



September 3, 2021

**NOTICE OF VIOLATION  
RECOMMENDATION FOR IMPOSITION  
OF \$300 ADMINISTRATIVE PENALTY FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE**

Northern Tier Retail, LLC  
d/b/a Speedway #4151  
1580 Ford Parkway  
Saint Paul, MN 55116-2129  
Attn: James Hagle

RE: Cigarette/Tobacco license held by Northern Tier Retail, LLC d/b/a Speedway #4151 for the premises located at 1580 Ford Parkway in Saint Paul  
License ID #: 20100004247

Mr. Hagle:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Northern Tier Retail, LLC ("Licensee") for the premises known as Speedway #4151 located at 1580 Ford Parkway 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 §461.12, Subd. 2 states; "If a licensee or employee of a licensee sells, give, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$300 for the first violation."

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(g) 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 § 461.12, Subd. 2 and Saint Paul Legislative Code §324.07(g) by a preponderance of the evidence.



### Synopsis of alleged facts:

On August 17, 2021 at 1:52 p.m., a tobacco compliance check was conducted at Speedway #4151 located at 1580 Ford Parkway. A twenty-year-old female entered your store to purchase cigarettes. She was asked to show her identification, which she did, and it indicated she was underage. Nevertheless, the clerk then sold her a package of American Spirit cigarettes. Inspector Yang came into the establishment after the sale and spoke to the clerk Shylais Louise Fields. She was informed that she failed the youth compliance check by selling American Spirits 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(g).

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 **Tuesday, September 17, 2021**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **October 6, 2021** City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$300.00 administrative penalty. 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 **Tuesday, September 17, 2021**. A self-addressed envelope is enclosed for your convenience. Payment of the \$300.00 administrative penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$300.00 administrative penalty, 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 **Tuesday, September 17, 2021**. The matter will then be scheduled before the City Council to determine whether to impose the \$300.00 administrative penalty. 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 **Tuesday, September 17, 2021**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code § 310.05 (k).

**If you have not contacted me by Tuesday, September 17, 2021, I will assume that you do not contest the imposition of the \$300.00 administrative penalty. In that case, the matter will be placed on the October 6, 2021 City Council Consent Agenda for approval of the recommended penalty.**



**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

**Please be advised the clerk who made the sale on this date and 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.**

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

Sincerely,

/s/

Therese Skarda  
Assistant City Attorney  
License No.: 0240989

cc: James Hagle, 5140-165<sup>th</sup> Street North, Hugo, MN 55038  
Realty Income Properties 3, LLC, Attn: Portfolio Management, P.O. Box 182597, Columbus, OH 43218-2597  
Jenna Strank, Communications and Outreach Coordinator, Highland District Council, Highland Park Community Center, 1978 Ford Parkway, Saint Paul, MN 55116

Attachments: Inspector's Report  
Screenshot from ECLIPS System  
License Group Conditions Text  
License Group Comments Text  
STAMP - Ownership/Zoning Information  
Tobacco Youth Compliance Check Purchase Form  
Clerk Identification Form  
Photo of purchased cigarettes  
Minnesota Statute §609.685  
Minnesota Statute §461.12  
Saint Paul Legislative Code §310.06  
Saint Paul Legislative Code §324.07

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.*

STATE OF MINNESOTA)  
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 7th day of September she served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$300 ADMINISTRATIVE PENALTY FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE** and a correct copy thereof in an envelope addressed as follows:

Northern Tier Retail, LLC  
d/b/a Speedway #4151  
1580 Ford Parkway  
Saint Paul, MN 55116-2129  
Attn: James Hagle

James Hagle  
5140-165<sup>th</sup> Street North  
Hugo, MN 55038

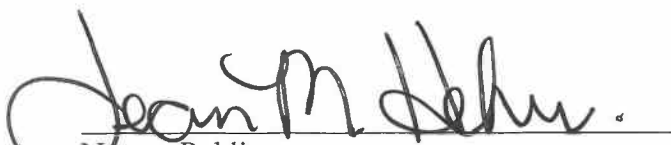
Realty Income Properties 3, LLC  
Attn: Portfolio Management  
P.O. Box 182597  
Columbus, OH 43218-2597

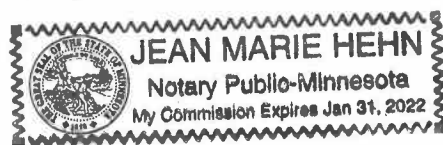
Jenna Strank  
Communications and Outreach Coordinator  
Highland District Council  
Highland Park Community Center  
1978 Ford Parkway  
Saint Paul, MN 55116

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

  
Julie Kraus

Subscribed and sworn to before me  
This 7th day of September 2021

  
Notary Public





CITY OF SAINT PAUL

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

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

## Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 8/17/2021 at 1:52PM

Business/Property Name: Speedway #4151

Property Address: 1580 Ford Parkway - Saint Paul, MN 55116-2129

Reason for Visit: Annual Cigarette/Tobacco Youth Compliance Check

Observations: Youth purchased a Pack of American Spirit Cigarettes

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 the clerk Shylais Fields, I introduced myself as a DSI Licensing Inspector for the City of Saint Paul. I informed her that she failed a youth compliance check, an attempted purchase of a pack of American Spirits cigarettes was successfully made from an underage buyer at 1:52 p.m.

Properties For License 1580 FORD PKWY

Pay Print Warn Hist Summ

Licensee: NORTHERN TIER RETAIL LLC  
DBA: SPEEDWAY #4151

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NORTHERN TIER RETAIL LLC Browse  
 DBA: SPEEDWAY #4151 Properties...  
 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

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone
Business	09/27/2010	00/00/0000				(851) 690-3036
Mail To	01/02/2018	00/00/0000	SPEEDWAY LLC SI		CONTACT	(210) 628-4585
Other	04/18/2012	01/02/201	CHRISTIAN	PATTY	CONTACT	(851) 769-2046
Other	09/27/2010	00/00/0000	HAGLE	JAMES	MANAGER	( ) -

Mail License To:  
 Mail To Contact  
 License Address

Mail Invoice To:  
 Mail To Contact  
 License Address

Background Check Required  Contact Properties...

License # 100004247 Save Changes to History  OK Cancel Help

Properties For License 1580 FORD PKWY

Pay Print Warn Hist Summ

Licensee: NORTHERN TIER RETAIL LLC  
DBA: SPEEDWAY #4151

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NORTHERN TIER RETAIL LLC Browse  
 DBA: SPEEDWAY #4151 Properties...  
 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
1580 FORD PKWY	ST PAUL	55116-2129	00/00/0000	00/00/0000
18100 RIDGEWOOD PKWY	SAN ANTONIO	78259	00/00/0000	00/00/0000
576 BIELENBERG DRIVE STE 200	WOODBURY	55125	00/00/0000	00/00/0000
5140 165TH ST N	HUGO	55038	04/02/1982	00/00/0000

Mail License To:  
 Mail To Contact  
 License Address

Mail Invoice To:  
 Mail To Contact  
 License Address

Background Check Required  Contact Properties...

License # 100004247 Save Changes to History  OK Cancel Help

License Group Conditions Text

08/20/2021

Licensee: NORTHERN TIER RETAIL LLC

DBA: SPEEDWAY #4151

License #: 20100004247

1. Zoning File 96-080 Special Condition Use Permit to allow redevelopment of an existing auto convenience market is approved with the condition that an eight (8) foot high wood privacy fence shall be installed from the southeastern corner of the building to a point 10 feet west of the sidewalk at Snelling Avenue. The fence shall be maintained and in good repair. All repairs to the fence will be made by June 1, 2011.
2. The licensee shall make sure that all refuse and/or trash will be picked up three (3) times daily on the premises and/or surrounding sidewalks.

License Group Comments Text

08/20/2021

Licensee: NORTHERN TIER RETAIL LLC

DBA: SPEEDWAY #4151

License #: 20100004247

8/17/2021 Youth Tobacco compliance fail KY  
12/10/2020 Delinquent letter sent. Response deadline date is December 31, 2020. SLH  
6/12/2019 Youth Compliance Check Pass JNV  
04/12/2018 Flavor and Price Compliance Check: Passed. DC  
12/8/2018 Per renewal invoice- Name was changed from Northern Tier Retail LLC DBA SuperAmerica #4151 to Northern Tier Retail LLC DBA Speedway #4151. rdd.  
8/7/2018 Tobacco youth compliance check-Pass JNV  
4/19/2018 Menthol education / inspection Pass JNV  
03/07/2017 passed tobacco compliance check BLB  
08/04/2016 passed tobacco compliance check BLB  
07/08/2015 Passed Tobacco Comp check. BLB/TF  
07/01/2014 Passed tobacco comp check. JWF/akn  
07/18/2013 Passed tobacco compliance check. JWF  
10/19/2012 Passed tobacco compliance check. TPF  
07/25/2012 Passed tobacco compliance check. PF  
08/09/2011 Passed tobacco compliance check. JWF  
05/03/2011 License approved with effective date backdated to 03/31/2011 to correspond with expiration of previous license ID #19950002242. JWF  
04/27/2011 Council File #11-49 approves license with conditions as recommended by legislative hearing officer. JWF  
04/14/2011 Rcvd. revised signed lic. cond. affidavit (per license condition changed recommended by legislative hearing officer). JWF  
12/30/2010 Rcvd. signed lic. cond. affidavit. JWF  
12/23/2010 Leg. Hearing Officer Nhia Vang will recommend approval to CC with no additional conditions. JWF  
12/06/2010 Objection received to license notification, legislative hearing scheduled for 12/23/2010, @ 10:00 a.m. Room 330 CH. JWF  
11/03/2010 EH fee paid. JWF  
11/03/2010 License notification sent, 37M/35EM, response date 12/03/2010. JWF

# STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

**Run Date:** 08/20/21 02:55 PM

**House#:** 1580

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

**Street Name:** Ford

Click on "Other [Application](#)" links below to access GISmo, MapIT, and Ramsey County Info

1580 Ford Pkwy - Speedway Superamerica Store - 55116-2129 - [Other Applications](#)

**PIN:** 162823110075

**Census Tract:** 37500

**Census Block:** 5006

**Council Ward:** 3 **District Council:** 15

**Year Built:**

**Foundation Sq Feet:**

**Loan Company:**

**Land Value:** 461100

**Building Value:** 547500

**Existing Primary Use:** A-  
Auto Convenience Market

**Legality of Use:**

**Occupancy Group Type:** M

**Units:**

**Zoning:** RM2

**Legal Desc:** HARDENBERGH HEIGHTS SUBJ TO FORD PKWY LOTS 1 2 AND LOT 3 BLK 5

**Owner:**

Realty Income Properties 3 Llc/Attn Portfolio Management  
Po Box 182597  
Columbus OH 43218-2597

**Certificate of Occupancy Responsible Party:**

Marketing Svcs - Mail Sto  
Speedway #4359  
19100 Ridgewood Pkwy  
San Antonio TX 78259  
651-291-2835





CITY OF SAINT PAUL

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

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

Tobacco Youth Compliance Check Purchase Form

20100004247  
SPEEDWAY #4151  
1580 FORD PKWY  
ST PAUL, MN 55116-2129  
15

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: Kanzonpang Yang  
Name

Date: 08 / <sup>17</sup>~~09~~ / 2021  
MM DD YYYY

Time: 1:52 a.m. / 6.m

Was purchase attempted?

- Yes
- No

IF NO, check reason:

- Does not sell tobacco
- After business hours
- Not applicable
- Unsatisfactory/unsafe conditions
- Out of business
- Other \_\_\_\_\_

Buyer: \_\_\_\_\_  
Name

Age: 20  
Sex: Female

Did adult or 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
- Vending machine - Locked
- Location of machine \_\_\_\_\_

Type of product:

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

Amount spent: \$ .

Clerk Information:  Female  Male Approximate Age:  18 or  Under 18 Actual age if known \_\_\_\_\_

Name of Clerk: Shylais Fields Address: 846 Pierce Butler Rte

City & State: St. Paul, MN Zip Code: 55104

Driver's license # or State I.D.# \_\_\_\_\_ Date of Birth: 12/16/83

Description / Notes: Black, Black Hair



CITY OF SAINT PAUL

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

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

## Clerk Identification Form

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

Name: Fields, Shylais Louise

Primary address: 846 Pierce Butler Route

Secondary address: N/A

City: Saint Paul

State: MN

Zip code: 55104-1668

DOB: 12/16/1983

Identification Number: DD00000003664546

Place Snip of I.D. below





CITY OF SAINT PAUL

Business  
175 Jack  
Saint Paul  
1-1806

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

To: Compliance

20100004247  
SPEEDWAY #4151  
1580 FORD PKWY  
ST PAUL, MN 55116-2129  
15

Business Type:

- Convenience
- Convenience / Grocery
- Supermarket / Grocery
- General Merchant
- Other

Date: 08 /  
MM

If NO, check reason:

- Does not sell tobacco
- After business hours
- Not applicable

Age: 20 Sex: Female

Was age asked?  Yes  No

Type of product:

- Cigarettes
- Smoke
- Cigarettes
- Shisha
- E-juice
- Other (cigarette pack)



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

Name of Clerk: \_\_\_\_\_ Address: \_\_\_\_\_

City & State \_\_\_\_\_ Zip Code \_\_\_\_\_

Driver's license # or State I.D.# \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Description / Notes: Black, Black hair