

Super Day, Inc.
281 Snelling Avenue North
Saint Paul, MN 55104

November 18, 2010

Ms. Rachel Tierney
Assistant City Attorney
400 City Hall, 15 West Kellogg Blvd.
Saint Paul, MN 55102

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CITY ATTORNEY

Re: Cigarette/Tobacco license held by Super Day, Inc. License ID #20070002366

Via: Facsimile 651-298-5619 and US Mail

Dear Ms. Tierney:


We are writing in response to your letter dated November 5, 2010. We are alarmed and disturbed that after substantial internal efforts including education, policy implementation and coaching it is your understanding that we have been unsuccessful in preventing the sale of tobacco to those under the age of eighteen.

Although we continue to be ever vigilant in our companywide policies involving the responsible sale of items which are age restricted, we continue to search for technologies and policies that will provide additional insurance that compliance with all requirements of responsible retailers be met. Extensive efforts have been undertaken in the previous 12 months to ensure that the best possible efforts have been affected.

Unfortunately given the limited information we have been provided involving the alleged failure to comply with state and city requirements it appears that we have not met the standard that must be met by responsible retailers. Although we do not possess information currently that would allow us to absolutely determine the validity of the alleged violation, current business circumstances prevent us from exploring further the exact details involving successful and unsuccessful tests of our stores tobacco sales compliance.

As a result we request that your office set the matter of the 30 day suspension of cigarette sales license to be reviewed by the City Council before being implemented.

Sincerely,


David J. Povolny
Owner