

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 1st day of August, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Speedway #4430
846 Johnson Parkway
St. Paul, MN 55106
Attn: Northern Tier Retail LLC

Northern Tier Retail LLC,
19100 Ridgewood Parkway,
San Antonio, TX 78259

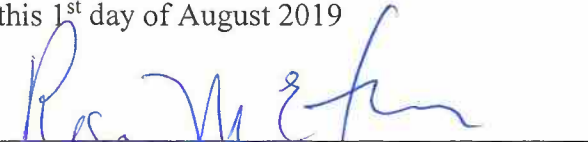
Chuck Repke, Executive Director,
District 2 Community Council,
1365 Prosperity Avenue
St. Paul, MN 55106

Realty Income Properties 3 LLC,
11995 El Camino Real Suite 101,
San Diego, CA 92130-2565

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


Shawn McDonald

Subscribed and sworn to before me
this 1st day of August 2019


Notary Public





CITY OF SAINT PAUL
Mayor Melvin Carter

*Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102*

*Telephone: 651 266-8710
Facsimile: 651 298-5619*

August 1, 2019

**NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION
OF \$200 MATRIX PENALTY**

Speedway #4430
846 Johnson Parkway
St. Paul, MN 55106
Attn: Northern Tier Retail LLC

RE: Cigarette/Tobacco license held by Northern Retail LLC d/b/a Speedway #4430 for the premises located at 846 Johnson Parkway in Saint Paul
License ID #20100004268

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Cigarette/Tobacco license held by Northern Tier Retail LLC d/b/a Speedway #4430 for the premises located at 1990 Suburban Avenue in Saint Paul. The basis for the recommendation is as follows:

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

Saint Paul Legislative Code §324.11(b)(1) lays out the presumptive penalties for sale to a minor. On August 6, 2018, this location failed a youth compliance check. The presumptive penalty for a first violation for the sale of cigarettes to an underage person is \$200.

The Department asserts that the following facts along with attachments herein constitute proof of a violation of both Minn. Stat. § 609.685 and Saint Paul Legislative Code § 324.07(d) by a preponderance of the evidence.

On June 3, 2019 a letter was sent to all Cigarette/Tobacco license holders notifying you that inspectors from the Department of Safety and Inspections will be conducting unannounced tobacco compliance checks throughout the months of June, July and August.

On June 20, 2019, a tobacco compliance check was conducted at Speedway #4430 located at 846 Johnson Parkway. A sixteen-year-old male entered your store and attempted to purchase cigarettes. He was not asked to show her identification which would have indicated he was underage. Nevertheless, the clerk sold him a package of Marlboro Seventy-Twos cigarettes.

You have four (4) options to proceed:

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 **Wednesday, August 14, 2019**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the **Wednesday, August 21, 2019** City Council Consent Agenda for approval of the proposed remedy.
2. You can pay the \$200.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Wednesday, August 14, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$200.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but contest the \$200.00 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 **Wednesday, August 14, 2019**. The matter will then be scheduled before the City Council to determine whether to impose the \$200.00 matrix 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 by **Wednesday, August 14, 2019**. 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 Wednesday, August 14, 2019, I will assume that you are not contesting the imposition of the \$200.00 matrix penalty. In that case, the matter will be placed on the Wednesday, August 21, 2019 City Council Consent Agenda for approval of the recommended penalty.

If you have any questions, please feel free to contact Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,

Handwritten signature of Therese Skarda in cursive, followed by the initials "S.M." in a smaller, simpler font.

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Northern Tier Retail LLC, 19100 Ridgewood Parkway, San Antonio, TX 78259
Chuck Repke, Executive Director, District 2 Community Council, 1365 Prosperity Avenue
St. Paul, MN 55106
Realty Income Properties 3 LLC, 11995 El Camino Real Suite 101, San Diego, CA 92130-2565



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-5806

Telephone: 651-266-8959
Facsimile: 651-266-9124
Web: www.spsaint.gov/bsl

June 3, 2019

Dear Cigarette/Tobacco License Holder,

The City of Saint Paul is required by the State of Minnesota to conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, or nicotine or lobelia products are sold to test compliance with the minimum age requirement to sell such products. The checks involve a minor (person 17 years of age or younger) entering your establishment to attempt the purchase of cigarettes or other tobacco products. If a sales clerk asks for proof of age, the minor will present an authentic State of Minnesota identification card validating their actual age and the minor will not give any false information regarding their age.

Inspectors from the Department of Safety and Inspections (DSI) will conduct these compliance checks throughout the months of June, July and August.

Per Chapter 324 of the Saint Paul Legislative Code, sale of a tobacco product or a tobacco-related device to a minor will subject the license holder to a penalty ranging from a \$200.00 fine to a license revocation. In addition, the offending sales clerk will be subject to a \$50.00 fine.

Please note that compliance checks may be conducted at any time throughout the year in response to complaints or reported violations. Also, if an Inspector discovers offenses to include a violation of flavor or pricing requirements, additional adverse licensing action may result. Questions regarding this letter can be directed to DSI Inspectors Thomas Ferrara at 651-266-9087 or Joseph Voyda at 651-266-9014.

Please ensure you have procedures in place to restrict access of tobacco to underage persons.

Respectfully,

Joseph Voyda
DSI Inspector - Licensing



CITY OF SAINT PAUL

Business Licensing Telephone: 651-266-8959
375 Jackson Street, Suite 220 Fax: 651-266-9124
Saint Paul, Minnesota 55101-1806 Web: www.sipaul.gov/dsl

Tobacco Youth Compliance Check Purchase Form

Business Type:
20100004268
SPEEDWAY #4430
846 JOHNSON PKWY

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

Inspector: Akbar R. Muhamad Date: 6 / 20 / 19 Time: 10 : 20 a.m. / p.m.
Name MM DD YY

- Was purchase attempted? Yes No
- If NO, check reason:
- Does not sell tobacco
 - Unsatisfactory/unsafe conditions
 - After business hours
 - Out of business
 - Not applicable
 - Other

Buyer: William Name Age 15 16 17 Sex Female Male 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: \$ 8 . 28

Clerk Information: Female Male Approximate Age: 18 or Under 18 Actual age if known 60

Name of Clerk: Renee Griffio Address: 1601 Aspen Dr. # 201
City & State: Hudson, WI 54016 Zip Code: 54016
Driver's license # or State I.D.#: G610-7205-8843-09 Date of Birth: 9/23/1958
Description / Notes: No current address in transition of moving.

Properties For License 846 JOHNSON PKWY

Pay Print View Hist Summ

Licensee: NORTHERN TIER RETAIL LLC
DBA: SPEEDWAY #4430

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NORTHERN TIER RETAIL LLC Browse...
 DBA: SPEEDWAY #4430 Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 07/01/2019
 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
			NSF	N	12/28/2018

Financial Hold Reasons

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Job Title
Other	09/27/2010	00/00/0000	PETERSON	JASON	MANAGER
Business	09/27/2010	00/00/0000			
Other	01/02/2018	00/00/0000	YODER	MATTHEW	SENIOR VICE
Other	01/02/2018	00/00/0000	WHITTINGTON	DEREK	TREASURER

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required Contact Properties...

License # 100004268 Save Changes to History OK Cancel Help

Properties For License 846 JOHNSON PKWY

Pay Print View Hist Summ

Licensee: NORTHERN TIER RETAIL LLC
DBA: SPEEDWAY #4430

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: NORTHERN TIER RETAIL LLC Browse...
 DBA: SPEEDWAY #4430 Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 07/01/2019
 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
			NSF	N	12/28/2018

Financial Hold Reasons

Contacts for this Licensee

Bus. Phone	Home Phone	Contact Address	City	Zip
() -	(651) 777-7197	1996 CLARK ST	MAPLEWOOD	55117
(651) 778-9193		846 JOHNSON PKWY	ST PAUL	55106-919
(602) 286-1400				
(210) 626-6000				

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

Background Check Required Contact Properties...

License # 100004268 Save Changes to History OK Cancel Help



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.stpaul.gov/dsl

Tobacco Youth Compliance Check Purchase Form

Business Type:

20100004268
SPEEDWAY #4430
846 JOHNSON PKWY

- Convenience
- Convenience / Gas
- Gas
- Drug
- Supermarket / Grocery
- General Merchant
- Liquor

Inspector: Akbar R. Muhamad Date: _____
Name

Was purchase attempted?
 Yes No

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

Buyer: William _____
Name

Age
16
15
17

Was sale made?
 Yes No

Was age asked?
 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.) _____

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

Name of Clerk: _____ Address: _____

City & State _____ Zip Code _____

Driver's license # or State I.D.# _____ Date of Birth: _____

Description / Notes: _____



CITY OF SAINT PAUL

Business Licensing
275 Jackson Street, Suite 220
Saint Paul, MN 55101-1105
Telephone: 612-268-3839
Facsimile: 612-268-9124
Web: www.stpaul.gov/biz

Tobacco Youth Comp. Check Purchase

Business Type:
2010004263
SPEEDWAY #4430
846 JOHNSON PKWY



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

0 : 20 a.m. / p.m.

Additional



Birth: _____

STAMP - Ownership / Zoning Information[New Search](#)[Help using this report](#)**Run Date:** 08/01/19 11:34 AM**House#:** 846**Last updated from Ramsey County
data on:** 07/07/2018**Street
Name:** johnson

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

846 Johnson Pkwy - Superamerica - 55106-3420 - [Other Applications](#)

PIN: 272922320138	Census Track: 31702	Census Block: 3009	Council Ward: 6	District Council: 2
Year Built:	Foundation Sq Feet:	Loan Company: 00	Land Value: 226500	Building Value: 838200
Unverified Usage:			ISP:	Units:

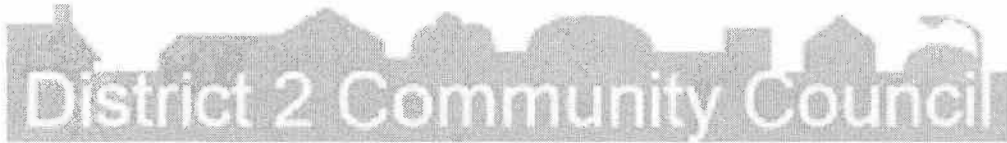
Zoning: B3**Legal Desc:** Tracys Outlots In Town New Can Subj To St; Lots 3 Thru 6 Blk 10**Owner:**

Realty Income Properties 3 Llc/Attn Portfolio Management
11995 El Camino Real Ste 101
San Diego CA 92130-2565

Certificate of Occupancy Responsible Party:

Marketing Svcs - Mail Sto
Speedway #4601
19100 Ridgewood Pkwy
San Antonio TX 78259
651-291-2835

District 2 Community Council



1365 Prosperity Ave.

St. Paul, MN 55106 ([map](#))

<http://www.district2council.org>

P: (651) 774-2220

Board Chair: Gary Unger

Staff

Chuck Repke, Executive Director

Licensee: NORTHERN TIER RETAIL LLC

DBA: SPEEDWAY #4430

License #: 20100004268

6/20/19 Youth tobacco compliance check, fail. ARM
12/7/2018 Per renewal invoice- Name was changed from Northern Tier Retail LLC DBA SuperAmerica #4430 to Northern Tier Retail LLC DBA Speedway #4430. rdd.
8/8/18 Tobacco youth compliance check-Pass JNV
4/23/2018 Menthol education / inspection Pass JNV
07/07/2017 Passed tobacco compliance check BLB
08/08/2016 passed tobacco compliance check BLB
08/13/2015 Passed Tobacco compliance check TPF
12/29/2014 Passed tobacco compliance check. AAJ
09/25/2013 Sent congratulation letter for passing liquor compliance check done by SPPD on 09/18/2013. ml
03/14/2013 Passed tobacco compliance check. TPF
10/19/12 Passed cig.comp.ck. KS
10/19/2012 Passed tobacco compliance check. TPF
01/17/2012 Passed 2011 tobacco compliance recheck. TF
01/4/2012 Rcvd \$200.00 for cig sales violation. AMW
12/22/2011 Notice of violation, underage purchased tobacco, \$200 matrix, respond by 01/02/2012. NM
12/01/2011 Failed tobacco compliance check. First failure, \$200 matrix penalty. CAR
06/21/2011 Passed tobacco compliance check. JWF
12/23/2010 Rcvd. signed cond. affidavit. JWF
11/02/2010 License notification sent, 70M/35EM, response date 12/17/2010. JWF



Request for City Attorney's Office Action
From the Department of Safety and Inspections

Date: 7/3/2019

To: Therese Skarda

DBA Name: Speedway #4430

Prepared by: Akbar R. Muhammad

DBA Address: 846 Johnson Pkwy

Licensee Name: Northern Tier Retail LLC

License Number: 20100004268

License Type(s): Cigarette/Tobacco

Mail to Address: 19100 Ridgwood Pkwy San Antonio, TX 78259

Adverse License Action Requested:

Type of Violation:	Requested Penalty:
<input checked="" type="checkbox"/> First Violation	<u>\$200.00</u>
Second Violation (within 12 months)	
Third Violation (within 18 Months)	
Fourth Violation (24 months)	
other:	Revocation Application Denial Suspension

Cause for Action:

Brief Description: A sale of a pack of Marboro's seventy-two's cigarettes to an underage decoy

Ordinance Violation Ordinance Number(s): 324
License Condition Violations
Condition Number(s):

Supporting Documentation:

Law Enforcement Data
Driver's License Data
License / Permit
 Photograph(s)
Stamp Data
Inspectors Report(s)
 Snips from Eclips
 Other: Letter that was mailed to license dated June 3, 2019