

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division  
400 City Hall and Court House  
15 West Kellogg Boulevard  
Saint Paul, Minnesota 55102

Telephone: 651 266-8710  
Facsimile: 651 298-5619

*Woyged*

June 12, 2019

**NOTICE OF VIOLATION  
RECOMMENDATION FOR IMPOSITION  
OF \$500 MATRIX PENALTY**

Mounds Liquor  
1047 Old Hudson Road  
Saint Paul, MN 55106  
Attn: Mounds Liquor Corporation

RE: Cigarette/Tobacco license held by Mounds Liquor Corporation d/b/a Mounds Liquor for the premises located at 1047 Old Hudson Road in Saint Paul  
License ID #: 20160003381

Dear Mounds Liquor Corporation:

The Department of Safety and Inspections (“Department”) will recommend adverse action against the Cigarette/Tobacco license held by Mounds Liquor Corporation (“Licensee”) for the premises known as Mounds Liquor located at 1047 Old Hudson Road in Saint Paul. (“Licensed Premises”).

Saint Paul Legislative Code §310.05(m)(2) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.

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

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §324.07(f) by a preponderance of the evidence.

**On April 4, 2019 all cigarette/tobacco licensees in the City of Saint Paul were notified by letter that cigar pricing, flavored tobacco, temporary window sign and tobacco display requirement compliance checks would be conducted during the week of April 8<sup>th</sup> through May.**

**On April 12, 2019, Inspector Muhammad conducted a cigarette/tobacco and price compliance inspection at 1047 Hudson Road, Saint Paul, MN 55106. Inspector Muhammad observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, he observed a flavored product: Double Platinum Blueberry Blunt Wraps, Double Platinum Kiwi Strawberry Blunt wraps, Double Platinum Tropical Twista Blunt Wraps, and SHOW Ba Boom Kiwi and Strawberry cigars being offered for sale.**

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, June 25, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **Wednesday, July 10, 2019** City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$500.00 matrix 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, June 25, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix 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 \$500.00 matrix 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, June 25, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix 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, June 25, 2019**. 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, June 25, 2019, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the Wednesday, July 10, 2019 City Council Consent Agenda for approval of the recommended penalty.**

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

Sincerely,



Therese Skarda  
Assistant City Attorney  
License No.: 0240989

d/b/a Mounds Liquor

June 12, 2019

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cc: Mounds Liquor Corporation; 1047 Hudson Road; Saint Paul, MN 55106  
Lissa Jones-Lofgren, Interim Executive Director, Dayton's bluff Community Council, 804 Margaret Street,  
Saint Paul, MN 55107  
Maykub Vang, Owner, 1598 Pacific Street, Saint Paul, MN 55106  
Craftsmanship First LLC, 1920 Central Avenue NE Suite 200, Minneapolis, MN 55418-4530

Attachments:

Inspector's Report to licensee April 12, 2019  
Screenshots from DSI ECLIPS  
Saint Paul Legislative Code § 310.05(m)  
Saint Paul Legislative Code § 324.07(f)



CITY OF SAINT PAUL

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

*Telephone: 651-266-5959*  
*Fax: 651-266-9124*  
*Web: www.stpaul.gov/dsi*

## Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date of Inspection: April 12<sup>th</sup>, 2019

Date sent to the CAO: May 2, 2019

Business/Property Name: Mounds Liquor

Property Address: 1047 Hudson Rd.

License #: 20160003381

Reason for Visit: Flavor/Price Compliance Check

Observations: Flavor Violations: Double Platinum Blueberry Blunt Wraps, Double Platinum Kiwi Strawberry Blunt Wraps, Double Platinum Tropical Twista Blunt Wraps, and SHOW Ba Boom Kiwi and Strawberry cigars.

Photos Taken:  Yes, Location of Photo(s):

No

Action Taken:  Citation

Warning

Other: Sent to the CAO for Adverse Licensing Action

Details of Conversations (Statements to and by Person Responsible for Property Upon arrival for a cigarette/tobacco flavor and price compliance inspection. I Akbar R. Muhammad, an inspector for the DSI, introduced myself as inspector from DSI to the supervisor, Ms. Roberts. I asked her if he received the letter that was mailed out dated April 4, 2019. As I conducted my inspection I observed Double Platinum Blueberry Blunt Wraps, Double Platinum Kiwi Strawberry Blunt Wraps, Double Platinum Tropical Twista Blunt Wraps, and SHOW Ba Boom Kiwi and Strawberry cigars. I advised her that these were all flavors violations and needed to be removed asap to be in compliance with ordinance 324.



CITY OF SAINT PAUL

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

*Telephone: 651-266-8989*  
*Facsimile: 651-266-9124*  
*Web: [www.stpaul.gov/cds](http://www.stpaul.gov/cds)*

April 4, 2019

Dear Cigarette/Tobacco License Holder,

The Saint Paul Legislative Code establishes minimum cigar prices, prohibits the sale of flavored tobacco products at most retail locations, limits the size of temporary window signs in stores, and regulates customer access to the tobacco and tobacco-related products on display. Compliance checks for these items are typically conducted a minimum of once per calendar year where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold. These checks consist of a DSI Licensing Inspector visiting the establishment unannounced then observing product placement and labeling, speaking with clerks, taking photos, etc. to monitor for compliance with retail tobacco requirements.

**Please consider this letter formal notice that the Department of Safety and Inspections (DSI) will begin to conduct the 2019 routine compliance checks for cigar pricing, flavored tobacco, temporary window sign, and tobacco display requirements the week of April 8th and expects to complete the initial checks of all vendors by late May. Of further note, compliance checks may be conducted at any time during the year in response to complaints or reported violations of these or other applicable requirements. Ordinance violations will be forwarded to the City Attorney's Office for adverse action against your license(s) that will result in fines and potential license suspension.**

A link to the Cigarette/Tobacco License webpage is further below for your reference and if you have any questions about license requirements or inspection procedures, contact me at 651-266-9014 or [joseph.voyda@ci.stpaul.mn.us](mailto:joseph.voyda@ci.stpaul.mn.us). Other DSI Licensing Inspectors are available during my absence at 651-266-8989 to answer questions as well.

Cigarette / Tobacco License | Saint Paul, Minnesota  
<https://www.stpaul.gov/departments/safety-inspections/licenses/business/cigarette-tobacco-license>

Sincerely,

Joseph Voyda,  
Inspector, DSI Licensing



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](http://www.stpaul.gov/dsl)

Tobacco Compliance Inspection Sheet

20160003381  
MOUNDS LIQUOR  
1047 HUDSON ROAD

Business Type:

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco / Smoke Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club, bowling, etc.)

Cigar prices: Single 2 Pack 3 Pack 4 Pack or More  
 \$2.60 \$ \$ \$ \$

Menthol, mint & wintergreen  
flavored products on premises?  
Yes or No Yes

Flavored tobacco issues present  
during inspection?  
Yes or No (if Yes, list below) Yes

Were pictures taken of  
flavored items/issues?  
Yes or No Yes

More than thirty (30) percent  
of the store window / doors  
covered by temporary signs?  
Yes or No

Were pictures taken of the  
windows / doors?  
Yes or No

Name of (Owner) or (Clerk): Mary Jane Roberts

Notes/Issues: Checks on Show up + up cigars - OK  
Blueberry Blunt Wrap, Kiwi Strawberry blunt, Tropical Twista  
blunt wrap, Ba Boom & Kiwi + Strawberry

Reason no inspection was conducted:

- Does not sell tobacco
- Unsatisfactory/unsafe conditions
- Out of business
- After business hours
- Refused Inspection Why? \_\_\_\_\_
- Other \_\_\_\_\_

Inspector: Akbar R. Muhammad Date: 4 / 12 / 19 Time: 12.18 a.m. / PM

Properties For License 1047 HUDSON ROAD

Licensee: MOUNDS LIQUOR CORP  
 DBA: MOUNDS LIQUOR

License    Licensee    Lic. Types    Insurance    Bond    Requirements

Licensee Name: MOUNDS LIQUOR CORP   
 DBA: MOUNDS LIQUOR  
 Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 10/16/2019   
 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       |  |
|  |           |            |  | NSF                    | N      | 01/22/2019 |  |

Contacts for this Licensee

| Addr. Type | Active     | Inactive   | Last Name | First Name | Title   | Bus. Phone     | Ho    |
|------------|------------|------------|-----------|------------|---------|----------------|-------|
| Business   | 09/29/2016 | 00/00/0000 |           |            |         | (651) 353-6126 |       |
| Mail To    | 09/29/2016 | 00/00/0000 | VANG      | MAYKUB     | OWNER   | (651) 353-6126 |       |
| Other      | 11/14/2017 | 00/00/0000 | LEE       | KOUA       | MANAGER | ( ) -          | (651) |

Background Check Required   

License # 160003381    Save Changes to History            

Licensee: MOUNDS LIQUOR CORP  
 DBA: MOUNDS LIQUOR

License    Licensee    Lic. Types    Insurance    Bond    Requirements

Licensee Name: MOUNDS LIQUOR CORP   
 DBA: MOUNDS LIQUOR  
 Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 10/16/2019   
 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       |  |
|  |           |            |  | NSF                    | N      | 01/22/2019 |  |

Contacts for this Licensee

| Contact Address  | City    | Zip   | DOB        | Last Check | Dir    |
|------------------|---------|-------|------------|------------|--------|
| 1047 HUDSON ROAD | ST PAUL | 55106 | 00/00/0000 | 00/00/0000 |        |
| 1598 PACIFIC ST  | ST PAUL | 55106 | 12/28/1977 | 00/00/0000 | B86201 |
| 581 IGLEHART AVE | ST PAUL | 55103 | 00/00/0000 | 00/00/0000 |        |

Background Check Required   

License # 160003381    Save Changes to History

4 CIGAR WRAPS \$0.99

**SWEET**

Double!!  
**PLATINUM**  
Blunt Wrap

4

**CIGARILLO-SIZE**  
CIGAR WRAPPERS

Contains 15 Pouches  
NET WT. 1.05 OZ. (30 x 0.035)

4 CIGAR WRAPS \$0.99

**KIWI STRAWBERRY**

Double!!  
**PLATINUM**  
Blunt Wrap

4

**CIGARILLO-SIZE**  
CIGAR WRAPPERS

Contains 15 Pouches  
NET WT. 1.05 OZ. (30 x 0.035)

4 CIGAR WRAPS \$0.99

**BLUEBERRY**

Double!!  
**PLATINUM**  
Blunt Wrap

4

**CIGARILLO-SIZE**  
CIGAR WRAPPERS

Contains 15 Pouches  
NET WT. 1.05 OZ. (30 x 0.035)

3 FOR \$1

**SHOW**  
GREEN SWEET

SEALED FRESH • PROTECTED AGAINST BREAKING

4 CIGAR WRAPS \$0.99

**TROPICAL TWISTA**

Double!!  
**PLATINUM**  
Blunt Wrap

4

**CIGARILLO-SIZE**  
CIGAR WRAPPERS

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

4 CIGAR WRAPS \$0.99

**BLUEBERRY**

Double!!  
**PLATINUM**  
Blunt Wrap

4

**CIGARILLO-SIZE**  
CIGAR WRAPPERS

SURGEON GENERAL WARNING: Cigar Smoking Can Cause Lung Cancer And Heart Disease.

4 CIGAR WRAPS \$0.99

**SWEET**

Double!!  
**PLATINUM**  
Blunt Wrap

4

**CIGARILLO-SIZE**  
CIGAR WRAPPERS

SURGEON GENERAL WARNING: Cigar Smoking Can Cause Lung Cancer And Heart Disease.

PLEASE TEAR ALONG PERFORATION

99c Middlebury's

**Black & Mild**  
SWEETS

WOOD TIP  
100% TOBACCO BLEND

WARNING: Tobacco smoke increases risk of lung cancer, heart disease, even non-smokers.



SALES

SEAL FRESH  
PROTECTED AGAINST BREAKING

SEAL FRESH  
PROTECTED AGAINST BREAKING  
FOR \$1  
Low Burning

SHOW

3  
CIGARS  
\$1



Ba Boom

SEAL FRESH • PROTECTED AGAINST BREAKING

Properties for Licensee Contact

Name | Address | Phone | Email | Groups

Contact for Patron: MOUNDS LIQUOR CORP

Last Name: VANG

First Name: MAYKUB

Middle Initial: G

Business Title: OWNER

Preferred Method: MAIL

Maiden Name:

Date of Birth: 12/28/1977

SSN:

Driver's License #: B862011201416

Last Check: 00/00/0000

| Other Licensing Agency Name/License Type | License # | Expiration | Add    |
|--|-----------|------------|--------|
|  |           |            | Remove |

OK Cancel Help Save Changes to History

**Properties for Licensee Contact**

Name | Address | Phone | Email | Groups

Street #: 1598

Street Name: PACIFIC

Street Prg Direct: <All>

Street Type: ST

Street Post Direct: <All>

Unit #:

Unit Abbrev:

P.O. Box #:

City: ST PAUL

State: MN

Country: U.S.A.

Zip Code: 55106

Zip+4:

Inter Office Address:

**Override Formatted Address for Mailing**  
 US Post Formatted Address:  
 Last Upload: 01/01/1997

OK | Cancel | Help | Save Changes to History

Sec. 310.05. - Hearing procedures.

(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 331A  | \$250.00          | \$500.00          | \$1,000.00, 5-day suspension | Revocation |
| (10) Non-critical violation under 331A  | \$150.00          | \$250.00          | \$500.00                     | \$1,000.00 |
| (11) Taxi fail to display driver's license as required by 376.16(f)                               | \$100.00          | \$250.00          | \$500.00                     | Revocation |
| (12) Taxi fail to display number of information and complaint office as required by 376.11(v)     | \$100.00          | \$250.00          | \$500.00                     | Revocation |
| (13) Violation of restrictions upon sidewalk café license under 106.01(b)                         | \$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. 324.07. - Sales prohibited.

- (a) No person shall sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes shall be sold in packages of fewer than twenty (20) cigarettes.
- (b) No person shall sell or dispense tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery devices from a motor vehicle or other movable place of business.
- (c) No person shall sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than eighteen (18) years of age.
- (d) No person shall offer for sale tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products in any open displays which are accessible to the public without the intervention of a store employee. This restriction shall not apply to retail stores which derive at least ninety (90) percent of their revenue from tobacco and tobacco-related devices, and where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.
- (e) No person shall 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 shall 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 shall sell, offer for sale, or otherwise distribute any flavored products.
- (g) Sale to minors prohibited.
  - (1) Whoever sells or furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of eighteen (18) years is guilty of a misdemeanor for the first violation. Whoever violates this section a subsequent time within five (5) years of a previous conviction is guilty of a gross misdemeanor.
  - (2) 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. Stat. § 340A.503, subd. 6.
- (h) Exceptions.
  - (1) Notwithstanding section (g), individuals exempted under Minn. Stat. § 609.685 are also exempt from this section.
  - (2) The penalties in this section do not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.
  - (3) Retail stores that derive at least ninety (90) percent of their revenue from the sale of tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products and where the retailer ensures that no person under eighteen (18) years of age is permitted to enter, at any time are permitted to sell and offer for sale flavored tobacco products.
  - (4) Establishments holding an off-sale intoxicating liquor license issued by the City of Saint Paul under chapter 409 of the Saint Paul Legislative Code who also hold a license for tobacco sales under this chapter shall be permitted to sell and offer for sale flavored tobacco products only in the following flavors: menthol, mint, and wintergreen.

(i) Any violation of this chapter shall subject the licensee to provisions of chapter 310 and section 324.11 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)

**Editor's note**— Ord 17-28, § 2, adopted November 1, 2017, shall take effect and be in force beginning November 1, 2018.



**STAMP - Ownership / Zoning Information**[New Search](#)[Help using this report](#)**Run Date:** 06/05/19 08:51 AM**House#:** 1047**Last updated from Ramsey County****data on:** 07/07/2018**Street Name:** hudson

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

1047 Hudson Road - Mound Liquor - 55106-6106 - [Other Applications](#)**PIN: 332922310234****Census Track:** 34500**Census Block:** 2003**Council Ward:** 7**District Council:** 4**Year Built:****Foundation Sq Feet:****Loan Company:****Land Value:** 77000**Building Value:** 86000**Unverified Usage:** 13- COMMERCIAL/APARTMENT- B- Commercial**ISP:** Daytons Bluff**Units:** 2**Zoning:** T2**Heritage Preservation: HP Inventory #:** RA-SPC-1859 / **HP Property Name:** Tibbs, Hutchins, & Co. / **HP Architect/Builder:** Blume, J. M. / Klempfer, C. & Son / **HP Date Built:** 1909 / **HP Address:** 1047-1049 Hudson Rd. E**Legal Desc:** SCOTTEN'S SUB OF B71 LYMAN DAY THAT PT OF LOT 27 LYING ELY OF L DESC AS BEG AT PT 1.83 FT WLY OF NE COR THENCE SLY TO A PT ON THE SL OF SD LOT 2.83 FT WLY OF SE COR AND SD L THERE TERM AND ALSO ALL OF LOT 28 ALL IN BLK 71**Owner:**Craftsmanship First Llc  
1920 Central Ave Ne Ste 200  
Minneapolis MN 55418-4530  
612-810-9624**Certificate of Occupancy Responsible Party:**Southida Fodor  
2355 Fairview Ave #237  
Roseville MN 55113  
612-810-9624

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 June 12, 2019, he served the attached **NOTICE OF VIOLATION, RECOMMENDATION FOR IMPOSITION OF \$500.00 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Mounds Liquor  
1047 Old Hudson Road  
Saint Paul, MN 55106

Lissa Jones-Lofgren, Interim Executive Director  
Dayton's bluff Community Council  
804 Margaret Street  
Saint Paul, MN 55107


Maykub Vang, Owner  
1598 Pacific Street  
Saint Paul, MN 55106

Craftsmanship First LLC  
1920 Central Avenue NE Suite 200  
Minneapolis, MN 55418-4530

(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 12th day of June 2019

  
Notary Public

