



CITY OF SAINT PAUL

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

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

**Inspector's Report**

Inspectors Name: Joseph Voyda

Date: 8 August 2018

Business/Property Name Sunray BP

Property Address: 344 Ruth St.

Reason for Visit: Youth Compliance

Observations: Youth purchasing Tobacco product

Photos Taken:  Yes, Location of Photo's cashiers checkout counter

No

Action Taken:  Citation

Warning

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

Details of Conversations (Statements to and by Person Responsible for Property): On 8 August 2018 I Joseph Voyda DSI inspector conducted a tobacco youth compliance check of the license tobacco business in the city of Saint Paul. Notice is mailed to all tobacco license holders prior of conducting compliance checks. DSI uses a minor to conduct youth compliance checks throughout the city, we direct the youth to be honest, do not be deceptive or argumentative, beware of their surroundings, and be safe, if they feel uncomfortable, they should leave the premises immediately, they must have valid Minnesota identification card. I provided currency to the minor in an attempt to purchase a tobacco product. Abby Johnson (minor) entered 344 Ruth st. at 11:38a.m., in attempt to purchase a pack of, Newport box cigarettes. The clerk later identified as Justin Scott Burton, sold the tobacco product to the minor without asking age, however he checked identification to verify the age and sold the product anyway, Abby Johnson is 16 years old.



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Tobacco Youth Compliance Check Purchase Form

20150000438  
SUNRAY BP  
344, RUTH N

\*\*\*FLAVOR\*\*\*  
PASS

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.)

Date: 8 / 8 / 18 Time: 11:38 a.m. / p.m.  
MM DD YY

Was purchase attempted?

If NO, check reason:

- Yes
- No
- Does not sell tobacco
- Unsatisfactory/unsafe conditions
- After business hours
- Out of business
- Not applicable
- Other \_\_\_\_\_

Buyer: Abby Johnson  
Name

Age Sex  
15 Female  
16 Male  
17

Inspector: Joseph Voyda  
Name

Did adult or officer view transaction?  
 Yes  No

Was sale made?

- Yes  No

Was age asked?

- Yes  No

Was ID requested?

- Yes  No

Was ID shown?

- Yes  No

Type of purchase:

- Self Service
- Clerk assisted
- Vending machine - Unlocked
- Location of machine \_\_\_\_\_
- Vending machine - Locked
- Location of machine \_\_\_\_\_

Type of product:

- Cigarette Newport
- Smokeless
- Cigars
- Shisha
- E-juice
- Other (cigarette papers, lighter, etc.) \_\_\_\_\_

Amount spent: \$ .

Clerk Information:  Female  Male Approximate Age:  18 or  Under 18 Actual age if known 34

Name of Clerk: JUSTIN SCOTT BURTON Address: 395 LUELLA ST

Driver's License # or State I. D. #: 94722 1147 Date of Birth: 09/05/1983

Description / Notes: DARK HAIR BOZZ CUT



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353 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1506

Telephone: 651-266-1  
Facsimile: 651-266-1  
Web: www.spsnl.gov

### Tobacco Youth Compliance Check Purchase Form

20150000438  
SUNRAY BP  
344, RUTH N

\*\*\*FLA\*\*

**Business Type:**

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco /
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club)

Date: 8 / 8 / 18  
MM DD YY

Time: 11:38 a.m. / p.m.

Was purchase attempted?

If NO, check reason:

Yes

- Unsatisfactory/unsafe conditions
- Out of business
- Other

Buyer: Ab

Name: Joseph  
Old adult or official?  Yes  No

Was sale made?  
 Yes

Requested?  No

- Type of purchase:
  - Self Service
  - Clerk
  - Vending
  - Location
  - Vending
  - Location

Type of product:
 

- Cigarettes \_\_\_\_\_
- Smokeless \_\_\_\_\_
- Cigars \_\_\_\_\_
- Shisha \_\_\_\_\_
- E-juice \_\_\_\_\_
- Other (cigarette papers, lighter, etc.) \_\_\_\_\_

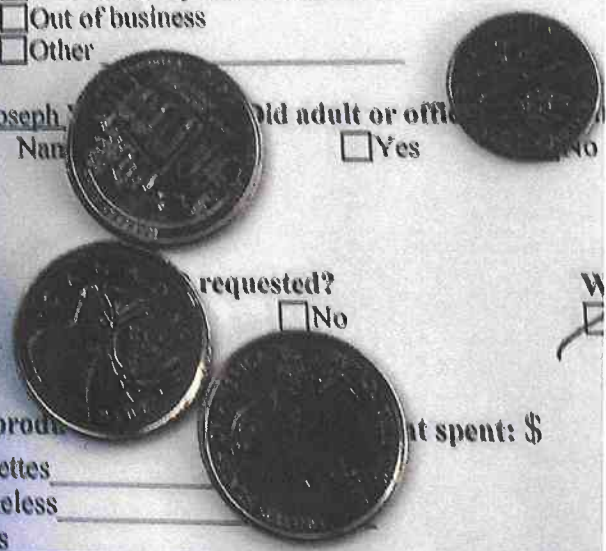
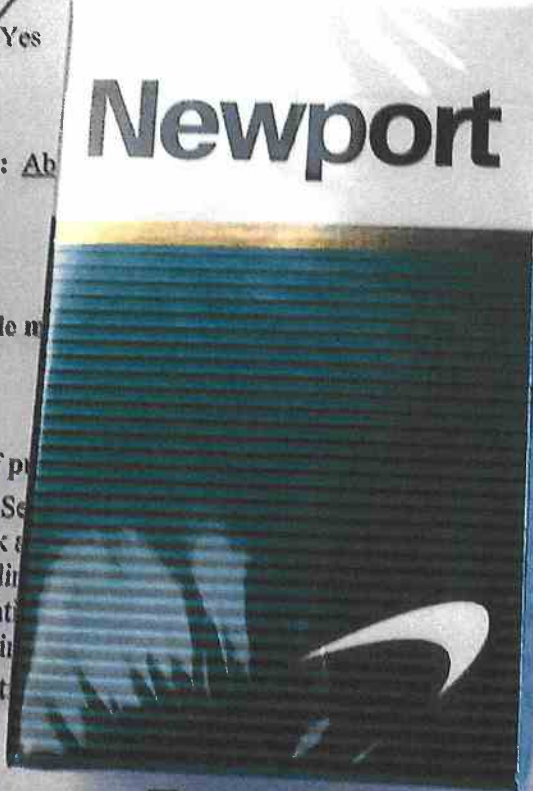
 Amount spent: \$ \_\_\_\_\_

Clerk Information:  Female  Male Approximate Age:  18 or  Under 18 Actual age if known: \_\_\_\_\_

Name of Clerk: \_\_\_\_\_ Address: \_\_\_\_\_

Driver's License # or State I. D. #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Description / Notes: \_\_\_\_\_





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## Tobacco Sale of Clerk to a Minor

As it appears on Identification Card

Name of clerk: Justin Scott Burton

Address: 395 Luella St.

City: St. Paul State: MN Zip Code: 55119

Sex: **Male** / Female Eye Color: Brown Height: 6-1 Weight: ???

Issued Date: 03-28-2014 Expiration date: 03-28-2022

Identification Number: 879283513CJ1039M280322R

NOTE: address different than id



MM

DD

YY

attempted?

If NO, check reason:

No

Insatisfactory/unsafe cond

Johnson  
ame

No

use:

**IOWA** USA IA

**IDENTIFICATION CARD**

09051983

013 CARR  
**JUSTIN SCOTT BURTON**

307 N MONROE AVE  
MASON CITY, IA 50401

ID No. **947ZZ1147**

ISS 03/28/2014 EXP 03/28/2022

Class **0**

Sex **M**  
Hgt **6'-01"**  
Eyes **BRO**  
DONOR: **Y**

**DOB 09/05/1983**

DD 879283513CJ1039M280322R

*Justin C. Burton*

Cigarettes \_\_\_\_\_

Smokeless \_\_\_\_\_



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### **Sec. 324.07. - Sales prohibited**

(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.

(f) No person shall sell, offer for sale, or otherwise distribute any flavored products. This restriction shall not apply to 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.

#### **(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.

(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.

**(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.**

#### **Sec. 324.09. - Use of false identification by minors prohibited.**

No person under the age of eighteen (18) years shall purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products using a driver's license, a Minnesota identification card, or other form of identification which is false, fictitious, altered or counterfeited as to age or any other material fact of identification. Use of false identification to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products is a misdemeanor.