

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 14<sup>th</sup> day of August, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Plankton Holding Inc.  
d/b/a The Liquor Vault  
170 E. 10<sup>th</sup> Street  
Saint Paul, MN 55101

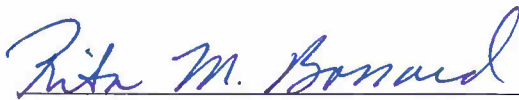
Nguyen Holding LLC  
1601 W 72<sup>nd</sup> Street  
Richfield, MN 55423-2916

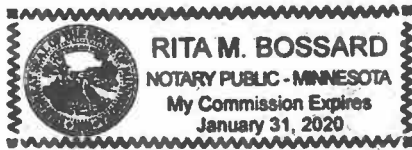
Jon Fure, Executive Director  
Capitol River Council  
180 5<sup>th</sup> Street East  
Saint Paul, MN 55101

(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 14<sup>th</sup> day of August 2019

  
Notary Public





CITY OF SAINT PAUL  
Mayor Melvin Carter

Civil Division  
400 City Hall  
15 West Kellogg Blvd.  
Saint Paul, Minnesota 55102

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

August 14, 2019

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

Plankton Holding Inc.  
d/b/a The Liquor Vault  
170 E. 10<sup>th</sup> Street  
Saint Paul, MN 55101

RE: Liquor Off Sale license held by Plankton Holding Inc., d/b/a The Liquor Vault for the premises located at 170 E. 10<sup>th</sup> Street in Saint Paul  
License ID #: 0130000044

Dear Licensee:

The Department of Safety and Inspections will recommend adverse action against the Liquor Off Sale license held by Plankton Holding Inc., d/b/a The Liquor Vault for the premises located at 170 E. 10<sup>th</sup> Street in Saint Paul. The basis for the recommendation is the following information:

**On July 31, 2019, at approximately 1:39 p.m. Saint Paul Police conducted an underage alcohol compliance check at The Liquor Vault located at 170 E. 10<sup>th</sup> Street (CN #19-169-809). The officers used underage cooperating individuals (UCI's) who carried valid Minnesota picture ID's with "UNDER 21" clearly printed above their pictures. The UCI was given a \$20.00 bill and told to go into the store and attempt to purchase alcohol.**

**The UCI entered the store and selected a bottle of Pinot Grigio wine. She walked to register and met with a white male cashier. The cashier did not ask identification.**

**The cashier accepted the \$20.00 bill from the UCI and gave the UCI \$7.87 cents in change. The UCI left the store and turned the alcohol and change over to Sergeant Stanway. The UCI told the sergeant that the cashier gave her a receipt**

**Sergeant Stanway went back into the store and identified himself as a Saint Paul Police sergeant who was conducting underage alcohol compliance checks. Sergeant Stanway explained to the cashier that he had failed the compliance check by selling to an underage person. He further explained that the female who came into the store to buy the Pinot Grigio was only nineteen (19) years of age.**

**Sergeant Stanway identified the clerk who sold the alcohol to the UCI as Chase David Sutton. Sergeant Stanway returned the \$7.87 in change along with the alcohol and was given his \$20.00 bill back.**

**Sergeant Stanway asked the cashier to explain what happened and he said he saw the UCI enter and make a selection. When ringing up the bottle of alcohol for the UCI he did not ask the UCI for her I.D. Sergeant Stanway advised him that all persons who appear under the age of 30 should be asked for I.D.**

**Sergeant Stanway further explained that persons under twenty-one (21) will have "UNDER 21" above their picture indicating that they are not of legal age to purchase alcohol. He also reminded the cashier that he needs to compare the date of birth of the person to today's date to make sure they are of legal age to buy alcohol. The cashier stated he understood.**

Sale of alcohol to an underage person is a violation of Minn. Stat. § 340A.503, Subd. 2 (1) and Saint Paul Legislative Code § 409.08 (2) (a); therefore, per Saint Paul Legislative Code § 409.26 (b) (3) the licensing office will recommend a first-time matrix penalty of \$500.

You have four (4) options to proceed:

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 **Wednesday, August 28, 2019** I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on a City Council agenda for approval of the proposed remedy.
2. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Wednesday, August 28, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the 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 **Wednesday, August 28, 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 **Wednesday, August 28, 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 Wednesday, August 28, 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 a City Council Consent Agenda for approval of the recommended penalty.**

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

Sincerely,

A handwritten signature in cursive script that reads "Therese Skarda / s.m.". The signature is written in black ink on a white background.

Therese Skarda  
Assistant City Attorney  
License #0240989

Cc: Nguyen Holding LLC, 1601 W 72<sup>nd</sup> Street, Richfield, MN 55423-2916  
Jon Fure, Executive Director, Capitol River Council, 180 5<sup>th</sup> Street East, Saint Paul, MN 55101

Attachments: Inspector's Report, Sergeant Stanway's Report and supporting documentation.

Licensee: PLANKTON HOLDING INC

DBA: THE LIQUOR VAULT

License #: 20130000044

4/10/2019 Flavor/Menthol Compliance Check. Passed DC  
6/11/2019 Youth Compliance check Pass JNV  
5/2/2018 Menthol education / inspection Pass JNV  
07/07/2017 Passed tobacco compliance check BLB  
07/27/2016 passed tobacco compliance check BLB  
07/21/2016 Sent passed letter for liquor compliance check done on June 01, 2016, by SPPD. Max  
9/25/2015 Passed tobacco compliance check BLB  
06/29/2015 Passed tobacco compliance check. AAJ  
08/26/2014 Passed tobacco comp. check. JWF  
05/20/2014 Delinquent letter sent, 05/30/2014 response date. JWF  
8/2/13 permits okay per CAR.  
06/13/2013 Permits no finalized. File in gray cabinet under 08/09/2013 date (expiration of current license). JWF  
02/20/2013 Council resolution #13-258 approves waiver of 300' distance separation requirement from Fahiye Child Care Center and the Church of Saint Mary. JWF  
02/05/2013 Per Larry Zangs conversation with applicant, told her now needs to go to City Council for review of waiver separation requirement. File to CAR for review by City Council for waiver from protected uses (church & school) which must approve it by 5/7 majority vote. JWF  
02/04/2013 No objections to license notification per Nhia Vang's office, Leg. Hearing Officer. JWF  
01/31/2013 Rcvd. signed cond. affidavit. JWF  
01/17/2013 Per email from Kris Schweinler, DSI Snr Lic. Insp, based on site inspection there are two protected uses located within 300' of property (day care at 519 Jackson, and Church of St Mary at 261 8th St E). City Council approval will be needed to waive separation requirement from the protected uses. JWF  
01/16/2013 License notification sent, 14M/35Em, response date 02/01/2013. JWF

Licensee: PLANKTON HOLDING INC  
 DBA: THE LIQUOR VAULT

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

Property
  Licensee
  Unofficial

Street #: 170  
 Street Name: 10TH  
 Street Type: ST Direction: E  
 Unit Ind: Unit #:  
 City: ST PAUL  
 State: MN Zip: 55101  
 Ward: 2   
 Dist Council: 17

Project Facilitator: ZANGS, LAWRENCE (LARRY)

Adverse Action Comments  
 Licensed by MDA/MDH CAR (PAS)

License Group Comments:  
 4/10/2019 Flavor/Menthol Compliance Check. Passed DC  
 6/11/2019 Youth Compliance check Pass JNV  
 5/2/2018 Menthol education / inspection Pass JNV  
 07/07/2017 Passed tobacco compliance check BLB  
 07/27/2016 passed tobacco compliance check BLB

Licensee: PLANKTON HOLDING INC Licensee  
 DBA: THE LIQUOR VAULT Comments:  
 Sales Tax Id: \*\*\*\*\* Bus Phone: (651) 414-9244

License Type	Class	Effective	Expiration	Conditions	License Fee	
Retail Fd (B) - Grocery 101-1000 sq ft	R	03/04/2013	03/04/2014	N	\$109.00	^
Cigarette/Tobacco	R	05/09/2013	05/09/2020	N	\$478.00	
Liquor Off Sale	N	05/09/2013	05/09/2020	N	\$1,350.00	v

Name | Address | Phone | Email | Groups

Street #: 1601  
Street Name: 72ND  
Street Pre Direct: West  
Street Type: ST  
Street Post Direct: <All>  
Unit #:  
Unit Abbrev:   
P.O. Box #:   
City: RICHFIELD  
State: MN  
Country: U.S.A.  
Zip Code: 55423  
Zip+4:

Inter Office Address:

Browse

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

OK

Cancel

Help

Save Changes to History

Licensee PLANKTON HOLDING INC  
 DBA THE LIQUOR VAULT

License    Licensee    Lic. Types    Insurance    Bond    Requirements

Licensee Name: PLANKTON HOLDING INC   
 DBA: THE LIQUOR VAULT  
 Sales Tax Id: \*\*\*\*\*    Non-Profit:     Worker's Comp: 01/15/2020   
 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

Active	Inactive	Last Name	First Name	Title	Bus. Phone	Home Phone
01/04/2013	00/00/000			CORPORATIO	(651) 414-9244	
01/04/2013	00/00/000	NGUYEN	KRISTYANNA	OWNER	( ) -	(952) 564-4211

Mail License To:

Mail To Contact  
 License Address

Mail Invoice To:

Mail To Contact  
 License Address

Background Check Required



# ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number      Reference CN

Date and Time of Report

19169809

08/01/2019 12:40:00

Primary offense:

LIQUOR LAW-FURNISHING LIQUOR TO A MINOR

Primary Reporting Officer: Stanway, Robert A

Name of location/business:

Primary squad: 854

Location of incident: 170 10 ST E

Secondary reporting officer:

ST PAUL, MN 55101

Approver: Stanway, Robert

District: Central

Date & time of occurrence: 07/31/2019 13:39:00 to

Site:

07/31/2019 13:39:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

## OFFENSE DETAILS

### LIQUOR LAW-FURNISHING LIQUOR TO A MINOR

Attempt Only:

Appears to be Gang Related:

Crime Scene

Method & Point of Entry

Type: Retail

Force used:

Hid Inside:

Description: Liquor store

Point of entry:

Method:

## NAMES

### Owner

Nguyen, Phuoc Tuan  
1601 72ND ST W  
RICHFIELD, MN 55423

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male

Race: Asian

DOB: 04/07/1974

Resident Status:

Hispanic:

Age: 45

from

to

Phones

Home:

Cell: 612-414-1114

Contact:

Work:

Fax:

Pager:

**ORIGINAL OFFENSE / INCIDENT REPORT**

Complaint Number      Reference CN

Date and Time of Report

19169809

08/01/2019 12:40:00

Primary offense:

LIQUOR LAW-FURNISHING LIQUOR TO A MINOR

**Employment**

Occupation: OWNER - LICENSEE

Employer: LIQUOR VAULT

**Identification**

SSN:

License or ID#:

License State:

**Suspect**

Sutton, Chase David

3337 STAPLES PL

**KNOWN**

STILLWATER, MN 55082

**Nicknames or Aliases**

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

**Details**

Sex: Male

Race: White

DOB: 02/09/1996

Resident Status: Resident

Hispanic:

Age: 23 from to

**Phones**

Home:

Cell:

Contact:

Work: 651-414-9244

Fax:

Pager:

**Employment**

Occupation: CASHIER

Employer: LIQUOR VAULT

**Identification**

SSN:

License or ID#: P646119304516

License State: MN

**Physical Description**

US:

Metric:

Height: to

Build:

Hair Length:

Hair Color:

Weight: to

Skin:

Facial Hair:

Hair Type:

Teeth:

Eye Color:

Blood Type:

**Offender Information**

Arrested:

Pursuit engaged:

Violated Restraining Order:

DUI:

Resistance encountered:

Condition: Sober

Taken to health care facility:

Medical release obtained:

**ORIGINAL OFFENSE / INCIDENT REPORT**

Complaint Number      Reference CN

Date and Time of Report

19169809

08/01/2019 12:40:00

Primary offense:

LIQUOR LAW-FURNISHING LIQUOR TO A MINOR

**SOLVABILITY FACTORS**

Suspect can be Identified:

By:

Photos Taken:

Stolen Property Traceable:

Evidence Turned In:

Property Turned In:

Related Incident:

**Lab**

Biological Analysis:

Fingerprints Taken:

Narcotic Analysis:

Items Fingerprinted:

Lab Comments:

**Participants:**

Person Type:	Name:	Address:	Phone:
Owner	Nguyen, Phuoc Tuan	1601 72ND ST W RICHFIELD, MN 55423	
Suspect	Sutton, Chase David	3337 STAPLES PL STILLWATER, MN 55082	

**NARRATIVE**

I, Sergeant Stanway (SQD# 854) am assigned to the Saint Paul Police Department VICE Unit and am working with the Department of Safety and Inspections (DSI).

A compliance check consists of using underage cooperating individuals (UCI) between the ages of 18 and 20 years of age to enter an establishment and attempt to purchase alcohol. I give the UCI buy money (20.00 bill, serial number recorded) and they show a Minnesota picture ID with "UNDER 21" printed above their picture if asked. The UCI has been given training which covered areas such as honesty, not being deceptive, being curious, safety, and situational awareness.

On July 31, 2019, I conducted alcohol compliance checks at licensed establishments in St. Paul. UCI #19-1 (01-06-00) was used for this operation.

At approximately 1339 hours, the UCI entered Liquor Vault (170 E. 10th Street) in St. Paul. I was wearing plain clothes and waited for the UCI outside. Moments later, the UCI came out carrying a bottle of Pinot Grigio wine that was in a paper bag. I asked the UCI what happened, she stated she entered the store and selected the bottle. The UCI stated she then walked to the register and met with a white male cashier. I asked the UCI if the cashier asked for her I.D., she stated no. The UCI stated the cashier then rang up the item and told her the total was \$12.13.

The UCI stated she presented the cashier with the \$20.00 buy money, serial # ME 43968721 D. The UCI stated the cashier accepted the \$20.00 and gave her \$ 7.87 in change. I asked the UCI if the cashier asked her any questions upon the purchase, she stated no. I asked the UCI if she was given a receipt, she stated yes.

**ORIGINAL OFFENSE / INCIDENT REPORT**

Complaint Number      Reference CN

19169809

Date and Time of Report

08/01/2019 12:40:00

Primary offense:

**LIQUOR LAW-FURNISHING LIQUOR TO A MINOR**

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I recovered the \$ 7.87 change from the UCI, receipt and the alcohol. I then went back into the store to meet with the cashier. I entered and identified myself by my department issued picture identification card. I explained to the cashier that I was a sergeant with the St. Paul Police and was working with DSI conducting underage alcohol compliance checks. I explained to the cashier that he had failed and sold alcohol to an underage person. I explained the girl that came in earlier who bought a bottle of Pinot Grigio was only 19 years old.

The cashier who sold to my UCI was I.D.ed as Chase David Sutton, 02-09-96, 3337 Staples Place, Stillwater, MN 55082. Along with the cashier was the owner/license holder Phuoc Tuan Nguyen, 04-07-74, 1601 W. 72nd Street, Richfield, MN 55423. I gave back the \$ 7.87 in change that Sutton gave to the UCI. I asked for the \$20.00 buy bill back, serial # ME 43968721 D. Sutton opened the till and gave me back the \$20.00. I confirmed the serial #. The liquor was also returned to him.

I asked Sutton what happened, he stated he saw the UCI enter and make a selection. Sutton stated the UCI then approached the register and he rang up the bottle of alcohol. I asked Sutton if she asked for the UCI's I.D. he stated no. I explained to Sutton all persons that appear under the age of 30 should be asked for I.D. I told Sutton if he would of done that, he would of seen the "UNDER 21" marking above the UCI's picture indicating she was not of legal age to purchase alcohol. I explained to Sutton he will also have to remember to compare the date of birth of the person to today's date to also make sure they are of legal age to buy alcohol, Sutton stated he understood.

I advised Nguyen that I would be letting DSI know of the failed check and he will be receiving a letter in the mail.

I took pictures of Cashier Sutton, his D.L., alcohol purchased, buy money (\$20.00 bill), receipt and change.

All pictures were later downloaded to the SPPD Media Vault.

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**PUBLIC NARRATIVE**

Clerk at Liquor Vault (170 E. 10th Street) sold alcohol to a 19 year old undercover decoy.

Last page of the report

LIOUOR COMPLIANCE CHECK SHEET

DATE 7-31-19 TIME 1339 CN# 19-169-809

ESTABLISHMENT Liquor Vault TYPE (ON-SALE) OFF-SALE

ADDRESS 170 E 10th St.

VICE OFFICERS Stanway

CHECKER # 19-1 DOB 1-16-00 CHECKER #      DOB     

WHAT DID THEY TRY TO PURCHASE? Pinot Grigio

PASS OR FAIL

SERVER

LAST NAME Sutton FIRST Chase MIDDLE David

DATE OF BIRTH 2-9-96 HEIGHT 6'1" WEIGHT 160 RACE W

ADDRESS 3337 Staples Pl. CITY Stillwater STATE MN ZIP 55082

PHONE: WORK ( 651-414-9244 ) HOME ( ) OTHER ( )

PICTURE TAKEN  YES  NO IDENTIFICATION TYPE MN D.L.

MANAGER

LAST NAME Nguyen FIRST Phuoc MIDDLE Tuan

DATE OF BIRTH 4-7-74

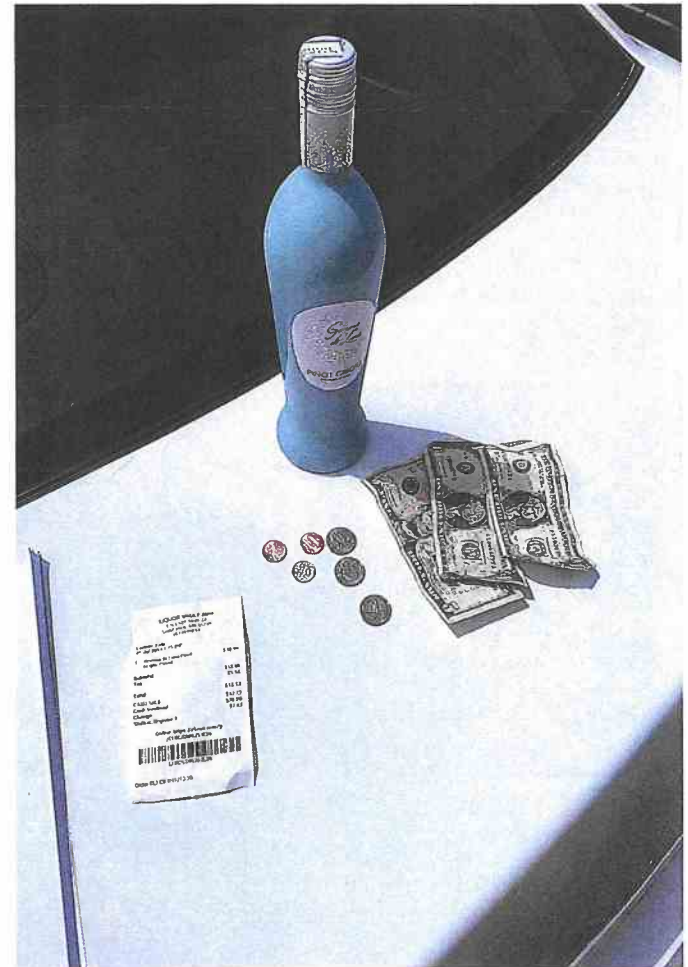
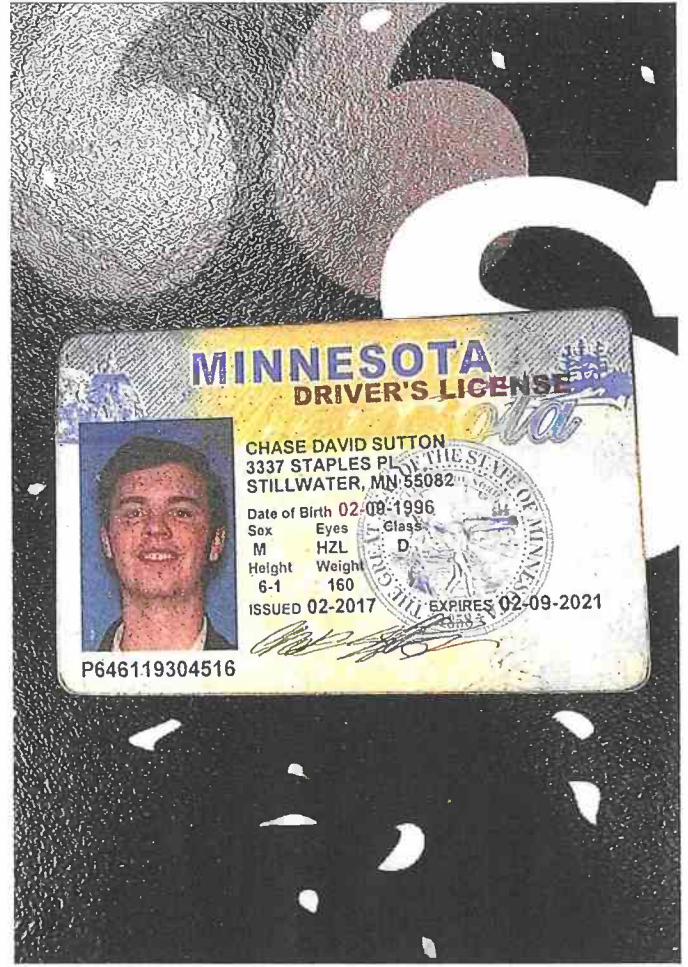
ADDRESS 1601 W. 72nd St CITY Richfield STATE MN ZIP 55423

PHONE: WORK ( ) HOME ( ) OTHER ( 612-414-1114 )

NOTES Cashier did not ask for I.D. +  
very purchase and gave change back.



17-107-007



108-29117



E5

ME 43968721 D

ME 43968721 D

THIS NOTE IS LEGAL TENDER FOR ALL DEBTS, PUBLIC AND PRIVATE

Signature of the Treasurer

Signature of the Treasurer

Signature of the Treasurer

Signature of the Treasurer

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Signature of the Treasurer



**STAMP - Ownership / Zoning Information**[New Search](#)[Help using this report](#)**Run Date:** 08/14/19 10:19 AM**House#:** 170**Last updated from Ramsey County  
data on:** 07/07/2018**Street  
Name:** 10th

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

508 Jackson St - 55101-2353 - [Other Applications](#)

<b>PIN: 312922430010</b>	<b>Census Track:</b> 34202	<b>Census Block:</b> 3015	<b>Council Ward:</b> 2	<b>District Council:</b> 17
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b>	<b>Land Value:</b> 278100	<b>Building Value:</b> 63800
<b>Unverified Usage:</b>			<b>ISP:</b>	<b>Units:</b> 0
<b>Zoning:</b> B5				

**Legal Desc:** Hoyts Sub Of Morrisons Blk Of Subj To St Part Of Lot 2 Nwly Of A L Run From Pt On Swly L Of Sd Lot 48 Ft 8 1/4 Inches From Wly Cor Thereof To A Pt On Nely L Of Sd Lot 48 Ft 7 1/8 Inches From Nly Cor Thereof And All Of Lot 3

**Owner:**  
 Nguyen Holding Llc  
 1601 W 72nd St  
 Richfield MN 55423-2916  
 952-564-4211

170 10th St E - Liquor Vault / 172 10th St E - Billboard - 55101-2353 - [Other Applications](#)

<b>PIN: 312922430009</b>	<b>Census Track:</b> 34202	<b>Census Block:</b> 3015	<b>Council Ward:</b> 2	<b>District Council:</b> 17
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b>	<b>Land Value:</b> 137600	<b>Building Value:</b> 67600
<b>Existing Primary Use:</b> C-Grocery Store	<b>Legality of Use:</b>		<b>Occupancy Group Type:</b> M	<b>Units:</b>
<b>Zoning:</b> B5				

**Legal Desc:** Hoyts Sub Of Morrisons Blk Of Subj To St Lot 4

**Owner:**  
 Nguyen Holding Llc  
 1601 W 72nd St  
 Richfield MN 55423-2916  
 952-564-4211

**Certificate of Occupancy Responsible Party:**  
 Nguyen Holding Llc  
 1601 W 72nd St  
 Richfield MN 55423-2916  
 952-564-4211



