



September 9, 2021

NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION OF \$300 ADMINISTRATIVE PENALTY
FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE

Holiday Stationstores, LLC
d/b/a Holiday Stationstore #341
1345 Marshall Avenue
Saint Paul, MMN 55104-6344
Attn: Ronald Erickson

RE: Cigarette/Tobacco license held by Holiday Stationstores, LLC d/b/a Holiday Stationstore #341 for the premises located at 1345 Marshall Avenue in Saint Paul
License ID #: 20030004160

Mr. Erickson:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by Holiday Stationstores, LLC ("Licensee") for the premises known as Holiday Stationstore #341 located at 1345 Marshall Avenue in Saint Paul. ("Licensed Premises").

Minnesota Statute § 461.12, Subd. 5 states: "A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855."

Minnesota Statute §461.12, Subd. 2 states; "If a licensee or employee of a licensee sells, give, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$300 for the first violation."

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based. Section 310.06(b)(c) says that adverse action can be pursued for failure to comply with laws related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

Saint Paul Legislative Code §324.07(g) prohibits the sale of tobacco products to person under the age of twenty-one (21) years.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Minnesota Statute § 461.12, Subd. 2 and Saint Paul Legislative Code §324.07(g) by a preponderance of the evidence.



Synopsis of alleged facts:

On August 17, 2021 at 10:00 a.m. a tobacco compliance check was conducted at Holiday Stationstore #341 located at 1345 Marshall Avenue. A twenty-year-old female entered your store and attempted to purchase cigarettes. She was not asked her age or to show her identification which would have indicated she was underage. Nevertheless, the clerk sold her a package of American Spirit cigarettes. Inspector Yang came into the establishment after the sale and spoke to the clerk, Ellie Dawson. She was informed that she failed the youth compliance check by selling American Spirits cigarettes to an underage person.

Sale of tobacco to an underage person is a violation of Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(g).

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 **Monday, September 20, 2021**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **Wednesday, October 13, 2021** City Council Consent Agenda for approval of the proposed remedy.
2. You can admit to the violation and pay the \$300.00 administrative 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 **Monday, September 20, 2021**. A self-addressed envelope is enclosed for your convenience. Payment of the \$300.00 administrative 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 \$300.00 administrative 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 **Monday, September 20, 2021**. The matter will then be scheduled before the City Council to determine whether to impose the \$300.00 administrative 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 **Monday, September 20, 2021**. 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 Monday, September 20, 2021, I will assume that you do not contest the imposition of the \$300.00 administrative penalty. In that case, the matter will be placed on the October 13, 2021 City Council Consent Agenda for approval of the recommended penalty.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDESEY 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

Please be advised the clerk who made the sale on this date and will be charged a \$50.00 administrative penalty pursuant to Minn. Stat. §461.12, Subd. 3. This is a separate action from this license matter.

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

Sincerely,

/s/

Therese Skarda
Assistant City Attorney
License No.: 0240989

cc: Ronald Erickson, 5123 Lake Ridge Road, Edina, MN 55436
Holiday Stationstores, Inc., Attn: Tax Department, 4567 American Boulevard W., Minneapolis, MN 55437-1123
Abdulrahman Wako, Executive Director, Union Park District Council, 1821 University Avenue W., Ste. 308
St. Paul, MN 55104

Attachments: Inspector's Report
Screenshot from ECLIPS System
License Group Conditions Text
License Group Comments Text
STAMP - Ownership/Zoning Information
Tobacco Youth Compliance Check Purchase Form
Photo of purchased cigarettes
Minnesota Statute §609.685
Minnesota Statute §461.12
Saint Paul Legislative Code §310.06
Saint Paul Legislative Code §324.07

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.*

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 9th day of September she served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$300 ADMINISTRATIVE PENALTY FOR TOBACCO YOUTH COMPLIANCE CHECK FAILURE** and a correct copy thereof in an envelope addressed as follows:

Holiday Stationstores, LLC
d/b/a Holiday Stationstore #341
1345 Marshall Avenue
Saint Paul, MN 55104-6344
Attn: Ronald Erickson

Ronald Erickson
5123 Lake Ridge Road
Edina, MN 55436

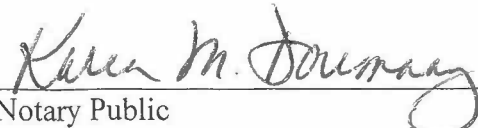
Holiday Stationstores, Inc.
Attn: Tax Department
4567 American Boulevard West
Minneapolis, MN 55437-1123

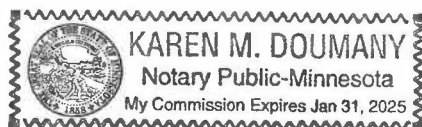
Abdulrahman Wako, Executive Director
Union Park District Council
1821 University Avenue W., Ste. 308
St. Paul, MN 55104

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
This 9th day of September 2021


Notary Public





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.spsaul.gov/ds

Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 8/17/2021 at 10:00AM

Business/Property Name: Holiday Stationstore #341

Property Address: 1345 Marshall Avenue - Saint Paul, MN 55104-6344

Reason for Visit: Annual Cigarette/Tobacco Youth Compliance Check

Observations: Youth purchased a Pack of American Spint Cigarettes

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken:

Action Taken: Education / warning

Request for Adverse Action

Other: -

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

Upon arrival I spoke to the clerk Ellie Dawson, I introduced myself as a DSI Licensing Inspector for the City of Saint Paul. I informed her that she failed a youth compliance check, an attempted purchase of a pack of American Spirts cigarettes was successfully made from an underage buyer at 10:00 a.m. I asked the clerk for her ID and she did not have it with her. I spoke with the manager and the confirmed her name is Ellie Dawson. They do not have a copy of her ID in file.

Properties For License 1345 MARSHALL AVE

License: HOLIDAY STATIONSTORES LLC
DBA: HOLIDAY STATIONSTORE #341

Pay Print Warn Hist Submit

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: HOLIDAY STATIONSTORES LLC

DBA: HOLIDAY STATIONSTORE #341

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

| Other Licensing Agency Name / License Type | License # | Expiration | Reason | Active | Date |
|--|-----------|------------|--------|--------|------|
| | | | | | |

Financial Hold Reasons

Contacts for this Licensee

| Addr. Type | Active | Inactive | Last Name | First Name | Title | Bus. Phone |
|------------|------------|------------|-----------|------------|---------------|----------------|
| Business/W | 11/20/2003 | 00/00/0000 | | | | (952) 830-8046 |
| Other | 11/20/2003 | 00/00/0000 | ERICKSON | RONALD ALF | CEO/SECRETARY | (952) 830-8700 |
| Other | 11/20/2003 | 00/00/0000 | PHL | CHARLES RU | TREASURER | (952) 830-8700 |
| Other | 11/20/2003 | 00/00/0000 | HUPP | JAMES ROBE | ASSISTANT SI | (651) 641-1045 |

Background Check Required:

License # 030004160 Save Changes to History

Properties For License 1345 MARSHALL AVE

License: HOLIDAY STATIONSTORES LLC
DBA: HOLIDAY STATIONSTORE #341

Pay Print Warn Hist Submit

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: HOLIDAY STATIONSTORES LLC

DBA: HOLIDAY STATIONSTORE #341

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

| Other Licensing Agency Name / License Type | License # | Expiration | Reason | Active | Date |
|--|-----------|------------|--------|--------|------|
| | | | | | |

Financial Hold Reasons

Contacts for this Licensee

| Contact Address | City | Zip | DOB | Last Check |
|----------------------|-------------|------------|------------|------------|
| 4567 AMERICAN BLVD W | BLOOMINGTON | 55437-1123 | 00/00/0000 | 00/00/0000 |
| 5123 LAKE RIDGE ROAD | EDINA | 55438 | 09/23/1936 | 00/00/0000 |
| 181 S FERNDALE | WAYZATA | 55391 | 07/16/1933 | 00/00/0000 |
| 5422 GRAND AVE S | MINNEAPOLIS | 55419-1822 | 06/04/1958 | 00/00/0000 |

Background Check Required:

License # 030004160 Save Changes to History

Requirement Comments Text

08/20/2021

Licensee: HOLIDAY STATIONSTORES LLC

DBA: HOLIDAY STATIONSTORE #341

License #: 20030004150

10/10/2003 No change in use. Change in ownership only from Tracy 1 Stop to Holiday Stationstore. caa

License Group Comments Text

08/20/2021

Licensee: HOLIDAY STATIONSTORES LLC

DBA: HOLIDAY STATIONSTORE #341

License #: 20030004150

8/17/2021 Youth Tobacco compliance fail KY
6/18/19 Youth tobacco compliance check, pass ARM
8/6/2018 Tobacco youth compliance check-Pass JNV
4/25/2018 Menthol education / Inspection Pass JNV
03/13/2018 Changing from a corp (Inc.) to a limited liability co. (LLC) per letter to Kirs. LAB
05/20/2017 passed tobacco compliance check BLB
8/02/2016 Passed Tobacco Compliance Check BLB
07/31/2015 Passed tobacco compliance check BLB
08/20/2014 Passed tobacco comp. check. TPF/akn
07/25/2012 Passed tobacco compliance check. PF
08/23/2011 Passed tobacco compliance check. TPF
08/16/2011 Fwd \$200.00 for cig sales violation. AMW
08/04/2011 Notice of violation from CAO for selling tobacco to a minor. \$200 matrix penalty. Response due 08/15/2011. VMS
08/02/2011 To CAO for adverse action. CAR
07/28/2011 Failed tobacco compliance check.This is a first failure, \$200 matrix penalty. CAR/ PF
07/26/2010 Passed tobacco comp. check. JWF
08/12/2009 Passed tobacco compliance check. JWF
11/07/2008 Passed tobacco compliance check. RJ
05/27/2007 Passed tobacco compliance check. RJ
09/27/2006 Passed tobacco compliance check. RJ
04/06/2005 Passed tobacco compliance check. RDH
07/28/2004 Refund of \$136.00 processed for withdrawal of Restaurant Extension License. AMW
03/10/2004 Passed tobacco compliance check. CMK.
01/02/2004 Refund of \$120.00 processed. AMW
01/02/2004 Malt Off Sale refunded 75% per KS. AMW
12/23/2003 Letter from Holiday sent to Marcia Moermond stating that they are withdrawing their license application for Malt Off-Sale. CMK.
12/17/2003 Adopted as amended; Resolution - 03-1104 - Approving the application, per the Legislative Hearing Officer, by Holiday Stationstores, Inc., dba Holiday Stationstore #341, 1345 Marshall Avenue, for, Gas Station, Restaurant 0 to 12 Seats, Retail Food Grocery, Cigarette/Tobacco, and Liquid Fuel Dealer Licenses. Malt Off Sale license laid over to January 7, 2004.
10/17/2003 mgmt agreement entered into with JFT Corp. ks/caa
10/14/2003 Notification response 11/14/2003; notices mailed 10/14/2003; 36M, 34EM. caa

Adverse Action Comments Text

08/20/2021

Licensee: HOLIDAY STATIONSTORES LLC

DBA: HOLIDAY STATIONSTORE #341

License #: 20030004150

10/15/2008 CF #07-967 - Change in license type from Restaurant-A to Restaurant-2. LAB
07/27/2004 Withdrawn per written request from licensee. CAR ok'd 100% refund. car/cat

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 08/20/21 02:54 PM

House#: 1345

Last updated from Ramsey County data on:

Street Name: Marshall

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

1345 Marshall Ave - Holiday Station Store / 1347 Marshall Ave - Water Only - 55104-6344 - [Other Applications](#)

PIN: 342923340018

Census Tract: 33400 **Census Block:** 1016

Council Ward: 1 **District Council:** 13

Year Built:

Foundation Sq Feet: **Loan Company:**

Land

Building

Value: 351000

Value: 691200

Existing Primary Use: A-
Auto Convenience Market

Legality of Use:

Occupancy

Units: 0

Group

Type: M

Zoning: I1

Heritage Preservation: HP Inventory #: RA-SPC-4473 / **HP Property Name:** Tracy Oil Co. / **HP Architect/Builder:** Rule, C. T. / **HP Date Built:** 1930 / **HP Address:** 1345 Marshall Ave. W

Legal Desc: AUDITOR'S SUBDIVISION NO. 27 SUBJ TO HAMLINE AND EX N 35 FT OF E 155 FT AND EX S 50 FT OF N 85 FT OF E 120 FT AND SUBJ TO HWY SEWER THE E 230 FT OF LOT 14

Owner:

Holiday Stationstores Inc/Attn Tax Department
4567 American Blvd W
Minneapolis MN 55437-1123
952-830-8700

Certificate of Occupancy Responsible Party:

Holiday
1345 Marshall Ave
St Paul MN 55104
651-641-1045



CITY OF SAINT PAUL

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

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.sppaul.gov/dsl

Tobacco Youth Compliance Check Purchase Form

20030004160
HOLIDAY STATIONSTORE #341
1345 MARSHALL AVE
ST PAUL, MN 55104-6344
13

Fail

Business Type:

- Convenience
- Convenience / Gas
- Gas
- Drug Store / Pharmacy
- Tobacco Product Shop
- Supermarket / Grocery
- General Merchant
- Liquor Store / Bar Restaurant
- Other (private club, bowling, etc.)

Inspector: Kaozouapang Yang
Name

Date: 08 / 17 / 2021
MM DD YYYY

Time: 10 : 00 a.m / p.m

Was purchase attempted?

- Yes
- No

If NO, check reason:

- Does not sell tobacco
- After business hours
- Not applicable
- Unsatisfactory/unsafe conditions
- Out of business
- Other _____

Buyer: _____
Name

Age: 20
Sex: Female

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:

- 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 25ish

Name of Clerk: Ellie Dawson Address: 996 Gerotto St N St Paul
City & State _____ Zip Code 55103

Driver's license # or State ID # _____ Date of Birth: 09/22/00

Description / Notes: Blond, red shirt



CITY OF SAINT PAUL

Business Licensing
373 Jackson Street, Suite 230
Saint Paul, Minnesota 55102-2306

Telephone: 651-261-3100
Facsimile: 651-266-9124
Web: www.saintpaul.gov/biz

Tobacco Youth Compliance Check Purchase Form

20030004160
HOLIDAY STATION STORE #341
1345 MARSHALL AVE
ST PAUL, MN 55104-6344
12

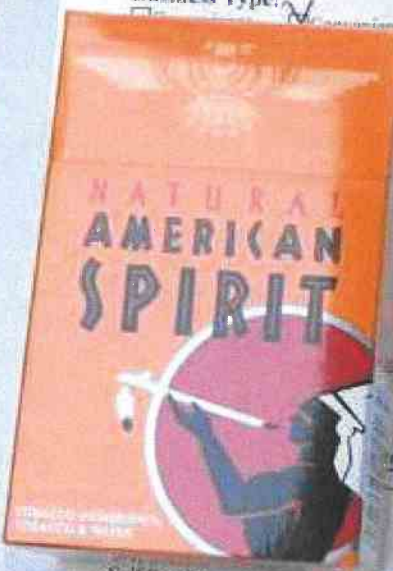


Business Type: Gas

- Gas
- Drug Store / Pharmacy
- Tobacco Product Shop
- General Merchant
- Liquor Store
- Other (private club, bowling, etc.)

Date: 08 / 10 / 20
MM DD Y

If NO, check reason:
 Does not sell tobacco
 After business hours
 Not applicable



Age: 20
Sex: Female

Was age asked? No

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

Clerk Information: Female Male

Name of Clerk: _____
 City & State: _____
 Driver's license # or State I.D.#: _____
 Description / Notes: Blond, red shirt
 Birth: _____

