy, The Work Sledgehammer Delta 8 Watermelon Punch, The Work Sledgehammer Delta 8 Strawberry Banana, The Work Sledgehammer Delta 8 Strawberry Slush, The Work Sledgehammer Delta 8 Lemon Sherbert

Urb Finest Flowers: Urb Finest Flowers THC-O Live Resin Cupcake Kush, Urb Finest Flowers THC-O Live Resin Gruntz, Urb Finest Flowers Delta 8 CBD Double Bubble OG, Urb Finest Flowers THC-O Live Resin Goji Gelato, Urb Finest Flowers Delta 8 Maui Wowie, Urb THC-O Live Resin Cali Lemon Dream, Urb Finest Flowers THC-O Live Resin Sweet Island OG, Urb Finest Flowers Off-Spectrum Live Resin Blue Watermelon, Urb Finest Flowers Off-Spectrum Live Resin Lemon Dream, Urb Finest Flowers Off-Spectrum Live Resin Purple Zkittles, , Urb Finest Flowers Delta 8 Orange Creamsicle, , Urb Finest Flowers Delta 8 Urban Tundra, , Urb Finest Flowers Delt 8 Lemonade Kush, Urb Finest Flowers Delta 8 Blackberry Kush, Urb Delta 8-THC Lemon Haze, Urb Delta 8-THC Strawberry Shortcake, Urb Delta 8-THC Purple Punch, Urb Delta 8-THC Jack Herer, Urb Delta 8-THC Twisted Citrus, Urb Delta 8-THC Blue Zkittles, Urb Delta 8-THC Black Lime, Urb Delta 8-THC Diesel Sundae, Urb Finest Flowers Off-Spectrum Live Resin Strawberry Ice Cream, Urb HHC Urban Sugar Birthday Cake, Urb HHC Urban Sugar Citron, Urb HHC Urban Sugar Blue Gush, Urb Delta 8-CBD Sour Dream

Packwoods: Sherbinskis x Packwoods Delta 8 Bacio Gelato, C x Packwoods Delta 8 Georgia Pie, Polaris MMJ x Packwoods Delta 8 Head Cheese, Packwoods x Insane Delta 8 OG, Packwoods x Runtz Delta 8 Runtz, Big Al's Packwoods Los Angeles Delta 8 Fish Scale, Lemonade x Packwoods Delta 8 Yellow Fruit Stripes, Lemonade Packwoods Delta 8 Lemonchello,

Big Chief: Big Chief infused with Delta 8 Moon Rock Hemp Roll Green Crack, Big Chief infused with Delta 8 Moon Rock Hemp Roll Purple Punch, Big Chief infused with Delta 8 Moon Rock Hemp Roll Sour Mango, Big Chief infused with Delta 8 Moon Rock Hemp Roll Super Lemon Haze

Curevana: Curevana THC-O Special Edition Junglato, Curevana THC-O Rainbow Kush Cake, Curevana THC-O Strawberry Shortcake,

Sky High: Sky High Delta 8 Golden Pineapple, Sky High Delta 8 Granddaddy Purple,

E Vapors Slim Vapor Pen,

Doses: Doses Canna Delta 8 Thin Mint Cookies, Doses Canna Delta 8 Alaskan Thunder F*ck, Doses Canna





CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 320
Saint Paul, Minnesota 55101-1806

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

Delta 8 Grape Ape,

ES: Eonsmoke Fruit (Limited Edition Pods)

The High Club: The High Club Delta 8 Pineapple Express, The High Club Delta 8 OG Kush.

Twist Salt – Strawberry Crush Ice

EFFEX – Delta 9 Blue Raspberry Slushie

Top drawer underneath cash register:

The Loon Maxx: Classic Tobacco, Frozen Fizzy Pop Peach, Blue Razz Slushy, Pineapple Express, Pink Berry Lemon Bubble Gum, Strawberry Lemonade, Gum Mint, Red Berry, Bowzer Berry, Blue Lighting, Creamy Tobacco, Creamy Frost Bite, Lush Ice, Strawberry Banana, Strawberry Ice Cream, Guava, Grape Slushy, Cherry Lime Soda, Mango.

Esco Bar: Banana Ice, Spearmint, Strawberry Ice, Orange Limeade, Peachy Mango Pineapple, Blue Razzleberry Pomegranate, Red Apple, Mango Ice,

Bottom drawer underneath cash register:

Hyde Rebel – Cola Ice, Aloe Grape, Energize, Lush Ice, Spearmint, Lemon Crumble, Strawberry Banana, Minty O's,

Rare Mega – Blackberry Strawberry, Iced Peach, Iced Strawberry Bubblegum, Cotton Candy,

Smack – Honeydew Strawberry Apple, Frozen Watermelon,

Bang XXL – Strawberry Watermelon, Bubblegum Ice, Peach Ice, Mango Guava, Strawnana, Red Apple,

Legit Mist – Below Zero, Strawberry Banana, Cool Mint, Banana Ice, Mist Lychee, White Grape

Canna River Delta 8– Delta 10 – Hawaiian Snowcap, Green Crack

Underneath the plastic display behind the counter:

Dutch: Dutch Masters Sweet Fusion

Plastic Chair:

Al Capone Leaf Wrap - Rum, Cognac

Black & Mild – Casino and Wine

Grizzly Longcut Winter green

White Owl – White Grape

Game Leaf – Wild Berry, White Russian.

Backwoods – Russian Cream, Black Russian, Dark Stout, Honey Berry, Wild Rum, Honey Bourbon, Honey, Dark Leaf, Banana.

Throwback – Grape Cherry Blizz, Black Velvet, Banana Nana, Russian Cream,

AA-ADA-EEO Employer



Dutch Masters – Blue Fusion, Irish Fusion, Berry Fusion, Java Fusion, Royal Haze, Honey Fusion, Blue Dream Fusion,

Swisher Sweets Leaf – Honey, Wild Berry,

Display behind counter/cash register:

Moon Buzz Delta 10 THC – Blue Dream, Bubba Kush, Snoop's Dream, Dutch Masters – Sweet Fusion
Mr Fog Drop Ice, Blow XXL Snow, Mr Fog Pro Cherry Honeydew, Al Capone Sweets Cognac Dipped

Green jacket: Newport, Newport 100's, Marlboro, Kool 100's, Marlboro Menthol 100's, Marlboro Menthol,
Camel Crush Menthol, Camel Crush Menthol Silver

Box found from back room:

Loon Maxx Blue Lighting, Loon Maxx Gum Mint, Loon Maxx Frozen Mango, Mr Fog Max Rainbow,
Blueberry on Ice, Apple Peach Ice



STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 01/26/22 08:17 AM

House#: 684

Last updated from Ramsey County data on:

Street Name: Western

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

684 Western Ave N - Tom & Joe'S Market - 55103-1668 - [Other Applications](#)

PIN: 362923120060

Census Tract: 32700

Census Block: 2005

Council Ward: 1 **District Council:** 7

Year Built:

Foundation Sq Feet: **Loan Company:**

Land

Building

Value: 33200

Value: 95400

Existing Primary Use: C-
Mixed Commercial/Residential

Legality of Use: Legal Non-Conforming

Occupancy

Units: 1

Group

Type: M

Existing Secondary Use 1: C-Grocery/Convenience Store

Zoning: RT1

Legal Desc: HUMPHREY'S ADDITION TO,SAINT P LOT 11 BLK 1

Owner:

Dadders Estates Llc
351 Kellogg Blvd E
St Paul MN 55101-1411
651-428-5922

Certificate of Occupancy Responsible Party:

Housing Hub LLC
351 Kellogg Blvd E
St Paul MN 55101-1411
651-488-2437



Properties For License 684 WESTERN AVE N

Pay Print Warn Hist Summ

Licensee: BRIGHT STAR INC
DBA: TOM AND JOES MARKET

License Licensee Lic Types Insurance Bond Requirements

Licensee Name: BRIGHT STAR INC
DBA: TOM AND JOES MARKET
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 Financial Hold Reasons

| Other Licensing Agency Name / License Type | License # | Expiration | Reason | Active | Date |
|--|-----------|------------|--------|--------|------|
| | | | | | |

Contacts for this Licensee

| Active | Inactive | Last Name | First Name | Title | Bus. Phone | Home Phone |
|--------|----------|-----------|------------|-------|------------|----------------|
| | | | | | | |
| | | AL FURALI | HUSHAM AL | OWNER | () - | (763) 607-8657 |

Background Check Required Contact Properties...

License # 190003653 Save Changes to History OK Cancel Help

Properties For License 684 WESTERN AVE N

Pay Print Warn Hist Summ

Licensee: BRIGHT STAR INC
DBA: TOM AND JOES MARKET

License Licensee Lic Types Insurance Bond Requirements

Licensee Name: BRIGHT STAR INC
DBA: TOM AND JOES MARKET
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 Financial Hold Reasons

| Other Licensing Agency Name / License Type | License # | Expiration | Reason | Active | Date |
|--|-----------|------------|--------|--------|------|
| | | | | | |

Contacts for this Licensee

| Contact Address | City | Zip | DOB | Last Check | Dr |
|-----------------------|-------------|-------|------------|------------|----|
| 684 WESTERN AVE | ST PAUL | 55103 | 00/00/0000 | 00/00/0000 | |
| 7762 LAKEVIEW LANE NE | MINNEAPOLIS | 55432 | 00/00/0000 | 00/00/0000 | |

Background Check Required Contact Properties...

License # 190003653 Save Changes to History OK Cancel Help

EXHIBIT
4-1

License Group Conditions Text

01/26/2022

Licensee: BRIGHT STAR INC

DBA: TOM AND JOES MARKET

License #: 20190003653

1. Temporary window signs placed between the height of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashier station.

License Group Comments Text

01/26/2022

Licensee: BRIGHT STAR INC

DBA: TOM AND JOES MARKET

License #: 20190003653

8/23/2021 Youth compliance check Pass JNV
03/26/2020 Rec'd \$500.00 Fine payment. LAB
3/18/2020 Received Seizure letter from the Department of Revenue JNV

Adverse Action Comments Text

01/26/2022

Licensee: BRIGHT STAR INC

DBA: TOM AND JOES MARKET

License #: 20190003653

3/18/2020- Sent Notice of Violation with an 4/1/2020 deadline to respond. SM





tabbies[®] EXHIBIT
5-1



tabbies' **EXHIBIT**
5-2

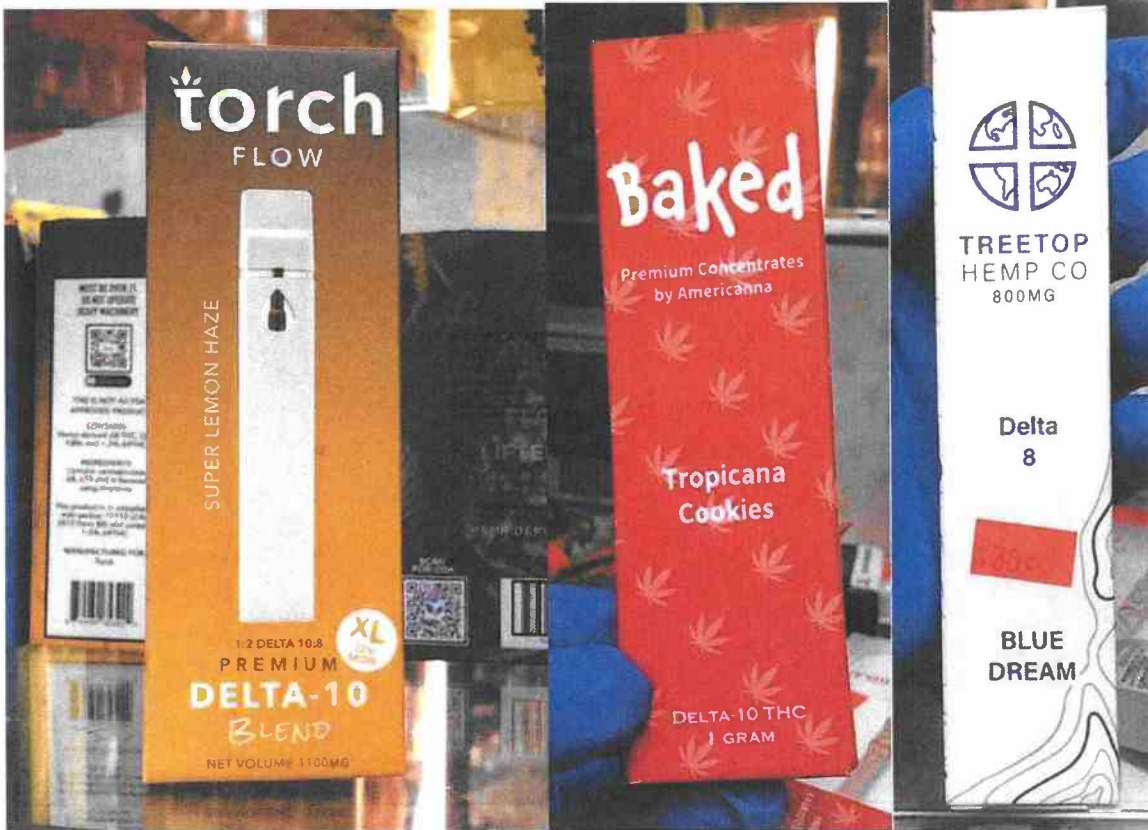


EXHIBIT
 5-3



tabbies®
EXHIBIT
5-4



EXHIBIT
5-5

tabbies



EXHIBIT
5-6



EXHIBIT
tabbles®
5-7

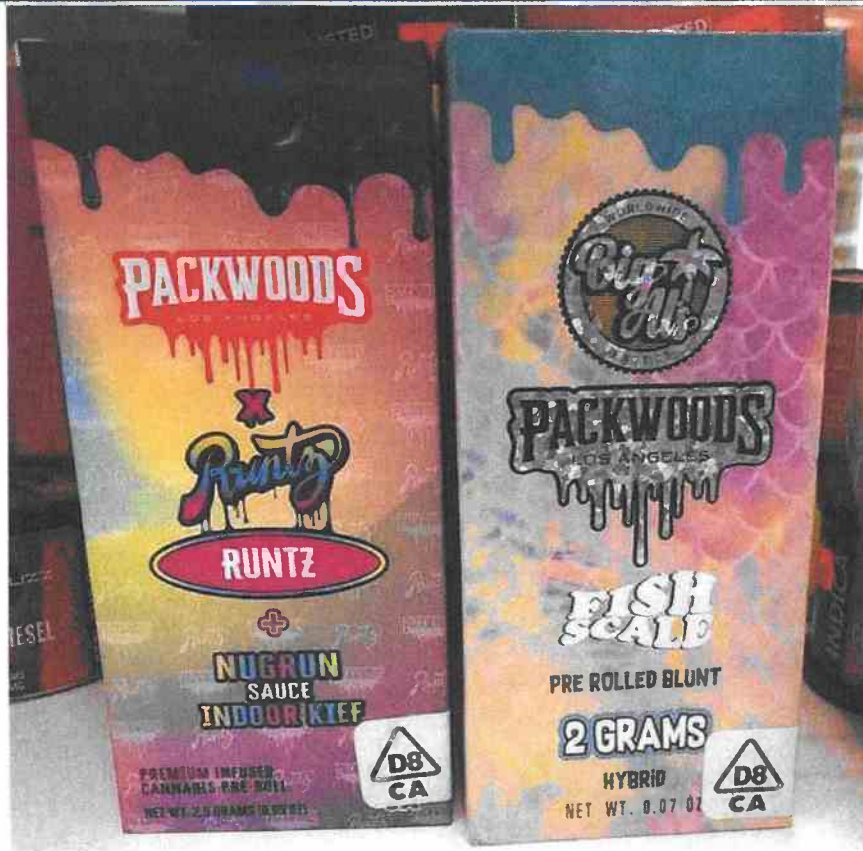


EXHIBIT
5-8



EXHIBIT
5-9



EXHIBIT
5-10

tabbies



tabbies® EXHIBIT
5-11



tabbies®
EXHIBIT
5-12



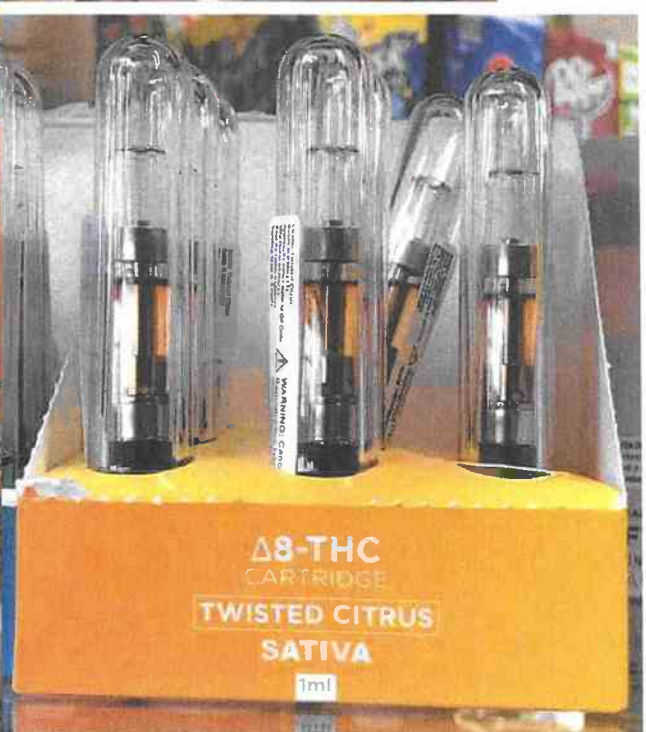
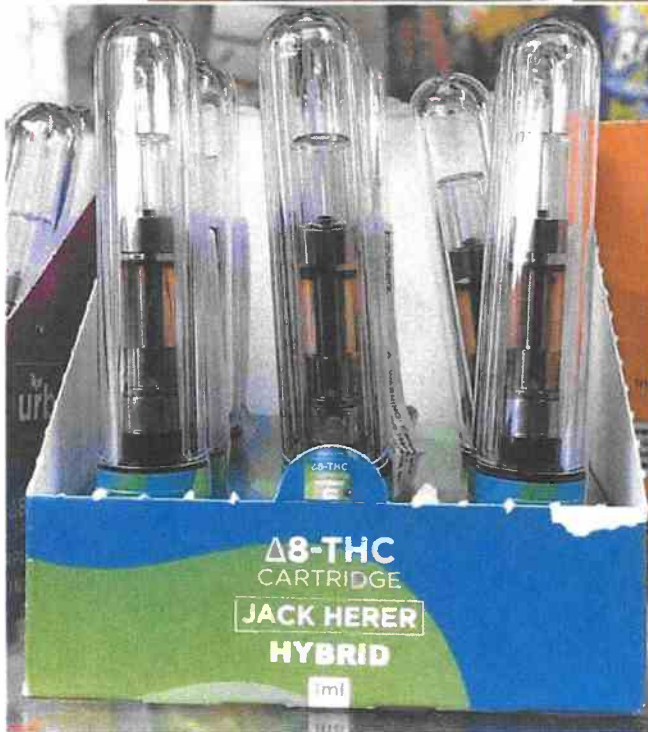
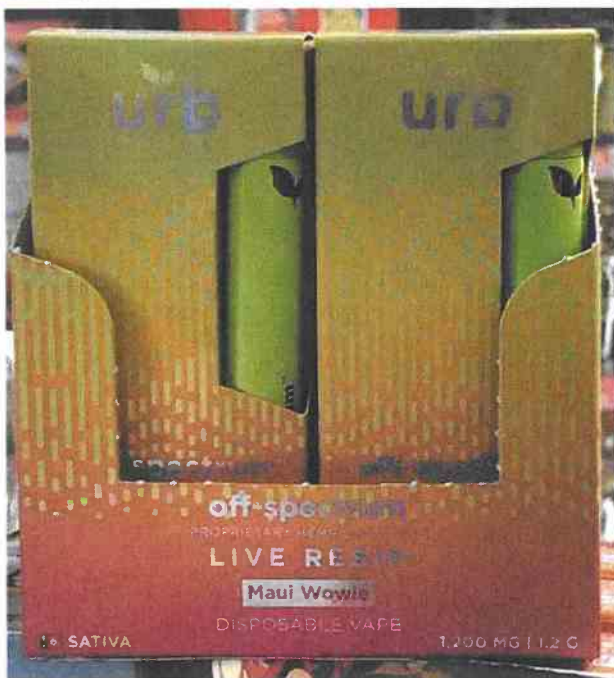
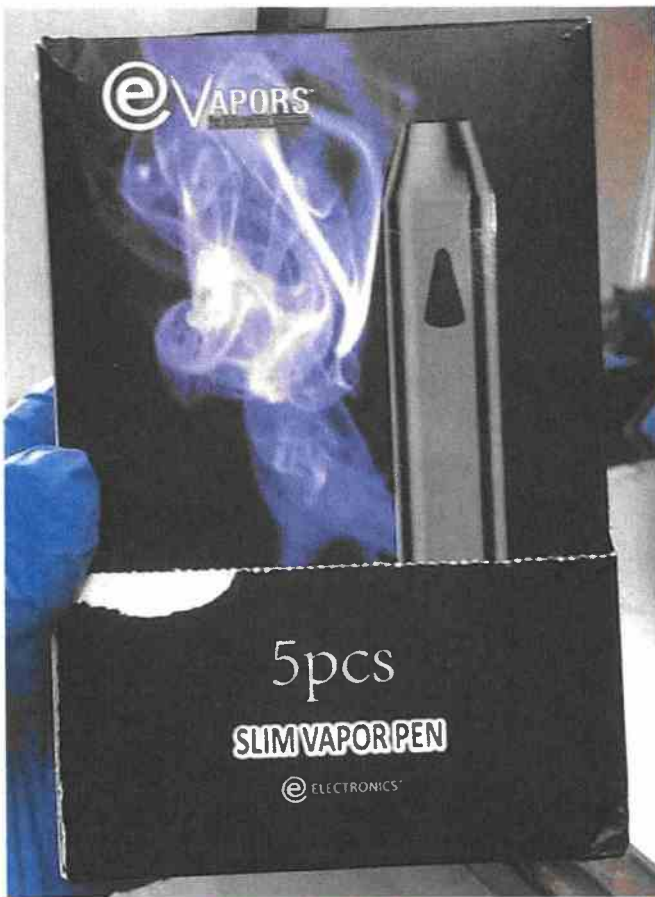


EXHIBIT
5-14



EXHIBIT
tabbles 5-15



tabbies
EXHIBIT
5-16



tabbies® EXHIBIT
5-17



tabbies[®] EXHIBIT
5-18



tabbles®
EXHIBIT
5-19



EXHIBIT
5-20

tabbies

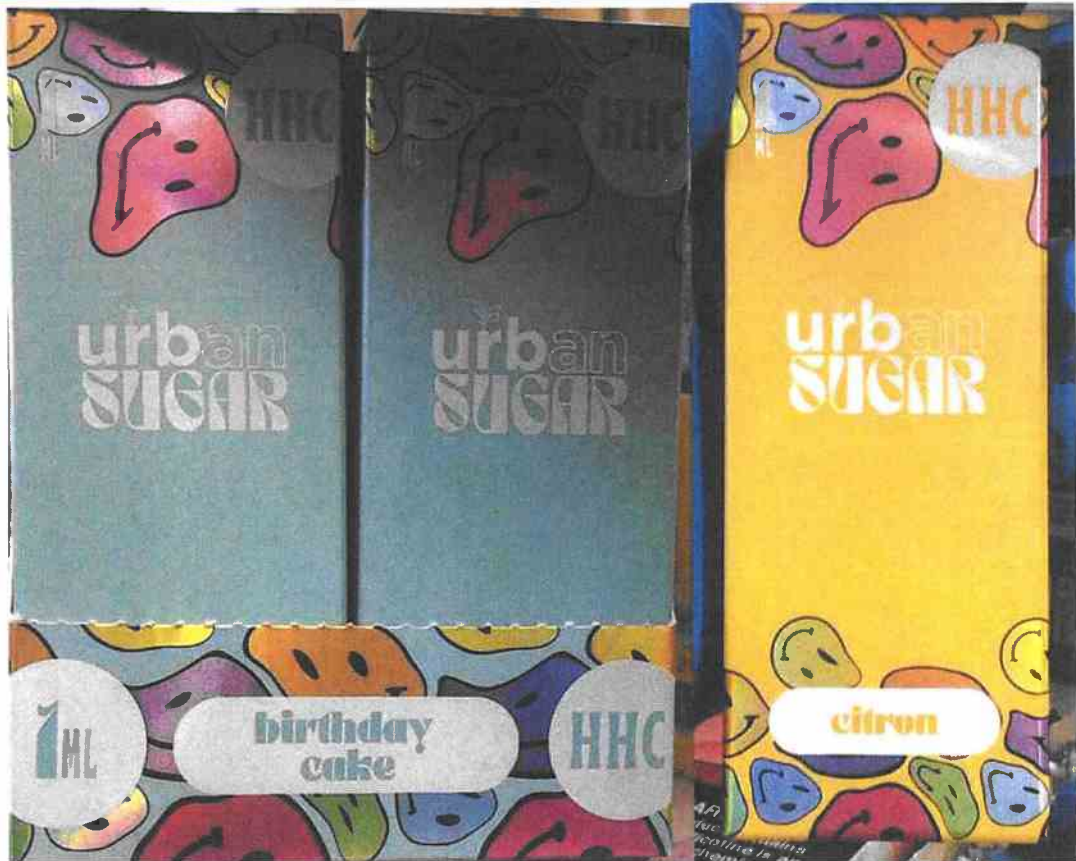


EXHIBIT
tabbies® 5-21



tabbies
EXHIBIT
5-22



EXHIBIT
5-23

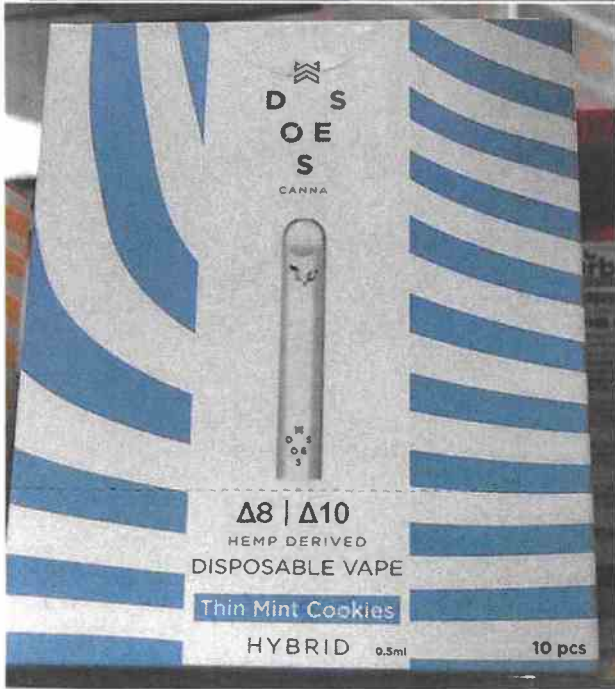
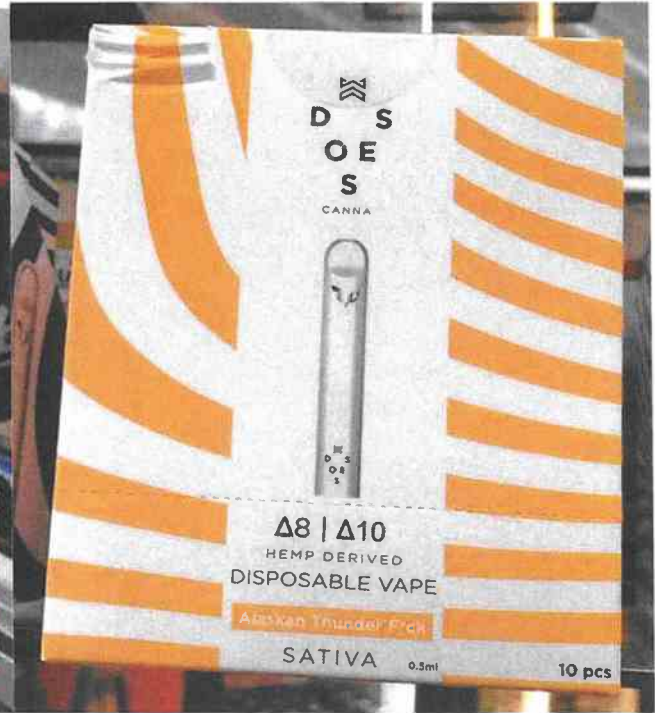


tabbies[®] EXHIBIT
5-24

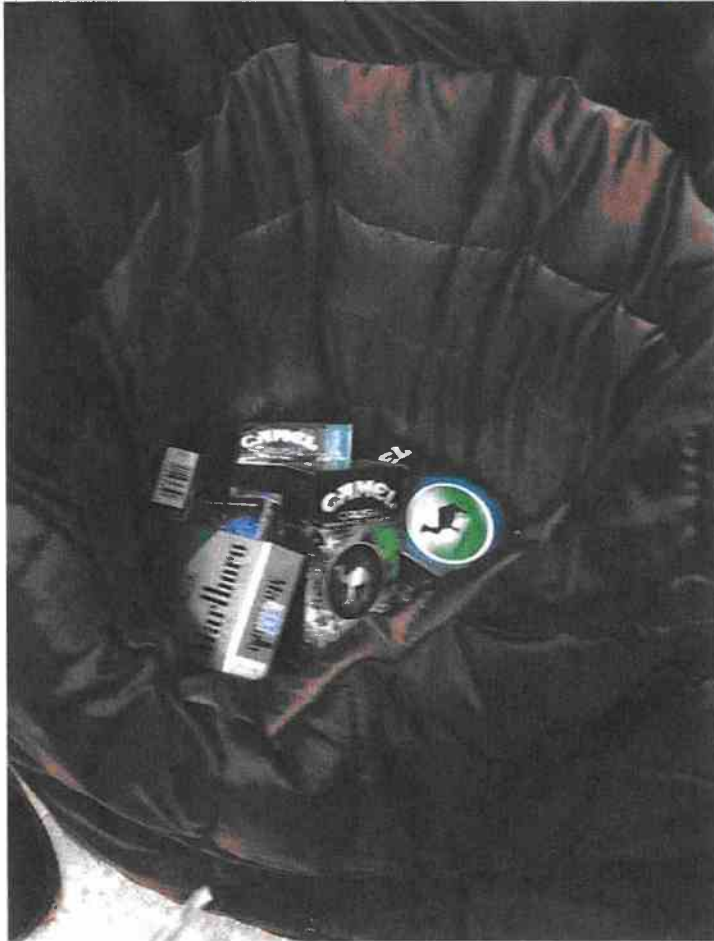
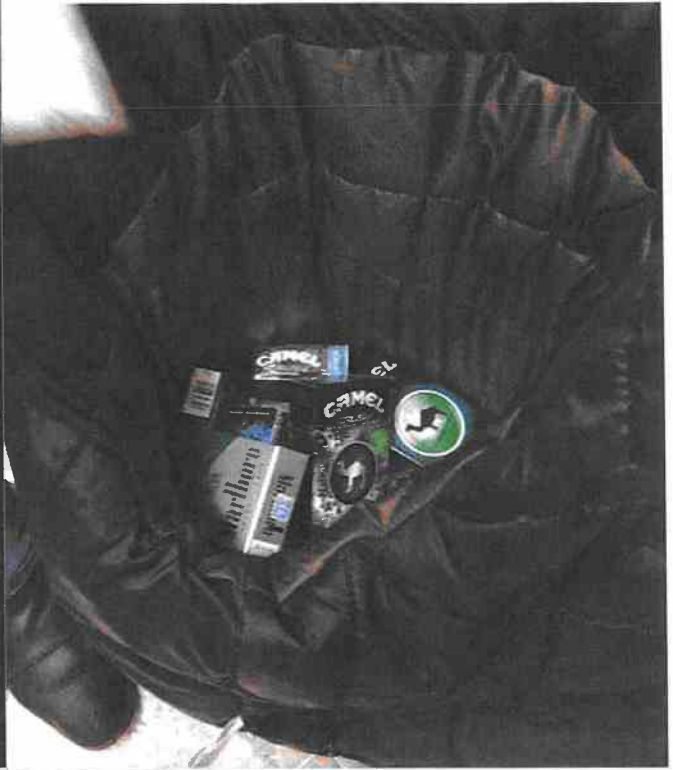


tabbies[®] EXHIBIT
5-25





tabbies®
EXHIBIT
5-27



tabbies®
EXHIBIT
5-28



EXHIBIT
5-29



EXHIBIT
tabbies 5-30



EXHIBIT
5-31



tabbies
EXHIBIT
5-32



EXHIBIT
5-33

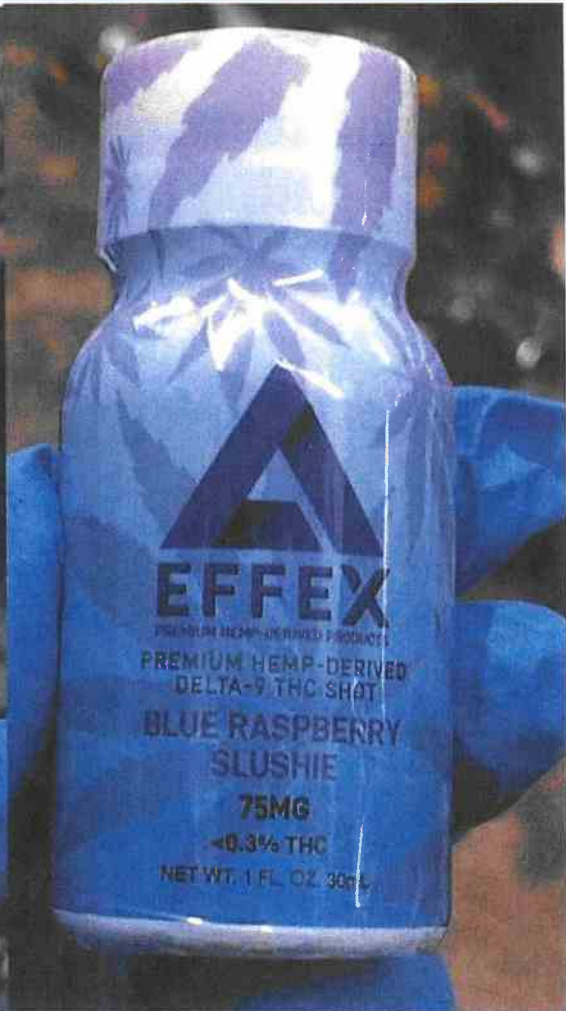
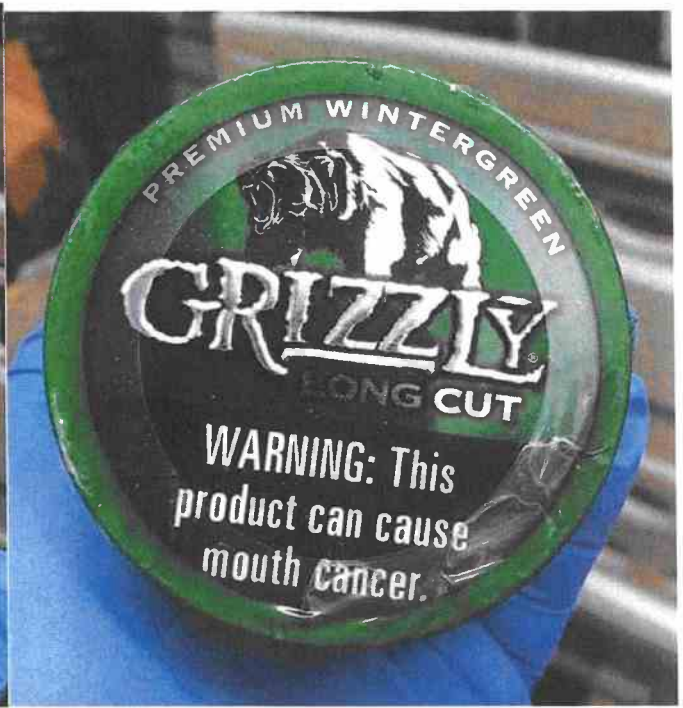


EXHIBIT
5-34

tabbles



tabbies
EXHIBIT
5-35



SURGEON GENERAL WARNING:
Tobacco Smoke Increases The
Risk Of Lung Cancer And Heart
Disease, Even In Nonsmokers.



WARNING: Cigar
smoking can cause
cancers of the mouth
and throat, even if you
do not inhale.



WARNING: Tobacco smoke increases
the risk of lung cancer and heart
disease, even in nonsmokers.

**WILD
BERRY**

**game
LEAF**



**ICED VODKA.
RICH COFFEE LIQUEUR.
ALL NATURAL LEAF WRAPPER.**

SURGEON GENERAL WARNING:
Tobacco Smoke Increases The
Risk Of Lung Cancer And Heart
Disease, Even In Nonsmokers.

EXHIBIT
5-36



WARNING: This product contains nicotine. Nicotine is an addictive chemical.

WHITE GRAPE



**FULL FLAVORED
DARK STOUT.
ALL NATURAL LEAF WRAPPER.**

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



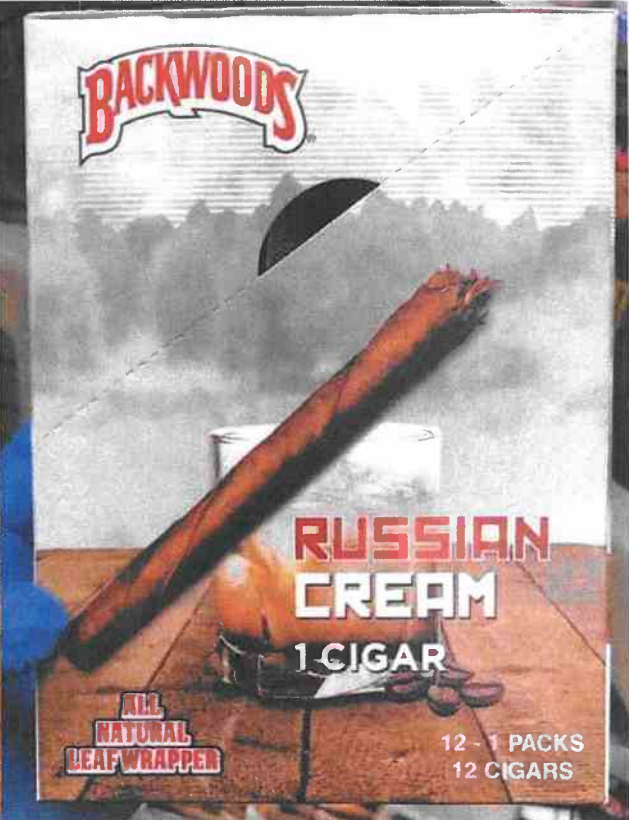
**WARNING: Cigar
smoking can cause
cancers of the mouth
and throat, even if you
do not inhale.**



**ICED VODKA.
RICH COFFEE LIQUEUR.
ALL NATURAL LEAF WRAPPER.**

**SURGEON GENERAL WARNING:
Tobacco Smoke increases The
Risk Of Lung Cancer And Heart
Disease, Even In Nonsmokers**

EXHIBIT
5-37



tabbies®

EXHIBIT
5-38



EXHIBIT
tabbics® 5-39



tabbies®
EXHIBIT
5-40

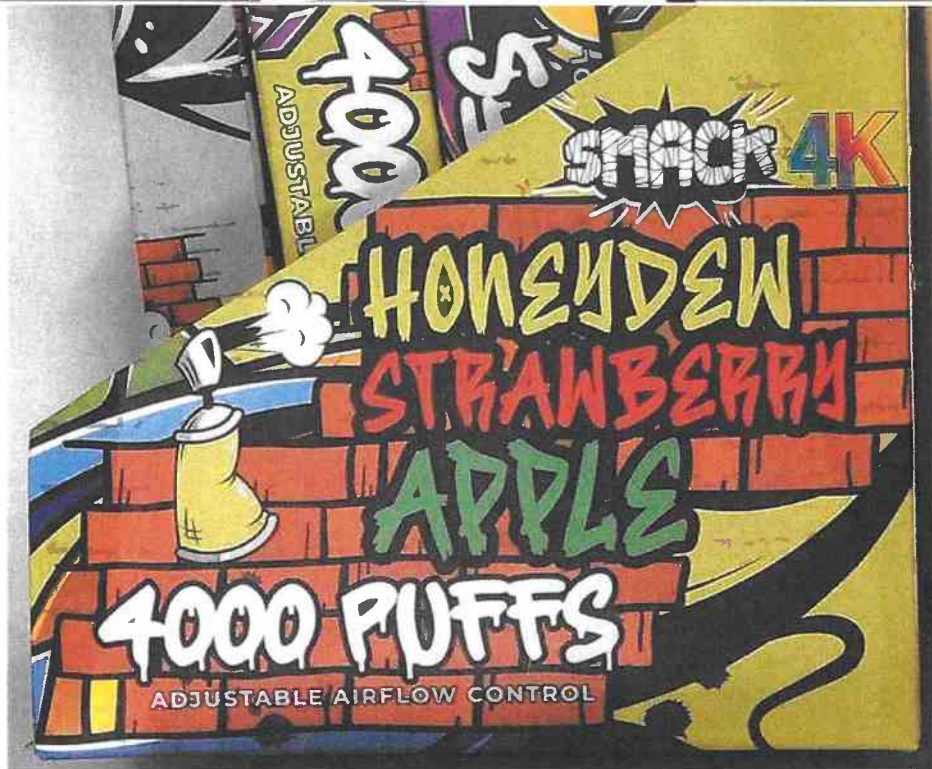


EXHIBIT
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EXHIBIT
 5-42



EXHIBIT
5-43

tabbies

Stack
FROZEN WATERMELON
2000 PUFFS

WARNING:
THIS PRODUCT CONTAINS NICOTINE. NICOTINE IS AN ADDICTIVE CHEMICAL.

Hyde REBEL
5% NICOTINE 4500 PUFFS
MINTY O'S

WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde REBEL
5% NICOTINE 4500 PUFFS
LUSH ICE

WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

RARE MEGA
5000 PUFFS 10ML
BLACKBERRY STRAWBERRY

RARE MEGA
5000 PUFFS 10ML
ICED PEACH

WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

RARE MEGA
5000 PUFFS 10ML
ICED STRAWBERRY BUBBLEGUM

WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde REBEL
5% NICOTINE 4500 PUFFS
SPEARMINT

WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde REBEL
5% NICOTINE 4500 PUFFS
LEMON CRUMBLE


WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

EXHIBIT
5-44

Hyde
REBEL

5% NICOTINE 4500 PUFFS

STRAWBERRY BANANA



WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde
REBEL

5% NICOTINE 4500 PUFFS

COLA ICE



WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde
REBEL

5% NICOTINE 4500 PUFFS

ALOE GRAPE



WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde
REBEL

5% NICOTINE 4500 PUFFS

ENERGIZE



WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

Hyde
REBEL

5% NICOTINE 4500 PUFFS

LUSH ICE



WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

RARETM
MEGA

5005 PUFFS 10ML

COTTON CANDY

WARNING:
This product contains nicotine.

RARETM
MEGA

0005 PUFFS 10ML

ICED PEACH

WARNING:
This product contains nicotine. Nicotine is an

RARETM
MEGA

0005 PUFFS 10ML

BLACKBERRY STRAWBERRY

WARNING:
This product contains nicotine. Nicotine is an addictive chemical.

tabbies[®] EXHIBIT
5-45



EXHIBIT
5-46



EXHIBIT
tabbies® 5-47



EXHIBIT
tabbies® 5-48

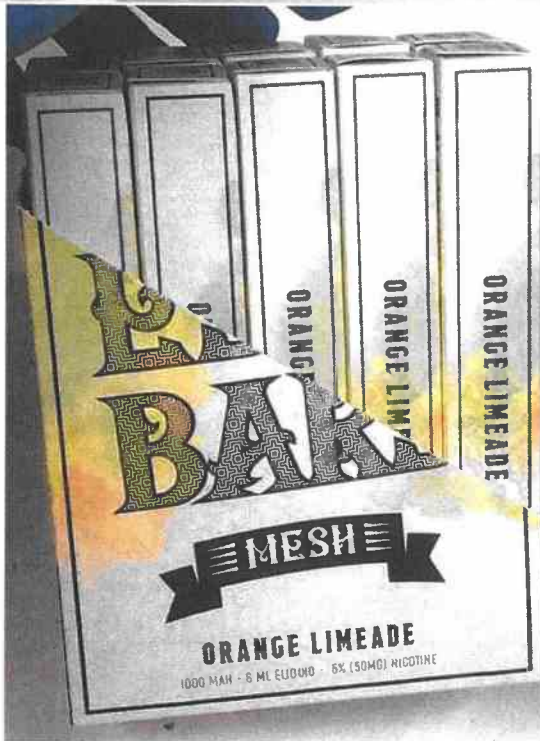
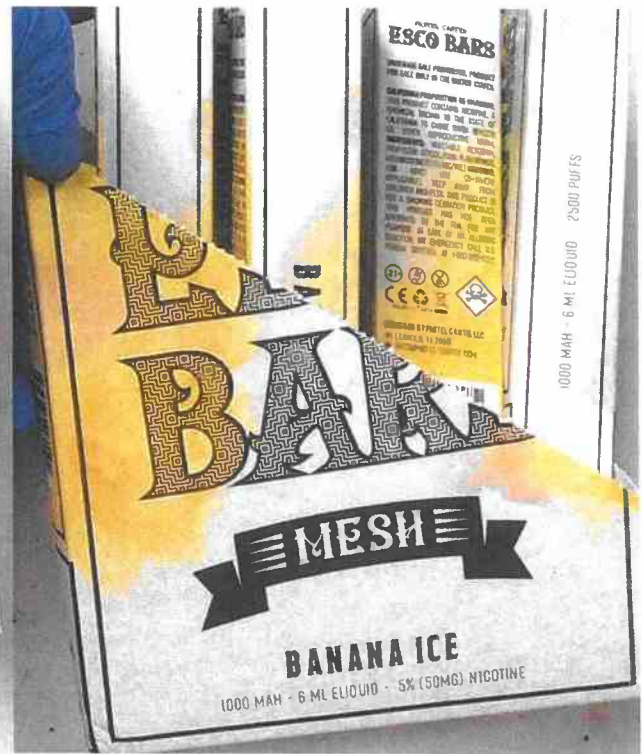
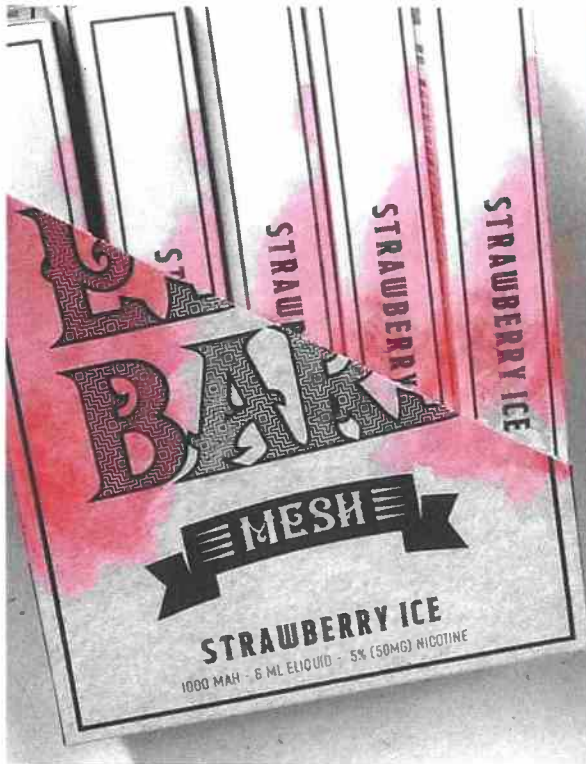


EXHIBIT
 5-49
 tabbles



EXHIBIT
tabbies® **5-50**



EXHIBIT
tabbles **5-51**



tabbics
EXHIBIT
5-52



EXHIBIT
tabbles®
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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 <u>331A</u> | \$250.00 | \$500.00 | \$1,000.00, 5-day suspension | Revocation |
| (10) Non-critical violation under <u>331A</u> | \$150.00 | \$250.00 | \$500.00 | \$1,000.00 |
| (11) Taxi fail to display driver's license as required by <u>376.16(f)</u> | \$100.00 | \$250.00 | \$500.00 | Revocation |
| (12) Taxi fail to display number of information and complaint office as required by <u>376.11(v)</u> | \$100.00 | \$250.00 | \$500.00 | Revocation |
| (13) Violation of restrictions upon sidewalk café license under <u>106.01(b)</u> | \$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).

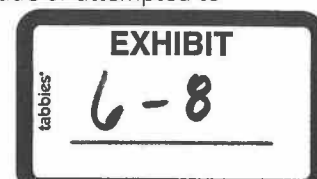
(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; 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)



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.

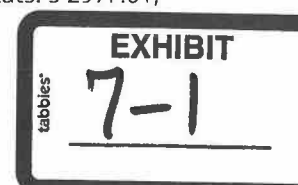
A license shall permit the licensee to sell licensed products at retail at the one (1) location specified in said license, and a separate license shall be required for each location or tobacco vending machine.

(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:
- May offer for sale licensed products which are accessible to the public only with the intervention of a store employee; and,
 - 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:
- Must derive at least ninety (90) percent of its revenue from the sale of licensed products;
 - Must prohibit persons who are under the age of twenty-one (21) from entering the establishment;
 - Must be accessible only through a door opening directly to the outside; and
 - 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:
- The establishment or location is in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses;
 - The previous license has not terminated or expired more than one (1) year before the new license had been first applied for;
 - 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— 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.

about:blank



- (a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount fines, length of license suspensions and the propriety of revocations for licensees. These penalties are presume appropriate for every case; however, the council may deviate therefrom in an individual case where the council and determines that there exist substantial and compelling reasons which make it appropriate to do so, except, council may not deviate below statewide minimum penalties for licensees. When deviating from these standard council shall provide written reasons that specify why the penalty selected was more appropriate. Where no per 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; <ul style="list-style-type: none"> • single cigarettes; • menthol tobacco products; or • 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— 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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RECEIVED
APR 11 2022
CITY ATTORNEY

ATTN: Attorney Stephen Earnest
Civil Division
15 Kellogg Blvd. West
400 City Hall
Saint Paul, MN 55102

SENT VIA U.S. MAIL and EMAIL

RE: Cigarette/Tobacco License – Bright Star Inc. d/b/a Tom and Joe’s Market (684
Western Ave., St. Paul); License ID #: 20190003653

April 4, 2022

Dear Mr. Earnest,

Please be advised that Thoof Law LLC represents the Licensee relating to a letter dated March 22, 2022 and labeled Notice of Violation and Request for Upward Departure to Revocation. The purpose of this correspondence is to dispute the facts, contest the upward departure to revocation, and to request a hearing before an Administrative Law Judge regarding these issues.

Please do not hesitate to contact my office to discuss and see if we can find a resolution. I can be reached by email at derek@thooflawllc.com or by phone at 651-485-1254 to discuss this matter further.

Sincerely,

THOOF LAW, LLC
Derek D. Thoof
Attorney at Law

