

**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*

June 19, 2019

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

Speedway #4032  
1734 7th Street W  
Saint Paul, MN 55116  
Attn: Northern Tier Retail LLC

RE: Cigarette/Tobacco license held by Northern Tier Retail LLC d/b/a Speedway #4032 for the premises located at 1734 7th Street W in Saint Paul  
License ID #: 20100004269

Dear Northern Tier Retail LLC:

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 #4032 located at 1734 7th Street W 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 17, 2019, Inspector Dala Chang conducted a cigarette/tobacco and price compliance inspection at 1734 7<sup>th</sup> Street West in Saint Paul. Inspector Chang observed and documented violations of Saint Paul Legislative Code §324.07(f). Specifically, she observed the following products: Optima Blue Cigars and Copenhagen Southern Blend 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, July 2, 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 24, 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, July 2, 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, July 2, 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, July 2, 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, July 2, 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 24, 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 Speedway #4032

June 19, 2019

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cc: Northern Tier Retail LLC; 19100 Ridgewood Parkway; San Antonio, TX 78259  
Emily Northey, Executive Director, 974 West 7<sup>th</sup> Street, Saint Paul, MN 55102  
Realty Income Properties 3 LLC/Attn Portfolio Management, 11995 El Camino Real Suite 101, San Diego,  
CA 92130-2565

Attachments: Inspector's Report

Photos

Screenshots from DSI EClips system

STAMP Ownership/Zoning Information



CITY OF SAINT PAUL

Business Licensing  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1805

Telephone: 651-266-2929  
Facsimile: 651-266-9124  
Web: [www.sipaul.gov/dsl](http://www.sipaul.gov/dsl)

## Inspector's Report

Inspectors Name: Dala Chang

Date: 4/17/19

Business/Property Name: Speedway

Property Address: 1734 7<sup>th</sup> St W

Reason for Visit: Tobacco Compliance Check

Observations: Flavor Violation: Optima Blue Cigars and Copenhagen Southern Blend

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

No

Action Taken:  Citation

Warning

Other: \_\_\_\_\_

**Details of Conversations (Statements to and by Person Responsible for Property):** Upon Arrival for a flavor and price compliance inspection I, Dala Chang, introduced myself as DSI Licensing and spoke with Lorenzo Pullen to ask for permission to do a tobacco compliance check on their products. After the inspection, I informed him of the violation: Optima Blue Cigars and Copenhagen Southern Blend. He was told to take the items off the shelves to be in compliance with city ordinance.



CITY OF SAINT PAUL

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

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

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

**Tobacco Compliance Inspection Sheet**

20100004269  
SPEEDWAY #4032  
1734 7TH ST W

**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

                         \$ 2.80            \$ 5.80            \$ \_\_\_\_\_            \$ \_\_\_\_\_            \$ 11.22

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

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

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

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): Lorenzo Pullen (manager)

Notes/Issues: oajtra blue, copenhagen southern blend  
vanilla ad mango peachy

**Reason no inspection was conducted:**

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

Inspector: Dala Chang            Date: 4 / 17 / 19            Time: 8:55 a.m. / p.m.

MM            DD            YY

Licensee: NORTHERN TIER RETAIL LLC  
 DBA: SPEEDWAY #4032

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: NORTHERN TIER RETAIL LLC   
 DBA: SPEEDWAY #4032  
 Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 05/01/2019   
 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	12/28/2018	

Contacts for this Licensee

Active	Last Name	First Name	Title	Bus. Phone	Contact Address
09/28/2010				(651) 698-2032	1734 7TH ST W
01/02/2018	MARKETING SVCS		CONTACT	(866) 826-2455	19100 RIDGEWOOD PK
04/18/2012	CHRISTIAN	PATTY	OFFICE CONT	(651) 769-2046	576 BIELENBERG ROA
06/26/2014	HELMICK	JACK	PRESIDENT	(651) 769-2045	576 BIELENBERG DRV

Mail To Contact  
 License Address

Mail To Contact  
 License Address

Background Check Required





# STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

**Run Date:** 06/19/19 10:36 AM

**House#:** 1734

**Last updated from Ramsey County data on:** 07/07/2018

**Street Name:** 7th

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

1734 7th St W - Speedway Superamerica Store - 55116-2345 - [Other Applications](#)

<b>PIN: 142823230033</b>	<b>Census Track:</b> 36700	<b>Census Block:</b> 3014	<b>Council Ward:</b> 2	<b>District Council:</b> 9
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b>	<b>Land Value:</b> 479200	<b>Building Value:</b> 370800
<b>Unverified Usage:</b> 10- GENERAL RETAIL & SVC- B- Commercial			<b>ISP:</b>	<b>Units:</b>
<b>Zoning:</b> T2				

**Legal Desc:** West End Ex St Lots 1 Thru Lot 4 Blk 33

**Owner:**  
 Realty Income Properties 3 Llc/Attn Portfolio Management  
 11995 El Camino Real Ste 101  
 San Diego CA 92130-2565

**Certificate of Occupancy Responsible Party:**  
 Marketing Svcs - Mail Sto  
 Speedway #4359  
 19100 Ridgewood Pkwy  
 San Antonio TX 78259  
 651-291-2835

1734 7th St E - 55106-4206 - [Other Applications](#)

<b>PIN: 272922440009</b>	<b>Census Track:</b> 31801	<b>Census Block:</b> 3002	<b>Council Ward:</b> 7	<b>District Council:</b> 2
<b>Year Built:</b> 1908	<b>Foundation Sq Feet:</b> 1122	<b>Loan Company:</b>	<b>Land Value:</b> 11200	<b>Building Value:</b> 56700
<b>Existing Primary Use:</b> R-Single Family Dwelling	<b>Legality of Use:</b> Legal Non-Conforming	<b>Occupancy Group Type:</b> IRC-1	<b>Units:</b> 1	
<b>Zoning:</b> R4				

**Legal Desc:** KUHL'S 2ND ADDITION LOT 12 BLK 1

**Owner:**  
 Ronen Llc/C/O Selene Finance Lp  
 7730 S Union Park Ave Ste 400  
 Sandy UT 84047-5560

**Certificate of Occupancy Responsible Party:**  
 Ronen Llc  
 7730 S Union Park Ave Ste 400  
 Sandy UT 84047-5560

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 19, 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:

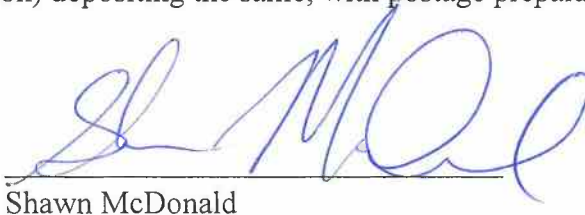
Speedway #4032  
1734 7th Street W  
Saint Paul, MN 55116

Northern Tier Retail LLC  
19100 Ridgewood Parkway  
San Antonio, TX 78259

Emily Northey, Executive Director  
974 West 7<sup>th</sup> Street  
Saint Paul, MN 55102

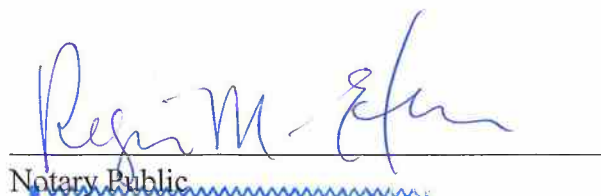
Realty Income Properties 3 LLC/Attn Portfolio Management  
11995 El Camino Real Suite 101  
San Diego, CA 92130-2565

(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 19th day of June 2019



Notary Public

