

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 8th day of September, he 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:

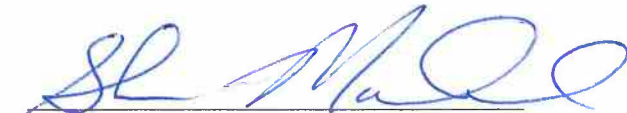
Northern Tier Retail LLC
d/b/a Speedway #4420
1125 7th Street West
Saint Paul, MN 55102

Matthew Dressen
6888 Ashwood Road #203
Woodbury, MN 55125

Realty Income Properties 3 LLC/Attn Portfolio Management
PO Box 182597
Columbus, OH 43218-2597

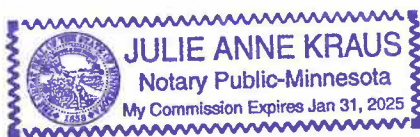
Emily Northey, Executive Director
West Seventh Street/Fort Road Federation
882 West 7th Street, Suite 6
Saint Paul, MN 55102

(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 8th day of September 2021


Notary Public





September 8, 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 #4420
1125 7th Street West
Saint Paul, MN 55102

RE: Cigarette/Tobacco and Gas Station license held by Northern Tier Retail LLC d/b/a Speedway #4420 for the premises located at 1125 7th Street West in Saint Paul
License ID #: 20100004254

Northern Tier Retail LLC:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco-Product Shop license held by Northern Tier Retail LLC d/b/a Speedway #4420 ("Licensee") for the premises located at 1125 7th Street West 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 10, 2021 at 9:54am, a tobacco compliance check was conducted at Speedway #4420 located at 1125 7th Street West. A twenty-year-old female entered your store and attempted to purchase cigarettes. She was asked to show her identification which indicated she was underage. Nevertheless, the clerk sold her a package of American Spirit cigarettes. Inspector Yang came into the establishment afterward and spoke to the clerk, Miranda Mendoza. She was informed that she failed the youth compliance check by selling American Spirit 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 **September 22, 2021**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$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 **September 22, 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 **September 22, 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 **September 22, 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 September 22, 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 City Council Consent Agenda for approval of the recommended penalty.

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.



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

Sincerely,

Therese Skarda
Assistant City Attorney
License No.: 0240989

Cc: Matthew Dressen, 6888 Ashwood Road #203, Woodbury, MN 55125
Realty Income Properties 3 LLC/Attn Portfolio Management, PO Box 182597, Columbus, OH
43218-2597
Emily Northey, Executive Director, West Seventh Street/Fort Road Federation, 882 West 7th
Street, Suite 6, Saint Paul, MN 55102

Attachments: Inspector's Report
 Screenshots EClips System
 License Group Comments Text
 License Group Conditions Text
 STAMP - Ownership/Zoning Information
 Tobacco Youth Compliance Check Purchase Form
 Photos of purchased cigarettes
 Photo of Store Clerk

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.*



CITY OF SAINT PAUL

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

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

Inspector's Report

Inspectors Name: Kaozonapang Yang

Time & Date: 8/10/2021 at 9:54AM

Business/Property Name: Speedway #4420

Property Address: 1125 7th Street West - Saint Paul, MN 55102-3915

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) 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 spoke to the clerk Miranda Mendoza, 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 9:54 a.m. I asked the clerk for her ID and she told me that she did not have it with her. I asked the manager on if they had a copy of her ID in the back and she said no. I asked the clerk for her information and confirmed with the manager if it was correct.

Properties For License 1125 7TH ST W

Pay Print Warn Hist Summ

Licensee: NORTHERN TIER RETAIL LLC
DBA: SPEEDWAY #4420

Licensee Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NORTHERN TIER RETAIL LLC [Browse...](#)
 DBA: SPEEDWAY #4420
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000 [Properties...](#)
 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				(651) 221-1021
Mail To	12/18/2017	00/00/0000	CRISTINA BORGES			(210) 626-4585
Other	04/18/2012	12/18/2011	CHRISTIAN	PATTY	PUBLIC AFFAIR	(651) 789-2048
Other	09/27/2010	00/00/0000	DRESSEN	MATTHEW	MANAGER	() - ()

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required [Contact Properties...](#)

License # 100004254 Save Changes to History [OK](#) [Cancel](#) [Help](#)

Properties For License 1125 7TH ST W

Pay Print Warn Hist Summ

Licensee: NORTHERN TIER RETAIL LLC
DBA: SPEEDWAY #4420

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NORTHERN TIER RETAIL LLC [Browse...](#)
 DBA: SPEEDWAY #4420
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000 [Properties...](#)
 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
1125 7TH ST W	ST PAUL	55102-3915	00/00/0000	00/00/0000
19100 RIDGEWOOD PKWY	SAN ANTONIO	78259	00/00/0000	00/00/0000
576 BELENBERG DRIVE STE 200	WOODBURY	55125	00/00/0000	00/00/0000
6888 ASHWOOD ROAD #203	WOODBURY	55125	07/01/1979	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 # 100004254 Save Changes to History [OK](#) [Cancel](#) [Help](#)

License Group Comments Text

08/12/2021

Licensee: NORTHERN TIER RETAIL LLC

DBA: SPEEDWAY #4420

License #: 20100004254

8/10/2021 Youth Tobacco compliance fail KY

12/10/2020 Delinquent letter sent. Response deadline date is December 31, 2020. SLH

12/11/2019 Sent delinquent letter. Response deadline date is January 02, 2020. Max

6/12/2019 Youth Compliance Check Pass JNV

04/12/2019 Flavor and Price Compliance Check: Passed. DC

12/6/2018 Per renewal invoice- Name was changed from Northern Tier Retail LLC DBA SuperAmerica #4420 to Northern Tier Retail LLC DBA Speedway #4420. rdd

8/8/2018 Tobacco youth compliance check-Pass JNV

4/19/2018 Menthol education / inspection Pass JNV

03/07/2017 passed tobacco compliance check BLB

07/27/2016 passed tobacco compliance check BLB

12/10/2015 Sent delinquent letter. Response deadline date is December 31, 2015 Max

07/08/2015 Passed Tobacco Comp check BLB/TF

07/01/2014 Passed tobacco comp check. JWF/lakn

03/19/2013 Passed tobacco compliance check. PF

07/31/2012 Passed tobacco compliance check. PF

08/09/2011 Passed tobacco compliance check. JWF

07/19/2011 Passed tobacco comp. check. JWF

03/29/2011 Processed refund. KX

03/25/2011 Malt Off Sale license was withdrawn. \$191.00 refund due. LAB

03/18/2011 Per email from Lesley Zaun, applicant legal representative, the applicant would like to withdraw their application for a 3.2% Malt Off Sale license. Per Christine Rozek, DSI Deputy Director, conversation with Marcia Moermond, Legislative Hearing Officer, we should just issue license now that the applicant has withdrawn the 3.2% Malt Off Sale request since the complaints received during the notification period were only directed towards that license application request. A review of this application by the City Council is no longer needed as per Marcia Moermond. JWF

01/24/2011 Received revised signed license condition affidavit (emailed Marcia Moermond, Legislative Hearing Officer). JWF

01/13/2011 Per Legislative Hearing Officer Marcia Moermond, change conditions from "1. 3.2 Beer and beer products cannot be sold by the individual bottle or can., 2. The sale of 40 ounce bottles and/or cans of beer is not permitted. The sale of beer in containers of this or similar sizes is considered to be the sale of beer by the individual bottle or can., 3. The sale of wine and/or strong beer is not permitted with a Malt Off Sale license." to the following "add conditions #1-3. KS/jwf"

12/20/2010 Objection received, legislative hearing scheduled for 01/13/2011 @ 2:00 p.m. room 330 CH. JWF

11/02/2010 License notification sent, 88M/35EM, response date 12/17/2010. JWF

Adverse Action Comments Text

08/12/2021

Licensee: NORTHERN TIER RETAIL LLC

DBA: SPEEDWAY #4420

License #: 20100004254

03/25/2011 Licensee withdrew application for Malt Off Sale. LAB

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 08/13/21 09:25 AM
House#: 1125

Last updated from Ramsey County data on:

Street Name: 7th

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

1125 7th St W - Speedway Superamerica Store - 55102-3915 - [Other Applications](#)

PIN: 112823420118
Year Built:

Census Tract: 36800 **Census Block:** 1031
Foundation Sq Feet: **Loan Company:**

Council Ward: 2 **District Council:** 9
Land Value: 192000 **Building Value:** 283000

Unverified Usage: 10- GENERAL RETAIL & SVC- B- Commercial

ISP: **Units:** 0

Zoning: B2

Legal Desc: CLARKE'S ADDITION EX 7TH ST THE FOL PART 5 OF ARMSTRONG AVE OF LOTS 18 19 AND 20 BLK 1 SCHEFFERS ADD AND IN SD CLARKES ADD LOTS 22 23 AND LOT 24 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 270
Saint Paul, Minnesota 55101-1806

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

Tobacco Youth Compliance Check Purchase Form

Fail

20100004254
SPEEDWAY #4420
1126 7TH ST W
ST PAUL, MN 55102-3915
9

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: Kaozouapang Yang
Name

Date: 08 / 03 / 2021
MM DD YYYY

Time: 9:54 a.m. / p.m

Was purchase attempted?

- Yes
- No

If NO, check reason:

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

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
- Location of machine _____
- Vending machine - Locked
- Location of machine _____

Type of product:

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

Amount spent: \$.

Clerk Information: Female Male Approximate Age: 18 or Under 18 Actual age if known 25ish

Name of Clerk: Miranda Mendoza Address: 1271 W 7th Street

City & State _____ Zip Code 55102 St Paul MN

Driver's license # or State I.D.# _____ Date of Birth: 10/25/92

Description / Notes: red 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.stpaul.gov/dsl

Tobacco Youth Compliance Check Purch

20100004254
SPEEDWAY #4420
1125 7TH ST W
ST PAUL, MN 55102-3915
9

Business Type:
 Convenience Convenience / Gas Gas Drug Store / Pharm
 Supermarket / Grocery General Merchant Liquor Store / B

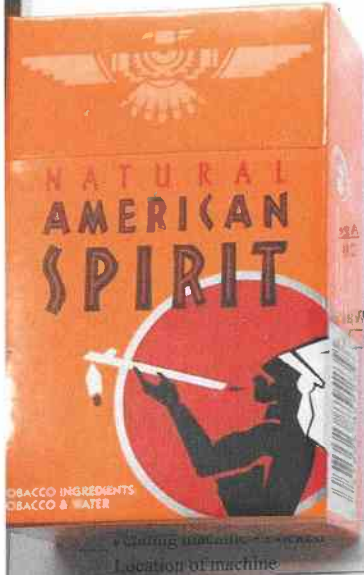
Date: 08 / 03 / 2021
MM DD YYYY

IF NO, check reason:
 Does not sell tobacco
 After business hours
 Not applicable

Age 20 Sex Female

Was age asked? Yes No

Type
 Cigarette
 Smokeless
 Cigars
 Shisha
 E-juice
 Other (cigarette paper)



Clerk Information: Female Male Approximate Age: Under 18 Actual age if known 25 ish

Name of Clerk: _____ Address _____

City & State _____ Zip Code _____

Driver's license # or State I.D.# _____ Date _____

Description / Notes: red hair

AA-ADA-LLC Employer



