

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 25th day of May, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF A 10-DAY SUSPENSION OF YOUR LICENSE** and a correct copy thereof in an envelope addressed as follows:

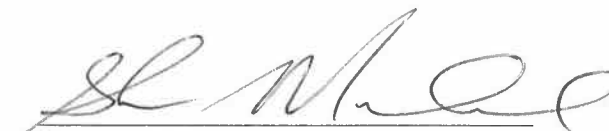
Walgreen Co.
d/b/a Walgreens #15272
1110 Larpenteur Avenue West
Saint Paul, MN 55113

Michael Ortiz
P.O. Box 901
Deerfield, IL 60015

1110 St. Paul Realty
P.O. Box 1159,
Deerfield, IL 60015

Shevek McKee, Executive Director
Como Community Council
1224 Lexington Pkwy.
Saint Paul, MN 55103

(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 25th day of May 2022


Notary Public





May 25, 2022

NOTICE OF VIOLATION AND
REQUEST FOR IMPOSITION OF A 10-DAY SUSPENSION OF YOUR LICENSE

Walgreen Co.
d/b/a Walgreens #15272
1110 Larpenteur Avenue West
Saint Paul, MN 55113

RE: Cigarette/Tobacco license held by Walgreen Co., d/b/a Walgreens #15272, for the premises located at 1110 Larpenteur Avenue West in Saint Paul.
License ID #: 20120003757

Dear Walgreens #15272:

The Department of Safety and Inspections (the "Department") is recommending adverse action against the Cigarette/Tobacco license held by Walgreen Co., d/b/a Walgreens #15272, for the premises located at 1110 Larpenteur Avenue in Saint Paul (the "Licensed Premises") for a first-time flavored tobacco product violation.

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

Saint Paul Legislative Code section 324.10(b)(2) sets the presumptive penalties for violations of provisions of the Legislative Code relating to the display, possession, or multiple incidents of sales of menthol or flavored tobacco products. Under section 324.10(b)(2), the presumptive penalty for a first-time violation is a 10-day license suspension.

The Department asserts that the following facts, along with photos of the violations attached herein, constitute proof of a violation of section 324.07(j) of the Saint Paul Legislative Code by a preponderance of the evidence.



Synopsis of Alleged Facts:

On May 12, 2022, Department Inspector Voyda went to the Licensed Premises for a complaint inspection. Inspector Voyda spoke with the store manager, Megan Jensen, and informed her that the Department received a complaint of the business selling flavored tobacco products. During the inspection, Inspector Voyda saw in plain sight and photographed four (4) flavored tobacco products behind the counter/cash register. After the inspection, Voyda told the manager that the flavored tobacco products that were found could not be sold at the location. He also advised the manager to remove all flavored products, email the corporate office to make them aware of the violations found, and contact him with any questions.

You have three (3) 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 **June 8, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on a City Council Consent Agenda for a 10-day suspension of your license.
2. If you wish to admit the facts but you contest the 10-day suspension 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 **June 8, 2022**. The matter will then be scheduled before the City Council to determine whether to suspend the license. You will have an opportunity to appear before the Council and make a statement.
3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (the "ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **June 8, 2022**. At that hearing, both you and the City will appear and present witnesses and 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 reserves the right to request that City Council impose the costs of the administrative hearing, per Saint Paul Legislative Code section 310.05(k).



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

If you have not contacted me by June 8, 2022, I will assume that you do not contest the imposition of a 10-day suspension of your license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

Sincerely,

Stephen Earnest
Assistant City Attorney
License No.: 0402652

cc: Michael Ortiz, P.O. Box 901, Deerfield, IL 60015
1110 St. Paul Realty, P.O. Box 1159, Deerfield, IL 60015
Shevek McKee, Executive Director, Como Community Council, 1224 Lexington Pkwy., Saint Paul, MN 55103

Attachments: Inspector's Report
List of Tobacco Products Found on Licensed Premises
Licensee Information on Eclips System
License Group Comments Text
License Group Conditions Text
STAMP – Ownership/Zoning Information
Photos of tobacco products

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.



Inspector's Report

Inspectors Name: Joseph Voyda

Date & Time: 5/12/2022 - 12:45pm

Staff Member's Name: Manager Megan Jensen

Business/DBA Name: Walgreens #15272

Property Address: 1110 Larpenteur Avenue West

Reason for Visit: Complaint Inspection

Observations: Flavored Tobacco Products on Display

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: Behind the counter and shelving

Action Taken: Education / warning

Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival on May 12, 2022, at 12:45pm I spoke with the manager Megan Jensen, I introduced myself as a licensing Inspector for the City of Saint Paul with Department of Safety and Inspections. I explained that I was there for inspection from a complaint that was received by DSI for flavor tobacco products being sold.

In plain sight located behind the counter/cash register were four (4) flavor tobacco products violations (see attached Photos – 6 Total). I explained to Megan that these were flavor violations and could not be sold at this location. I advised her to remove the tobacco product violations. Megan's response was, "Corporate office does all the ordering and I don't have control over it". I advised her to send an email to the corporate office of the violations and asked her to inform the person(s) that conducts the tobacco ordering to contact me if they have any doubts or questions about tobacco flavors.

Types of flavored tobacco products found:

'Acid' cigars – Blondie and Kuba Kuba

'Camel' snus – Robust

'American Spirits' - Black

Properties For License 1110 LARPEUR AVE W

Licensee: WALGREEN CO
DBA: WALGREENS #15272

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: WALGREEN CO
DBA: WALGREENS #15272
Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
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

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
ORTIZ-TAX DEPT	MICHAEL		(847) 527-4103		PO BOX 901
MIQUELON	WADE	EXECUTIVE VF	() -		875 GORDON TER
WASSON	GREGORY	PRESIDENT & I	() -		1724 RFD HOLLY C
DUBINSKY	JASON	TREASURER	() -		1156 CHERRY ST

Background Check Required Contact Properties...

License # 120003757 Save Changes to History OK Cancel Help

Properties For License 1110 LARPEUR AVE W

Licensee: WALGREEN CO
DBA: WALGREENS #15272

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: WALGREEN CO
DBA: WALGREENS #15272
Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
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

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
MIQUELON	WADE	EXECUTIVE VF	() -		875 GORDON TER
WASSON	GREGORY	PRESIDENT & I	() -		1724 RFD HOLLY C
DUBINSKY	JASON	TREASURER	() -		1156 CHERRY ST
CORP OFFICE			(847) 527-4439		300 WILMOT ROAD

Background Check Required Contact Properties...

License # 120003757 Save Changes to History OK Cancel Help



Licensee: WALGREEN CO
 DBA: WALGREENS #15272

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name: WALGREEN CO					
DBA: WALGREENS #15272					
Sales Tax Id: *****		Non-Profit: <input type="checkbox"/>	Worker's Comp: 00/00/0000		
AA Contract Rec'd: 00/00/0000		AA Training Rec'd: 00/00/0000			
AA Fee Collected: 00/00/0000		Discount Rec'd: <input type="checkbox"/>			

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	
PO BOX 901	DEERFIELD	60015	00/00/0000	00/00/0000	
875 GORDON TER	WINNETKA	60093	10/28/1964	00/00/0000	M24
1724 RFD HOLLY COURT	LONG GROVE	60047	10/19/1958	00/00/0000	W29
1156 CHERRY ST	DEERFIELD	60015	07/25/1973	00/00/0000	D15

Background Check Required Contact Properties...

Mail License To:

Mail To Contact
 License Address

Mail Invoice To:

Mail To Contact
 License Address

License # 120003757 Save Changes to History OK Cancel Help



Licensee: WALGREEN CO
 DBA: WALGREENS #15272

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name: WALGREEN CO					
DBA: WALGREENS #15272					
Sales Tax Id: *****		Non-Profit: <input type="checkbox"/>	Worker's Comp: 00/00/0000		
AA Contract Rec'd: 00/00/0000		AA Training Rec'd: 00/00/0000			
AA Fee Collected: 00/00/0000		Discount Rec'd: <input type="checkbox"/>			

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	
875 GORDON TER	WINNETKA	60093	10/28/1964	00/00/0000	M24
1724 RFD HOLLY COURT	LONG GROVE	60047	10/19/1958	00/00/0000	W29
1156 CHERRY ST	DEERFIELD	60015	07/25/1973	00/00/0000	D15
300 WILMOT ROAD	DEERFIELD	60015	00/00/0000	00/00/0000	

Background Check Required Contact Properties...

Mail License To:

Mail To Contact
 License Address

Mail Invoice To:

Mail To Contact
 License Address

License # 120003757 Save Changes to History OK Cancel Help

License Group Comments Text

05/13/2022

Licensee: WALGREEN CO

DBA: WALGREENS #15272

License #: 20120003757

8/10/2021 Youth Tobacco compliance pass KY
06/28/2019 \$500 Fine payment received. LV
6/12/2019 Youth Compliance Check Pass JNV
5/29/19 To CAO for failed flavor adverse action.KS
4/24/19 Tobacco compliance check, failed flavors. ARM
7/25/18 Tobacco youth compliance check pass ARM
4/23/18 menthol eductaion / inspection Fail, price issue on cigars. JV
08/07/2017 passed tobacco compliance check BLB
08/04/2016 passed tobacco compliance check BLB
06/18/2015 Passed tobacco comp. check. JWF
08/26/2014 Passed tobacco comp. check. JWF
11/1/13 Passed tobacco comp.ck. KS
08/07/2012 EH fee paid. JWF

License Group Conditions Text

05/13/2022

Licensee: WALGREEN CO

DBA: WALGREENS #15272

License #: 20120003757

1. The drive through window shall close by 10:00 p.m. each day.
2. The fence along the southerly property line and the alley turn around at the westerly end of the property shall be composed of substantial materials, such as brick, masonry, or metal, and shall not be composed of wood.
3. Deliveries shall not be made prior to 7:00 a.m., nor after 2:00 p.m. each day. (NOTE: DSI Zoning Staff interprets this to apply to deliveries from large trucks to the delivery door on the south side of the building and not to deliveries from vans and UPS size trucks that bring in deliveries through the front door.)

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 05/13/22 01:52 PM

House#:

Last updated from Ramsey County data on:

Street Name:

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

1104 Larpenteur Ave W - To Be Wrecked / 1110 Larpenteur Ave W - Walgreen'S - 55113-6317 - [Other Applications](#)

PIN: 222923110194

Census Tract: 30201

Census Block: 1000

Council Ward: 5 **District Council:** 10

Year Built: 2012

Foundation Sq

Loan Company:

Land

Building

Feet: 14820

Value: 555100

Value: 2184000

Existing Primary Use: C-
Retail-General

Legality of Use:

Occupancy Group
Type: M

Units:

Zoning: B2

Legal Desc: CLIFTON DALE,,RAMSEY CO., MINN CLIFTON DALE,,RAMSEY CO., MINN VAC ALLEY ACCRUING AND FOL, SUBJ TO ...ALL OF LOTS 1 THRU LOT 7 BLK 1

Owner:

1110 St Paul Realty Llc
Po 1159
Deerfield IL 60015-4600

Tax Owner:

1110 St Paul Realty Llc
Po 1159
Deerfield IL

Certificate of Occupancy Responsible Party:

Walgreens Fire Group
C/O Jennifer Johnstone
1411 Lake Cook Road
Deerfield IL 60015
847-964-8817



BLONDIE
PREMIUM HANDMADE CIGAR



WARNING: This product contains nicotine.

BLONDIE
PREMIUM HANDMADE CIGAR

WARNING: This product contains nicotine. Nicotine is an addictive chemical.

KUBA KUBA
PREMIUM HANDMADE CIGAR



WARNING: Cigar
smoking can cause
cancers of the mouth
and throat, even if you
do not inhale.

B
PREMIUM

WARNING:
This product
contains nicotine,
an addictive
chemical.



BLONDIE
PREMIUM HANDMADE CIGAR



WARNING: This product contains nicotine and tar.

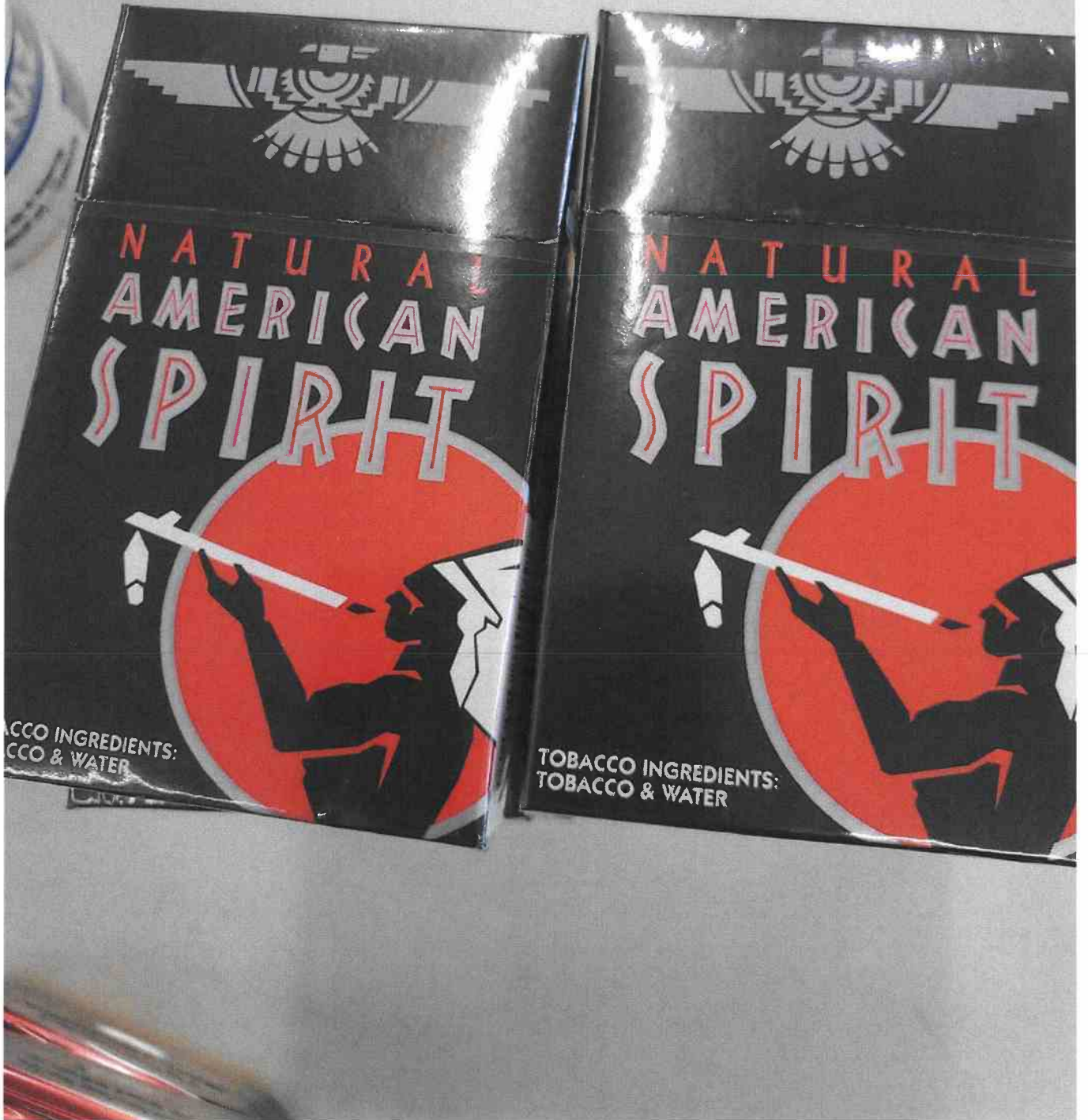
BLONDIE
PREMIUM HANDMADE CIGAR

WARNING: This product contains nicotine. Nicotine is an addictive chemical.

KUBA
PREMIUM H



WARNING:
smokeless tobacco
is addictive.



NATURAL
AMERICAN
SPIRIT

NATURAL
AMERICAN
SPIRIT

TOBACCO INGREDIENTS:
TOBACCO & WATER

TOBACCO INGREDIENTS:
TOBACCO & WATER

