

West St. Paul BP, Inc.

12508 Norway Circle
Burnsville, MN 55337

April 14, 2011

Kyle Lundgren
Assistant City Attorney
City of St. Paul
400 City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102

RECEIVED
APR 16 2011
CITY ATTORNEY

Re: Notice of Violation regarding Cigarette/Tobacco license held by West St. Paul BP, Inc, ID # 20080004170

Dear Mr. Lundgren:

As the license-holder of the Cigarette/Tobacco license identified above, I am writing in response to the Notice of Violation I received from your office and dated April 6, 2011. This violation relates to a failed tobacco compliance check conducted on March 28, 2011 at the West St. Paul BP, Inc., located at 675 – 7th Street West in St. Paul.

Michael Sawiers was the employee on duty at the time of the compliance check. According to him, at the time of the incident, the store was very busy with a lot of people in the store. While providing a customer (who was lost and running late) with directions, a girl came in and asked to buy cigarettes. Mr. Sawiers asked for and checked her ID. On the right-hand side of the ID, he saw "Age 18" stamped on the ID, so he sold her the pack of cigarettes. Shortly after, an officer entered the store and told him the girl was only 17.

We currently have many safeguards in place to deter such events from happening. We provide training to employees, an expensive (and optional) program installed on the register, a calendar with a reminder and a minimum date sitting on the counter for employees and customers to see, as well as a daily phone call to employees at the beginning of each shift. On that particular day, the president of our company himself phoned Mr. Sawiers to remind him to ID everyone. Mr. Sawiers admittedly punched in his own birthday to bypass the system to finish the sale.

It is our contention that because we as employers have provided every possible tool to assist employees in this area, we should not be fined or punished for this violation. The employee has admitted his actions and misunderstanding regarding the date stamp on the ID and accepts responsibility for the violation. Since learning of this potential for misunderstanding, employees have been instructed not to rely on this stamp and follow the previous procedure of entering every birth date into the system.

As instructed in the Notice, I request a public hearing before the St. Paul City Council to contest the penalty and make a statement on my own behalf.

If you need anything further from me, you may contact me at 612-801-7728.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Saman", with a long horizontal flourish extending to the right.

Heather Saman

Owner and license holder
West St. Paul BP, Inc.