



January 26, 2023

Council President Amy Brendmoen and members of the City Council:

We are writing to support the DSI and ALJ recommendation of an adverse action against the cigarette/tobacco license for Mounds Park Market, 241 Earl Street.

This matter is before the council following the Administrative Law Judge recommendation by Jessica A. Palmer-Denig that the cigarette/tobacco license for Mound Park Market be revoked. We are pleased by that recommendation and support it. The Saint Paul ordinance related to the sale of flavored tobacco is clear. This ordinance is obeyed by the vast majority of Saint Paul tobacco vendors. Recently ANSR staff and partners visited 147 of Saint Paul's tobacco license holders and observed good compliance with Saint Paul's tobacco regulations. To ignore the misdeeds of this license holder is a slap in the face of the many of vendors who uphold the law. This vendor is choosing profits over both health and the regulations the council has enacted. And, they are doing it in a dramatic way.

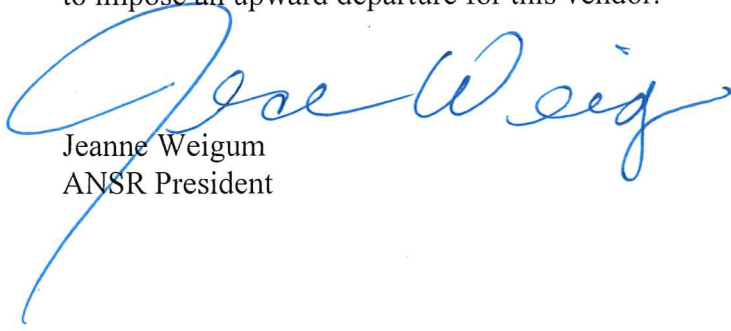
Mounds Park Market's violations are not simple mistakes. The license holder stocked vast amounts of flavored tobacco products and hid them to avoid detection. Further, ANSR staff and volunteers have directly observed their willful violation of the Saint Paul flavor ordinance. On March 14, 2022 ANSR conducted a survey to determine compliance with the city's tobacco ordinance. At that time the clerk sold to the ANSR volunteer a pack of Newport cigarettes without a tax stamp. The clerk actually gave our volunteer a receipt for the purchase. This store is not allowed to sell flavored tobacco products. No store is allowed to sell untaxed tobacco products. Further, the receipt provided to ANSR was incomplete suggesting that their might have been further illegal behavior related to accurately recording sales. A copy of the receipt and a photo of the pack of Newport cigarettes is attached.

The license holder suggests that because he was not present to supervise the purchasing and sales from the store he should be excused. The tobacco license he holds is not a right, it is a privilege. He must follow the requirements of the law whenever the store is open, not whenever he is available to supervise it. This is a shameful excuse for repeat willful violations of the city code.

Ignorance of the law cannot be claimed. In addition to the education provided to vendors by DSI as documented in the complaint, ANSR sent all licensed vendors print materials that inform vendors what products are legal and which are not. These materials are graphic with easy to understand pictures so people with limited English language can easily understand the law's requirements. ANSR offers and promotes free online vendor training so managers and clerks can comply and avoid license violations. The goal is compliance, not catching people doing wrong.

During many public hearings before this body, tobacco vendors express their support for enforcement and express their displeasure with 'bad actors.' Based on this vendor's violation, he is one of those bad actors.

The health of the community deserves to be protected from flagrant violators. We encourage you to impose an upward departure for this vendor.

A handwritten signature in blue ink, appearing to read "Jeanne Weigum". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline that extends to the left.

Jeanne Weigum
ANSR President

Date and Time of visit: 10:30 3-14-20

Store Name: MOUNDS PARK MARKET

Store License Number: 20170000776

Store Address: 241 EARL ST ST PAUL MN, 55106

Store Type: Cigarette/Tobacco

Data Collector name(s): ~~XXXXXXXXXX~~ Jack

1. Did the store sell any tobacco products? (cigarettes, chew, cigars, vaping products)

- Yes (proceed to question 2)
 No (end the data collection. You may leave the store)
 Could not ascertain

2. Did you observe a price for a pack of cigarettes that was less than \$10?

- Yes
 No
 Could not ascertain
 Store does not sell cigarettes

3. Did you observe a price for a can of chew that was under \$10?

- Yes
 No
 Could not ascertain
 Store does not sell chew tobacco products

4. Did the business redeem coupons for any tobacco products including cigarettes, chew, cigars, or vaping products? – Use a coupon to attempt a purchase.

- Yes, I was able to purchase _____ with a coupon. Attach receipt
 No
 Could not ascertain

If you were able to purchase with a coupon do NOT also attempt to purchase an instore promotion but do answer question 5.

5. Did you observe any in-store promotions for any tobacco products – cigarettes, chew, cigars, or vaping products?

- Yes, _____ I was able to purchase _____ as a part of an instore promotion. Attach receipt
 No
 Could not ascertain

6. Did you take any photos that provide evidence of costs of cigarettes or chew below \$10; willingness to redeem coupons; or in-store promotions?

- No
 Yes (specify):
 Pricing less than \$10
 Redemption of coupons
 In-store promotions

7. Notes on visit:

I Purchased newports & he did give me a receipt. He stated I am not supposed to take these. And there no tax receipt on box

MOUNDS PARK MARKET
241 EARL ST
ST PAUL 55106
6517728511

REG 03-14-2022 09:58
000015
CT 1

1 TAX	T1	\$1.59
TA1		\$1.59
TX1		\$0.12
TL		
	\$ 1 . 7 1	
CASH		\$1.71

Thank You
We Appreciate For Your
Business

Newport



Refused to give
receipt for Tobacco

