



September 3, 2021

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

Twones Tobacco, Inc.
d/b/a Twones Tobacco
2005 Ford Parkway, Suite 1
Saint Paul, MN 55116
Attn: Antoine Awaijane

RE: Cigarette/Tobacco-Product Shop license held by Twones Tobacco, Ind. d/b/a Twones Tobacco the premises located at 2005 Ford Parkway, Suite 1 in Saint Paul
License ID #: 20180003705

Mr. Awaijane:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco-Product Shop license held by Twones Tobacco, Inc. ("Licensee") for the premises known as Twones Tobacco located at 2005 Ford Parkway, Suite 1 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 12:53 p.m., a tobacco compliance check was conducted at Twones Tobacco located at 2005 Ford Parkway, Suite 1. A twenty-year-old female entered your store to purchase cigarettes. She was not asked her age or to show her identification which would have indicated she was underage. 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, Dionilia Jane Coleman. 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: Antoine Awaijane, 9807 Almond Avenue North, Brooklyn Park, MN 55443
William J. Dunnigan Trust, 168 Griggs Street North, Saint Paul, MN 55104-6407
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

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:


Twones Tobacco, Inc.
d/b/a Twones Tobacco
2005 Ford Parkway, Suite 1
Saint Paul, MN 55116
Attn: Antoine Awaijane

Antoine Awaijane
9807 Almond Avenue North
Brooklyn Park, MN 55443

William J. Dunnigan Trust
168 Griggs Street North
Saint Paul, MN 55104-6407

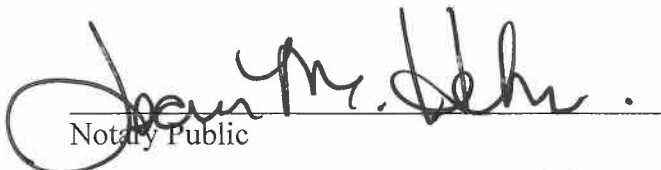
Jenna Strank
Communications and Outreach Coordinator
Highland District Council
Highland Park Community Center
1978 Ford Parkway
Saint Paul, MN 55116

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

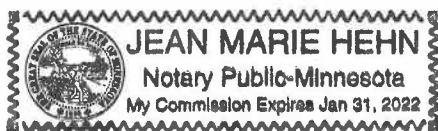


Julie Kraus

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.stpaul.gov/ds

Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 8/17/2021 at 12:53PM

Business/Property Name: Twones Tobacco

Property Address: 2005 Ford Parkway Suite 1 - Saint Paul, MN 55116

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 Dionilia Jane Coleman, 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 12:53 p.m. I asked the clerk for her ID and she provided me her passport.

Properties For License 2005 FORD PKWY STE 1

Pay Print Warn Hist Summ

Licensee: TWONES TOBACCO INC
DBA: TWONES TOBACCO

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: TWONES TOBACCO INC Browse...
 DBA: TWONES TOBACCO
 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

Other Licensing Agency Name / License Type	License #	Expiration

Financial Hold Reasons

Reason	Active	Date

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho
Business/M	10/05/2018	00/00/0000		TWONES TOE		(651) 890-2863	
Other	06/20/2018	00/00/0000	AWAJANE	ANTOINE	HOME ADDRESS	(651) 890-2863	
Other	10/05/2018	06/20/201	AWAJANE	ANTOINE		(851) 890-2883	

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required Contact Properties...

License # 180003705 Save Changes to History OK Cancel Help

Properties For License 2005 FORD PKWY STE 1

Pay Print Warn Hist Summ

Licensee: TWONES TOBACCO INC
DBA: TWONES TOBACCO

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: TWONES TOBACCO INC Browse...
 DBA: TWONES TOBACCO
 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

Other Licensing Agency Name / License Type	License #	Expiration

Financial Hold Reasons

Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dr
2005 FORD PKWY STE 1	ST PAUL	55116	00/00/0000	00/00/0000	
9807 ALMOND AVE N	BROOKLYN PARK	55443	04/07/1988	00/00/0000	F21502
1528 CLEMSON DRIVE	EAGAN	55122	04/07/1988	00/00/0000	F21502

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required Contact Properties...

License # 180003705 Save Changes to History OK Cancel Help

License Group Conditions Text

08/20/2021

Licensee: TWONES TOBACCO INC

DBA: TWONES TOBACCO

License #: 20180003705

1. This license is issued for a retail use only, and the licensee shall conduct this retail cigarette/tobacco business in compliance with the "Minnesota Clean Indoor Air Act" (MN Stat. 144.411 - 144.417).
2. Licensee agrees to operate the business in a manner that is consistent with the Business Summary submitted by the licensee dated 10/05/2018 and floor plans submitted with the Department of Safety and Inspections (DSI). Licensee agrees to obtain prior written approval from DSI before making any substantive changes to their approved method of operation.
3. No sampling of tobacco products is permitted unless the space is made compliant with applicable code discipline requirements including the mechanical / ventilation code
4. Licensee agrees to provide a detailed breakdown of all items sold, including total dollar amounts for individual items by category, at the time of license renewal if requested by DSI.
5. Licensee agrees to take appropriate measurements to ensure compliance with age limitations in accordance with the City of St. Paul legislative code chapter 324 tobacco, which include age restrictions of who may enter the establishment.
6. 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.
7. Licensee acknowledges that the interior door between the Tobacco Product Shop and other adjoining retail space (currently Grocery Store) shall remain locked at all times. The clerk/cashier of the Tobacco Product Shop shall have a key with the ability to unlock the door only to allow customers/patrons of the Tobacco Product Shop access to use of the restroom in the adjoining retail space at all times the Tobacco Product Shop is open for business.

Requirement Comments Text

08/20/2021

Licensee: TWONES TOBACCO INC

DBA: TWONES TOBACCO

License #: 20180003705

10/05/2018 No Tobacco Product Shop located within 2,640' of this location JNV
10/09/2018 Kevin Benshoof approves 378 sq. ft. Tobacco Product Shop JNV

License Group Comments Text

08/20/2021

Licensee: TWONES TOBACCO INC

DBA: TWONES TOBACCO

License #: 20180003705

6/17/2021 Youth Tobacco compliance fail KY
4/06/2020 Sent letter dated 3-3-2020 in email from licensing manager and a follow up phone call for closure of product shop for executive order 20-20 Covid-19 JNV
6/12/2019 Youth Compliance Check Pass JNV
04/17/2019 Flavor and Price Compliance Check: Passed. DC
12/24/2018 Opening inspection-floor plans-workers compensation and signed licence conditions JNV
12/21/2018 Per DSI Bldg. Insp. Dave Tank ok final on Bldg Pmt #2018-111240. JWF
10/24/2018 sent letter for missing documents / building permit site plans 30 days to comply JNV

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

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

House#: 2005

Last updated from Ramsey County data on:

Street Name: Ford

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

2005 Ford Pkwy - Parkway Auto Care - 55116-1932 - [Other Applications](#)

PIN: 162823220088

Census Tract: 37500 **Census Block:** 4003

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

Year Built:

Foundation Sq Feet: **Loan Company:**

Land Value: 465200

Building Value: 134800

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

ISP:

Units: 0

Zoning: T2 / Sign-Highland

Legal Desc: KING'S LINCOLN PARK LOTS 26 27 AND LOT 28

Owner:

William J Dunnigan Trust
168 Griggs St N
St Paul MN 55104-6407
651-983-4891

Certificate of Occupancy Responsible Party:

william Dunnigan
Dunnigan
168 Griggs St N
St Paul MN 55104
651-221-9031



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/btl

Tobacco Youth Compliance Check Purchase Form

20180003705
TWONES TOBACCO
2005 FORD PKWY STE 1
ST PAUL, MN 55116
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: Kaozattapong Yang
Name

Date: 08 / 08 / 2021
MM DD YYYY

Time: 12:53 a.m. (11:01)

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 25

Name of Clerk: Dionilia Jane Coleman Address: _____

City & State _____ Zip Code _____

Driver's license # or State I.D.# _____ Date of Birth: 8/12/1998

Description / Notes: Blonde curly

Ricardo X. Cervantes, Director



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

20180003705
TWNES TOBACCO
2005 FORD PKWY STE 1
ST PAUL, MN 55116
15



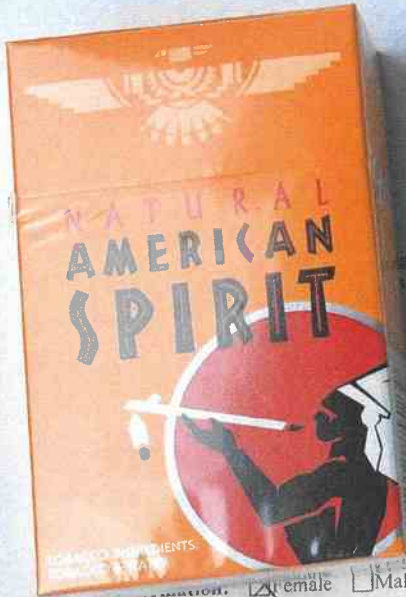
Business Type:

- 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: 08/08/2021
MM DD YYYY

Time: 12:53 a.m. p.m.



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

Sex
Female

Age asked? No

Type of product

- Cigarette
- Smokeless
- Cigar
- Other

Sex: Female Male

Name of Clerk: _____

City & State _____

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

Description / Notes: Blonde

