2

STAMP - Activity Detail

New Search Help using this report E-mail Service Desk

841 Grand Ave

Click here to access other applications using this address - GISmo, MapIT, and Ramsey County Info

Run Date: 01/06/16 09:39 AM **In Date:** 09/01/15 **Status:** Under Review

Folder ID#: **15 155715** **Entered By:** Vinge, Maynard **Closed:**

Type: CS - CSO Complaint - License - Complaint

Description:
Caller states that the business here is selling E-cigarettes and cigarette papers. Concerned that business was denied a Tobacco lic.
10/19/15 Illegal business. They are selling tobacco and e-cigarette products within 1,282 feet from an existing tobacco shop.

Comment:
09/02/2015 : License Printed: 09/02/2015

Document:
Batch PDF: Complaint Document - Generated: 09/02/2015 - Sent: 09/02/2015

* Note: Clicking on above document links may not reflect the exact formatting of the original document.

People:
Owner:
Wengler Family Limited Prtnsh
857 Grand Ave
St Paul MN 55105-3311

Responsible Party:
Bill Wengler
857 Grand Ave
St Paul MN 55105
651-292-9140

Info Value:
See Click Fix: No
Behavior Complaint: No
Possible Student Housing?: No

Ward: 2
District Council: 16

DSI CS Complaint Admin
Assigned To: CSO Complaint Analyst Pool 651-266-8989
10/19/2015: Resend to Depts
10/19/2015: Email Sent - To: Schweinler, Kris

DSI Licensing Response
Assigned To: Schweinler, Kris 651-266-9110
Next Schedule Date: 09/01/15

B

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

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

9/3/2015

Re: Imperial Vapor at 841 Grand Ave.

At 2 pm on Wednesday, September 2. 2015 I responded to a complaint (CS 15-155715) in which the complainant stated that "the business here is selling E-cigarettes and cigarette papers. Concerned that business was denied a Tobacco license." To confirm the alleged violation, Licensing Inspector Ross Haddow conducted a controlled buy of the "Craft Grapes – Happiness" e-cigarette liquid from the shop. After purchasing the product Ross exited the store where he met me in the parking lot. We then both re-entered the store and informed them that they were operating a business without licensing and zoning approval and they therefore would have to immediately cease all operations. They complied with our orders and locked up the shop.

Prior to opening the shop, the two operators/owners of the shop Daniel Bernstein and Jacob Bernstein had come into the zoning section on multiple occasions to talk about the requirements for opening an E-cigarette shop. They applied for a variance of the quarter mile distance requirement between two tobacco shops and were denied. They began the process of filling out a tobacco license application, but because the issuance of the tobacco license is contingent on zoning approval, the licensing application became invalid.

During the inspection they claimed that they no longer needed zoning and licensing approval because the "Craft Grapes – Happiness" was actually purchased from a third party vendor online, despite the fact their business name, "imperial vapor', appears across the top of the receipt that Licensing Inspector Ross Haddow received upon his purchase. They have an onsite inventory of the vapor displayed in the store which can be obtained immediately by a customer after the store receives payment, which is the manner in which our purchase was made.

Anthony Johnson
DSI Zoning/Licensing Inspector I

09/02/15

At 2pm on Wednesday September 2, 2015, I made a purchase of Craft Vapes- Happiness 6 from Imperial Vapor. Total price after tax was $14.22. When I walked in there was one associate (Daniel Bernstein) in the customer area to help me. He showed me all of the products that he had available for sale. There were 3 display cabinets and one open shelf that had product that was available for purchase. The associate explained what each item was and the price of all the items that I was interested in. After I made my decision, he went to the back of the store to grab a bottle out of storage. He came back out front and rang me up through his computer. He stated that he had to enter some information in the computer for inventory purposes. I then paid cash and was given a receipt. I then left the store.

Tony Johnson and I went back into the store to get information from the owners and retail clerks and to shut the store down. It was explained that the business had to shut down because they were operating illegally. They had no license and did not receive fire or zoning approval to operate the business. The two clerks became argumentative stating that they weren't breaking any laws.

They explained that they only sold devices to use the vapor from the store and that what I had actually done was ordered the vapor online and did an in-store pick up to retrieve the product. I explained that I had never went online to make a purchase and that when I walked in the door I knew nothing about e-cigarettes or the vapor that they use. That is why I was given the explanations that I was. They said that if I were to look at their computer system that it would show I had placed an order online. They then stated that Imperial Vapor does not sell Craft Vapes and that it was a third party company that I had actually purchased from. The receipt that I was given for my purchase stated that it came from Imperial Vapor and had the 841 Grand Ave address printed on it. After watching them put their inventory away, they locked the front door and we left.

Ross Haddow

Imperial Vapor
841 Grand Ave
St. Paul, MN 55105
651-225-8710

Cashier: Daniel
02-Sep-2015 2:00:57P

1	Craft Vapes - Happiness 6 MG	$14.00
		5% Off ($0.70)

Subtotal	**$13.30**
Tax	**$0.92**
Total	**$14.22**
CASH SALE	$14.22
Cash tendered	$20.00
Change	$5.78

Order PZ7Q3SEHQFSVE

Online: https://clover.com/p/
V14AB66RGM8HJ

Hand Crafted in Los Angel
Craft
Vapes
happin

IMPERIAL VAPOR
NOW OPEN

Croft
Vapes

4

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15200153

Reference CN

Date and Time of Report 09/17/2015 12:21:00

Primary offense: INVESTIGATE-AND ALL OTHER

Primary Reporting Officer: Aguirre, Rigoberto B

Primary squad: 846

Secondary reporting officer:

Approver: Murphy, Shawn

District: Western

Site:

Name of location/business:

Location of incident: 841 GRAND AV
ST PAUL, MN 55108

Date & time of occurrence: 09/15/2015 16:00:00 *to* 09/17/2015 12:22:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Crime Scene Processed:

Police Officer Assisted Suicide:

OFFENSE DETAILS

INVESTIGATE-AND ALL OTHER

Attempt Only:

Appears to be Gang Related:

NAMES

Suspect

KNOWN

Bernstein, Daniel Ruban
841 GRAND AV
ST PAUL, MN

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male *Race:* White *DOB:* 04/04/1990 *Resident Status:*

Hispanic: *Age:* 25 *from* *to*

Phones

Home: *Cell:* *Contact:*

Work: *Fax:* *Pager:*

Employment

Occupation: *Employer:*

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number: 15200153
Reference CN:
Date and Time of Report: 09/17/2015 12:21:00
Primary offense: INVESTIGATE-AND ALL OTHER

Identification

SSN:
License or ID#:
License State:

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:
Taken to health care facility:
Medical release obtained:

Suspect

KNOWN

Bernstein, Jacob Maxim
841 GRAND AV
ST PAUL, MN

Nicknames or Aliases

Nick Name:
Alias:
AKA First Name:
AKA Last Name:

Details

Sex: Male
Race: White
DOB: 11/26/1994
Resident Status:
Hispanic:
Age: 20 from to

Phones

Home:
Cell:
Contact:
Work:
Fax:
Pager:

Employment

Occupation:
Employer:

Identification

SSN:
License or ID#:
License State:

Physical Description

US:
Metric:
Height: to
Build:
Hair Length:
Hair Color:
Weight: to
Skin:
Facial Hair:
Hair Type:
Teeth:
Eye Color:
Blood Type:

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15200153

Reference CN

Date and Time of Report 09/17/2015 12:21:00

Primary offense: INVESTIGATE-AND ALL OTHER

Offender Information

Arrested: *Pursuit engaged:* *Violated Restraining Order:*

DUI: *Resistance encountered:*

Condition:

Taken to health care facility: *Medical release obtained:*

Victim

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name: *AKA Last Name:*

Details

Sex: *Race:* *DOB:* *Resident Status:*

Hispanic: *Age:* *from* *to*

Phones

Home: *Cell:* *Contact:*

Work: *Fax:* *Pager:*

Employment

Occupation: *Employer:*

Identification

SSN: *License or ID#:* *License State:*

Victim Information

Type: Unknown *Can Identify Offender:* No *Willing to Press Charges:* No

Condition:

Taken to health care facility: No *Medical release obtained:* No

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15200153

Reference CN

Date and Time of Report 09/17/2015 12:21:00

Primary offense:

INVESTIGATE-AND ALL OTHER

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:
Suspect	Bernstein, Daniel Ruban	841 GRAND AV ST PAUL, MN	
Suspect	Bernstein, Jacob Maxim	841 GRAND AV ST PAUL, MN	
Victim			

NARRATIVE

On September 15, 2015 at approximately 1635 hours, Sergeant R. Gainey and I (Sergeant Rigo Aguirre) went to Imperial Vapor (841 Grand Ave, St. Paul, MN) for a complaint that the business was open and selling electronic cigarette liquid/juice (E-juice, E-liquid). The complainant, Inspector Kris Schweinler of the Department of Safety and Inspections, informed me that Imperial Vapor did not have a tobacco license which is needed to sell the E-liquid. She also told me that Imperial Vapor was violating Saint Paul zoning ordinances by selling the e-liquid. At her request, I conducted a check of the address.

When we arrived we noted that there was a sign outside stating, "Imperial Vapor NOW OPEN." We walked inside and spoke to JACOB MAXIM BERNSTEIN (11-26-1994). He provided me with his MN picture ID and identified himself as an owner of the business. I also identified PRESTON DEFOREST FULLER (11-13-1991). FULLER told me he was an employee of Imperial Vapors.

BERNSTEIN told me that he was open for business and planned to stay open. He said he is open 7 days a week. BERNSTEIN mentioned that he was having a dispute with DSI about selling E-liquid. I asked BERNSTEIN to explain to me what the dispute was about. BERNSTEIN told me that he has partnered with a company, Royal Reserve LLC, to distribute the E-liquid. BERNSTEIN stated that a customer will come into his business and decided what they want to buy. He then has them place the order online with Royal Reserve LLC. BERNSTEIN has iPads available for the customer to use to place the order. BERNSTEIN explained that he then distributes the E-liquid to the customer on behalf of Royal Reserve LLC. BERNSTEIN told me that

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15200153

Reference CN

Date and Time of Report 09/17/2015 12:21:00

Primary offense: INVESTIGATE-AND ALL OTHER

there is a notice and acknowledgement during the purchase indicating that they are buying from Royal Reserve and not from Imperial Vapor.

BERNSTEIN gave me a tour of his store. He should me multiple rooms upstairs and downstairs. The downstairs appeared to be additional storage and not meant for customers.

I advised BERNSTEIN that I had been advised by DSI that he was not compliant with city ordinance and that citations would likely be issued by DSI. BERNSTEIN expressed to me that he disagreed with DSI. He told me that he was not selling E-liquid. BERNSTEIN answered all my questions and was complied with all my requests.

On September 17, 2015 at approximately 1200 hours, I called and spoke to DANIEL RUBEN BERNSTEIN (4-4-1990) who is the brother and co-owner of imperial Vapor. I advised him of our visit and told him that per DSI he was violating city ordinance. DANIEL BERNSTEIN stated that he disagreed with city and his attorneys have advised him differently.

No Further at this time.

PUBLIC NARRATIVE

Investigate possible selling of e-cigarettes and e-juice without license. On going with DSI.

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Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 09/29/2015 10:19:00

Primary offense: INVESTIGATE-AND ALL OTHER

Primary Reporting Officer: Aguirre, Rigoberto B

Primary squad: 862

Secondary reporting officer:

Approver: Murphy, Shawn

District: Western

Site:

Name of location/business:

Location of incident: 841 GRAND AV
ST PAUL, MN 55105

Date & time of occurrence: 09/28/2015 16:12:00 *to* 09/28/2015 16:45:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

OFFENSE DETAILS

INVESTIGATE-AND ALL OTHER

Attempt Only:

Appears to be Gang Related:

NAMES

Suspect

UNKNOWN

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: *Race:* *DOB:* *Resident Status:*

Hispanic: *Age:* *from* *to*

Phones

Home: *Cell:* *Contact:*

Work: *Fax:* *Pager:*

Employment

Occupation: *Employer:*

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 09/29/2015 10:19:00

Primary offense: INVESTIGATE-AND ALL OTHER

Identification

SSN: *License or ID#:* *License State:*

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:

Taken to health care facility: *Medical release obtained:*

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:

PROPERTY

ITEM #1

Type of Loss: Recovered *Date of Loss:* *Location Lost:*

Owner: *Date Recovered:* 09/28/2015 *Location Recovered:* 841 Grand Ave

Model #: *Quantity:* 1 *Serial #:*

Article Type / Item: Other property / Miscellaneous items *Total value:*

Description: Craft Vapes E-liquid "Happiness" in bottle.

Turned in at: Property room locker *Locker ID #:* 30 *Lab exams:*

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911 *Reference CN*

Date and Time of Report 09/29/2015 10:19:00

Primary offense: INVESTIGATE-AND ALL OTHER

ITEM #2

Type of Loss: Recovered *Date of Loss:* *Location Lost:*
Owner: *Date Recovered:* 09/28/2015 *Location Recovered:* 841 Grand Ave
Model #: *Quantity:* 1 *Serial #:*

Article Type / Item: Other property / Miscellaneous items *Total value:*
Description: Business card for Imperial Vapors

Turned in at: Property room locker *Locker ID #:* 30 *Lab exams:*

ITEM #3

Type of Loss: Recovered *Date of Loss:* *Location Lost:*
Owner: *Date Recovered:* 09/28/2015 *Location Recovered:* 841 Grand Ave
Model #: *Quantity:* 1 *Serial #:*

Article Type / Item: Other property / Miscellaneous items *Total value:*
Description: White bag from purchase

Turned in at: Property room locker *Locker ID #:* 30 *Lab exams:*

ITEM #4

Type of Loss: Recovered *Date of Loss:* *Location Lost:*
Owner: *Date Recovered:* 10/01/2015, *Location Recovered:* 841 Grand Ave
Model #: *Quantity:* 1 *Serial #:*

Article Type / Item: Other property / Miscellaneous items *Total value:*
Description: Craft Vapes "Angry Apple" E-liquid in bottle

Turned in at: Property room locker *Locker ID #:* 30 *Lab exams:*

Participants:

Person Type:	Name:	Address:	Phone:
Suspect			

NARRATIVE

On Going investigation with DSI

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 09/29/2015 10:19:00

Primary offense:

INVESTIGATE-AND ALL OTHER

PUBLIC NARRATIVE

On going investigation

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 10/09/2015 11:44:00

Primary offense: INVESTIGATE-AND ALL OTHER

Primary Reporting Officer: Aguirre, Rigoberto B

Primary squad:

Secondary reporting officer:

Approver:

District: Western

Site:

Name of location/business:

Location of incident: 841 GRAND AV
ST PAUL, MN 55105

Date & time of occurrence: 09/28/2015 16:12:00 *to* 09/28/2015 16:45:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Crime Scene Processed:

Police Officer Assisted Suicide:

NARRATIVE

On October 9, 2015 at approximately 1000 hours, I (Sgt. Aguirre) picked up Item #1 (Happiness E-Liquid) and Item # 4 (Angry Apple) from the Saint Paul Police property room.

At approximately 1058 hours, I turned over Item #1 and Item #4 to Stefan Saravia from the Minnesota Department of Health for analysis.

No further.

PUBLIC NARRATIVE

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 10/07/2015 08:41:00

Primary offense: INVESTIGATE-AND ALL OTHER

Primary Reporting Officer: Aguirre, Rigoberto B

Primary squad:

Secondary reporting officer:

Approver:

District: Western

Site:

Name of location/business:

Location of incident: 841 GRAND AV
ST PAUL, MN 55105

Date & time of occurrence: 09/28/2015 16:12:00 *to* 09/28/2015 16:45:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Crime Scene Processed:

Police Officer Assisted Suicide:

NARRATIVE

I, Sergeant Rigo Aguirre (Sqd #862) am currently a member of the Saint Paul Police VICE Unit and I am assigned to work and assist the Saint Paul Department of Safety and Inspections (DSI). While working with DSI I learned that Imperial Vapors located at 841 Grand Ave in St. Paul was selling E-liquid/ E-juice. E-liquid and/or E-juice is a liquid that contains nicotine and is sold to be used with an electronic cigarette. In short, the E-cigarette vaporizes the E-liquid so it can be inhaled by a user. DSI informed me that Imperial Vapors was not complying with zoning regulations and did not have a tobacco license to sell the e-liquid as described in city ordinance.

I determined the following information about Imperial Vapor.

Imperial Vapor's Facebook account stated:
-They are open for business.
-They commented on the September 2nd visit from DSI.
-They listed a future website of www.imperialvapormn.com
- They listed a business number as 651-225-8710
- Imperial Vapor's logo appears to be the silhouette of a double headed eagle holding E-cigarettes.

MN Secretary of State information:
-6-8-15 filled assumed name as Imperial Vapor.
-Mailing address: 1323 Seminary Ave, St. Paul, MN 55305
-Principle Business Address: 13601 McGinty Rd E, Minnetonka, MN 55305
-Name Holder: Jacob Maxim Bernstein, 13601 McGinty Rd E, Minnetonka, MN 55305
-8-19-15 Filled LLC formation of Imperial Vapor LLC
-Business Address: 841 Grand Ave, St. Paul, MN
-Registered Agent: Jacob Bernstein

I determined the following about Royal Reserve LLC (online company used to make the E-liquid purchases)
-Website is www.royalreservejuice.com

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 10/07/2015 08:41:00

Primary offense:

INVESTIGATE-AND ALL OTHER

-Website lists business number: 651-225-8710 (same as Imperial Vapor)
-Website lists business address as 841 Grand Ave, St. Paul, MN (same as Imperial Vapor)
-Website uses the same logo as Imperial Vapor, the the silhouette of a double headed eagle holding E-cigarettes.

MN Secretary of State information:
-8-26-15 Filled for creation of Royal Reserve LTD
-Office address: 1323 Seminary Ave, St. Paul, MN 55305 (associated with Imperial Vapors)

DATA available to police shows:
-Chief Operating Officer: Daniel Bernstein (co-owner of Imperial Vapors)
-Officer/Director: Jacob Bernstein (co-owner of Imperial Vapors)
-1322 Seminary Ave, St. Paul, MN 55104

NO FURTHER at this time.

PUBLIC NARRATIVE

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 10/07/2015 08:36:00

Primary offense: INVESTIGATE-AND ALL OTHER

Primary Reporting Officer: Aguirre, Rigoberto B

Primary squad:

Secondary reporting officer:

Approver:

District: Western

Site:

Name of location/business:

Location of incident: 841 GRAND AV
ST PAUL, MN 55105

Date & time of occurrence: 09/28/2015 16:12:00 *to* 09/28/2015 16:45:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Crime Scene Processed:

Police Officer Assisted Suicide:

NARRATIVE

I, Sergeant Rigo Aguirre (Sqd #862) am currently a member of the Saint Paul Police VICE Unit and I am assigned to work and assist the Saint Paul Department of Safety and Inspections (DSI). While working with DSI I learned that Imperial Vapors located at 841 Grand Ave in St. Paul was selling E-liquid/ E-juice. E-liquid and/or E-juice is a liquid that contains nicotine and is sold to be used with an electronic cigarette. In short, the E-cigarette vaporizes the E-liquid so it can be inhaled by a user. DSI informed me that Imperial Vapors was not complying with zoning regulations and did not have a tobacco license to sell the e-liquid as described in city ordinance.

Based on the information above, the Saint Paul Police Department agreed to assist DSI with their investigation by conducting a controlled purchase of the E-liquid.

On September 28, 2015, I met with Officer Mike Herschman and an undercover officer (UC). The UC is a licensed peace officer in the State of Minnesota. I gave a briefing of the operation and assigned responsibilities. In summary, the UC was going to go to 841 Grand Ave and attempt the purchase of E-juice. E-liquid.

At approximately 1612 hours, the UC entered 841 Grand Ave wearing plain clothes and having no police identification. The UC was equipped with a device capable of recording and transmitting live audio. The UC went inside and met one of the business owners, BERNSTEIN, DANIEL RUBEN (4-4-1990, 445 Upton Ave S, Minneapolis, MN 55405). DANIEL greeted the UC and explained the different products they had in stock. DANIEL assisted the UC pick out an E-liquid bottle with a specific dosage of nicotine. The UC was unable to purchase the E-liquid because Imperial Vapor only used credit cards. The UC returned to my vehicle at approximately 1618 hours.

After acquiring a prepaid credit card, I drove the UC back to 841 Grand Ave and instructed the UC to make the purchase of the E-liquid using the card. The UC left my vehicle and entered Imperial Vapors at approximately 1630 hours. At approximately 1634 hours, the UC left Imperial Vapors and retuned to my vehicle. The UC was carrying a white paper bag with handles. The UC turned gave me the paper bag and the E-liquid inside it. The UC told me that he/she used the prepaid card to purchase the E-liquid from DANIEL. The UC stated that no

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 10/07/2015 08:36:00

Primary offense: INVESTIGATE-AND ALL OTHER

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receipt was given.

The UC told me the following which was consistent with the audio I heard during the operation:

[START UC Statement]

On September 28, 2015 at approximately 1612 hours, I entered the Imperial Vapor business. Inside was a counter that a male was standing behind, several displays of "juice" and what appeared to be three people who were educating and selling the e-cig devices and juice. Two customers were being assisted, a few people were looking around and two people were on a bench smoking the e-cig in the business. The business was clouded with vapor smoke. It should be noted that there was a sign inside that said if you had a badge you needed to let them know immediately.

I was greeted DANIEL BERNSTEIN whom I immediately recognized as one of the owners of Imperial Vapors. He approached me to see what I was looking for. I told him I was looking to try my sister's e-cig device and wanted to purchase the "juice" for the device. He asked me how much I smoked and I replied that I smoked 8-10 cigarettes a day. He confirmed that was about half a pack and told me I should have the correct vaping strength and suggested I start with 6mg/ml, to go through the proper amount of liquid. DANIEL showed me the displays of that strength and invited me to smell them while I was choosing the flavor I wanted.

I decided on Craft Vapes "Happiness" and he told me that was a popular choice. Daniel then grabbed an iPad and attached a credit card swipe device to it saying Stogie's is too close for them (Imperial Vapors) to sell the "juice" from the business and they used an online website for orders and the business then filled the orders from the online purchases. I asked if they took cash and DANIEL told me they could not and only did electronic payments, he added that the city would shut them down if they accepted cash. I explained that cash was all I had with me and asked if they accepted prepaid credit cards because my significant other did not know I smoked. DANIEL said they accepted any electronic payments. I asked for the website to order on and if he had a business card for when I returned. DANIEL provided me with a business card for Imperial Vapor with the name Daniel Bernstein COO 651-225-8710, imperialvapormn@gmail.com. DANIEL then wrote in pen the website to order on the card (Royalreservejuice.com). I told DANIEL I would be back. I left the store at approximately 1618 hours and returned to meet Sgt. Aguirre.

At approximately 1630 hours, I returned to Imperial Vapors. DANIEL was with another customer and I waited for him to be free. He immediately remembered me and grabbed the iPad and ordered the "juice" we had previously discussed. He did not ask me for any of my info (full name, address or phone number). DANIEL had me hit continue on three or four website pages and then check the accept terms box. DANIEL went to another page for the transaction and had me swipe the credit card on the iPad and sign my name. The purchase was $14.00 and I was told by DANIEL that first time customers are not charged the tax on their purchases. It should be noted that DANIEL did not ask for my ID to confirm my age.

I then watched DANIEL go into the room behind the counter and it appeared he took the "juice' out of a cabinet with drawers. He asked me if I wanted a bag which I accepted and I left the business with my purchase.

I returned to Sgt. Aguirre's car and turned over the following items to him:

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number *Reference CN*

15210911

Date and Time of Report

10/07/2015 08:36:00

Primary offense:

INVESTIGATE-AND ALL OTHER

Item #1- E-liquid bottle, Craft Vapors "Happiness"
Item #2- Imperial Vapors business card
Item #3- White bag from purchase.

[END UC Statement]

I took Items 1, 2, and 3 and later turned them into the Saint Paul Police Property room (Locker #30).

PUBLIC NARRATIVE

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number 15210911

Reference CN

Date and Time of Report 10/07/2015 08:38:00

Primary offense: INVESTIGATE-AND ALL OTHER

Primary Reporting Officer: Aguirre, Rigoberto B

Primary squad:

Secondary reporting officer:

Approver:

District: Western

Site:

Name of location/business:

Location of incident: 841 GRAND AV
ST PAUL, MN 55105

Date & time of occurrence: 09/28/2015 16:12:00 *to* 09/28/2015 16:45:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Crime Scene Processed:

Police Officer Assisted Suicide:

NARRATIVE

I, Sergeant Rigo Aguirre (Sqd #862) am currently a member of the Saint Paul Police VICE Unit and I am assigned to work and assist the Saint Paul Department of Safety and Inspections (DSI). While working with DSI I learned that Imperial Vapors located at 841 Grand Ave in St. Paul was selling E-liquid/ E-juice. E-liquid and/or E-juice is a liquid that contains nicotine and is sold to be used with an electronic cigarette. In short, the E-cigarette vaporizes the E-liquid so it can be inhaled by a user. DSI informed me that Imperial Vapors was not complying with zoning regulations and did not have a tobacco license to sell the e-liquid as described in city ordinance.

Based on the information above, the Saint Paul Police Department agreed to assist DSI with their investigation by conducting a controlled purchase of the E-liquid.

On October 1, 2015, I met with Officer Mike Herschman and an undercover officer (UC). The UC is a licensed peace officer in the State of Minnesota. I gave a briefing of the operation and assigned responsibilities. In summary, the UC was going to go to 841 Grand Ave and attempt the purchase of E-juice. E-liquid.

At approximately 1057 hours, the UC entered 841 Grand Ave wearing plain clothes and having no police identification. The UC was equipped with a device capable of recording and transmitting live audio. I watched the UC go into 841 Grand Ave and leave at approximately 1103. The UC returned to my car and turned over one bottle of Craft Vapes "Angry Bird" E-liquid.

The UC told me the following which was consistent with the audio I heard during the operation:

[START UC Statement]

I (UC) went inside 841 Grand Ave in St. Paul via the front door. I met with one of the business owners, BERNSTEIN, JACOB MAXIM (11-26-1994). I selected and told JACOB that I wanted to purchase "Angry Apple" E-liquid. JACOB agreed and assisted me with the purchase via an iPad. There were some Wi-Fi problems during the transaction and JACOB went to a back room and met with his brother DANIEL (BERNSTEIN,

Saint Paul Police Department

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number *Reference CN*

15210911

Date and Time of Report

10/07/2015 08:38:00

Primary offense:

INVESTIGATE-AND ALL OTHER

DANIEL RUBEN (4-4-1990). After resolving the Wi-Fi problems, JACOB used the iPad to conduct a most of the transaction for the E-liquid at www.royalreservejuice.com. I finished the transaction by acknowledging the transaction and disclaimers and signing for the purchase. JACOB then went to another room and retrieved the "Angry Apple" E-liquid and turned it over to me. It should be noted that JACOB did check my ID and asked if I had purchased in the store previously. I left the store and returned back to Sgt. Aguirre's vehicle.

[END UC Statement]

I later entered the Craft Vapes "Angry Bird" E-liquid into evidence in property room locker #30 (Item #4).

No further.

PUBLIC NARRATIVE

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Minnesota Department of Health
Public Health Laboratory
Testing Results for Suspicious Samples

MDH Sample Numbers: #15J0645-01 & #15J0645-02	
Item(s) Tested: Two bottles of "e-liquid" for electronic cigarettes	
Report Date: November 13, 2014	
Date Sample Received: October 9, 2015	
Sample Description: Liquid from two bottles of "e-liquid" for electronic cigarettes. One bottle was labeled, "Happiness" (15J0645-01) and one was labeled, "Angry Apple" (15J0645-02).	
Sample Received From: Sergeant Rigo Aguirre, St. Paul Police Department	
Report Results to: Sergeant Rigo Aguirre	**Initial:** SAS **Date:** 10/23/2015
Sample Returned to: Pending	

Test Results

Test Result: Nicotine was presumptively identified in each of the samples.

Summary: On October 9, 2015 Sergeant Rigo Aguirre contacted the Minnesota Department of Health (MDH), Public Health Laboratory to request testing on two samples of suspected "e-liquid" for the presence of nicotine. Sgt. Aguirre wanted testing done to confirm the presence of nicotine in the samples. It was explained to Sgt. Aguirre that the MDH lab does not have a regulated method for nicotine in propylene glycol (e-liquid), and that any results must be interpreted as a presumptive screening test only. Sgt. Aguirre stated he understood and was comfortable with this.

The samples were analyzed utilizing GC/MS instrumentation. The analysis protocols followed internal methodology utilized for analyzing Semi-Volatile Organic Compounds (SVOCs) based on EPA method 8270. The mass spectrometer allows for a broad spectrum screening of semi-volatile compounds. Again it should be noted that MDH is not calibrated to analyze for nicotine so we cannot provide accurate quantifiable results. However, an in-house standard of nicotine was processed on the same instrumentation and provided qualitative confirmation of the result and identified the presence of nicotine in both of the samples.

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Minnesota Business and Lien System, Office of the Minnesota Secretary of State

Business Record Details

Minnesota Business Name

Imperial Vapor LLC

Business Type
Limited Liability Company (Domestic)

MN Statute
322C

File Number
837517100030

Home Jurisdiction
Minnesota

Filing Date
8/19/2015

Status
Active / In Good Standing

Renewal Due Date
12/31/2016

Registered Office Address
841 Grand Ave
St Paul, MN 55105
USA

Registered Agent(s)
Jacob Bernstein

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

	Filing Date	Filing	Effective Date
☐	8/19/2015	Original Filing - Limited Liability Company (Domestic)	

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Minnesota Business and Lien System, Office of the Minnesota Secretary of State

Business Record Details

Minnesota Business Name

Imperial Vapor

Business Type
Assumed Name

MN Statute
333

File Number
829231200026

Home Jurisdiction
Minnesota

Filing Date
6/8/2015

Status
Active / In Good Standing

Renewal Due Date
12/31/2016

Registered Agent(s)
(Optional) None provided

Principal Place of Business Address
13601 McGinty Road East
Minnetonka, MN 55305
USA

Mailing Address
1323 Seminary Ave
Saint Paul, MN 55305
USA

Nameholder	Nameholder Address
Jacob Maxim Bernstein	13601 McGinty Road East, Minnetonka, MN 55305

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

	Filing Date	Filing	Effective Date
☐	6/8/2015	Original Filing - Assumed Name	

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Minnesota Business and Lien System, Office of the Minnesota Secretary of State

Business Record Details

Minnesota Business Name

Royal Reserve LTD

Business Type
Business Corporation (Domestic)

MN Statute
302A

File Number
838917300027

Home Jurisdiction
Minnesota

Filing Date
8/26/2015

Status
Active / In Good Standing

Renewal Due Date
12/31/2016

Registered Office Address
1323 Seminary Avenue
St. Paul, MN 55104
USA

Number of Shares
1000

Registered Agent(s)
(Optional) None provided

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

	Filing Date	Filing	Effective Date
☐	8/26/2015	Original Filing - Business Corporation (Domestic)	

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DEPARTMENT SAFETY AND INSPECTIONS
Fire Inspection Division
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Suite 220
1806

375 Jackson Street,
Saint Paul, MN 55101-

Telephone: 651-266-8989
Fax: 651-266-8951

January 4, 2016

BILL WENGLER
857 GRAND AVE
ST PAUL MN 55105

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 841 GRAND AVE
Ref. # 16763

Dear Property Representative:

You are hereby notified that the following deficiency list must be corrected immediately. **A reinspection will be made on January 8th, 2016 at 10:00am.**

Failure to comply will result in a criminal citation. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

1. **841 GRAND – IMPERIAL VAPOR** - SPLC 34.23 This occupancy is condemned due to illegal occupancy as a tobacco products shop in violation of Zoning Ordinance SPLC 65.535. (1) Action authorized to condemn structures or units as unfit for occupancy. Whenever an enforcement officer finds that any dwelling unit, structure or portion thereof constitutes a hazard to the health, safety or welfare of the occupants or to the public for any of the reasons enumerated in this chapter, including those violations defined herein as constituting material endangerment, but which structure does not constitute a dangerous structure, the officer may take action to condemn the unit or structure as being unfit for occupancy.
(2) Illegal occupancy. If any dwelling unit, structure or any part thereof is occupied by more occupants than provided by this chapter or is erected, altered or occupied contrary to law, the unit, structure or part thereof shall be deemed an unlawful structure and the enforcement officer shall cause the unit or structure vacated. It shall be unlawful to occupy such unit or structure until it or its occupation, as the case may be, has been made to conform to the law.
(7) Material endangerment violations. The following violations may constitute material endangerment if in combination or alone the conditions are substantial and expose the occupants or the public to danger or peril: (f) Violations of other requirements. Whenever any dwelling unit, structure or any part thereof is: 3. Is erected, altered or occupied contrary to law.
–IMMEDIATLEY CEASE OPERATION OF THIS BUSINESS OR A CRIMINAL CITATION WILL BE ISSUED AND ADDITIONAL ENFORMENT MAY BE TAKEN.

2. **841 GRAND – IMPERIAL VAPOR** - SPLC 40.06 - Suspension, revocation and denial.
(a) Grounds for revocation. The fire code official may, in writing, issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an application therefor;
(3)If it is found upon inspection of the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations.
-The Fire Certificate of Occupancy has been revoked for the commercial (mercantile) space due to its illegal operation in violation of Zoning Ordinance SPLC 65.535.

3. **841 GRAND – IMPERIAL VAPOR** - SPLC 65.535 - Use of this property does not conform to zoning ordinance. **Immediately discontinue the unapproved use. Discontinue: Use as Tobacco products shop.**
A retail establishment with a principal entrance door opening directly to the outside that derives more than ninety (90) percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.
Standards and conditions:
(a) No tobacco products shop shall be located within one-half (½) mile (2,640 feet) of another tobacco products shop.
(b) In the BC community business (converted) and T2 traditional neighborhood districts, a conditional use permit is required for tobacco products shops with a floor area greater than two thousand five hundred (2,500) square feet.

This location at 841 Grand Ave. does not meet the first condition. It is 1,282 feet away from another tobacco products shop. A variance from the separation requirement was sought by the leasee, Jacob Bernstein, and was denied by the Board of Zoning Appeals – No appeal was filed and the business opened in violation.

4. **ENTIRE BUILDING** - SPLC 34.19 - Provide access to the inspector to all areas of the building.
–The Fire Certificate of Occupancy is due for renewal. You or your representative must be present to allow the inspector full access to the entire building for a full inspection and verify the commercial space is no longer is use on December 31st, 2015 at 10:00am. Have all necessary keys available.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: http://www.stpaul.gov/cofo

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: adrian.neis@ci.stpaul.mn.us or call me at 651-266-8992 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

A.J. Neis
Fire Inspector

Ref. # 16763