

Civil Division, 15 Kellogg Blvd. West, 400 City Hall Saint Paul, MN 55102 Tel: 651-266-8710 | Fax: 651-298-5619

September 3, 2021

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

Twones Tobacco, Inc. d/b/a Twones Tobacco 2005 Ford Parkway, Suite 1 Saint Paul, MN 55116 Attn: Antoine Awaijane

RE: Cigarette/Tobacco-Product Shop license held by Twones Tobacco, Ind. d/b/a Twones Tobacco the premises located at 2005 Ford Parkway, Suite 1 in Saint Paul License ID #: 20180003705

Mr. Awaijane:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco-Product Shop license held by Twones Tobacco, Inc. ("Licensee") for the premises known as Twones Tobacco located at 2005 Ford Parkway, Suite 1 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 twentyone (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.

CITY OF SAINT PAUL MELVIN CARTER, MAYOR STPAUL.GOV



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Synopsis of alleged facts:

On August 17, 2021 at 12:53 p.m., a tobacco compliance check was conducted at Twones Tobacco located at 2005 Ford Parkway, Suite 1. A twenty-year-old female entered your store to purchase cigarettes. She was not asked her age or to show her identification which would have indicated she was underage. The clerk then sold her a package of American Spirit cigarettes. Inspector Yang came into the establishment after the sale and spoke to the clerk, Dionilia Jane Coleman. 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 **Tuesday, September 17, 2021**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **October 6, 2021** City Council Consent Agenda for approval of the proposed remedy.
- 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 **Tuesday, September 17, 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 **Tuesday, September 17, 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 **Tuesday**, **September 17, 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 Tuesday, September 17, 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 6, 2021 City Council Consent Agenda for approval of the recommended penalty.

CITY OF SAINT PAUL MELVIN CARTER, MAYOR STPAUL.GOV



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<u>Please be advised the clerk who made the sale on this date and will be charged a \$50.00 administrative penalty</u> 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: Antoine Awaijane, 9807 Almond Avenue North, Brooklyn Park, MN 55443
 William J. Dunnigan Trust, 168 Griggs Street North, Saint Paul, MN 55104-6407
 Jenna Strank, Communications and Outreach Coordinator, Highland District Council, Highland Park Community
 Center, 1978 Ford Parkway, Saint Paul, MN 55116

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 Clerk Identification 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 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 <u>Marcel Alexandree</u> 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:

Twones Tobacco, Inc. d/b/a Twones Tobacco 2005 Ford Parkway, Suite 1 Saint Paul, MN 55116 Attn: Antoine Awaijane

Antoine Awaijane 9807 Almond Avenue North Brooklyn Park, MN 55443

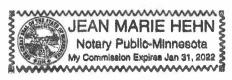
William J. Dunnigan Trust 168 Griggs Street North Saint Paul, MN 55104-6407

Jenna Strank Communications and Outreach Coordinator Highland District Council Highland Park Community Center 1978 Ford Parkway Saint Paul, MN 55116

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

le Kraus Julie Kraus

Subscribed and sworn to before me This day of September 2021





CITY OF SAINT PAUL

Business Licensing 375 Jackson Street, Suite 220 Saint Paul, Minnesota 55101-1806 Web: www.stpzul.gov/da

Telephone: 651-266-8989 Facsimile: 651-266-9124

Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 8/17/2021 at 12:53PM

Business/Property Name: Twones Tobacco

Property Address: 2005 Ford Parkway Suite 1 - Saint Paul, MN 55116

Reason for Visit: Annual Cigarette/Tobacco Youth Compliance Check

Observations: Youth purchased a Pack of American Spirit Cigarettes

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

Action Taken: DEducation / warning

Request for Adverse Action

Other: -

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

Upon arrival I spoke to the clerk Dionilia Jane Coleman, 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 12:53 p.m. I asked the clerk for her ID and she provided me her passport.

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License Group Conditions Text

LICERSES: TWONES TOBACCO INC.

DBA: TWONES TOBACCO

License #: 20180003705

1. This license is issued for a retail use only, and the licensee shall conduct this retail cigarette/tobacco business in compliance with the "Minnesota Clean indoor Air Act" (MN Stat. 144.411 - 144.417)

2. Licensee agrees to operate the business in a manner that is consistent with the Business Summary submitted by the licensee dated 10/05/2018 and floor plans submitted with the Department of Safety and Inspections (DSI). Licensee agrees to cotain prior written approval from DSI before making any substantive changes to their approved method of operation.

3.No sampling of tobacco products is permitted unless the space is made compliant with applicable code discipline requirements including the mechanical / ventilation code

4. Licensee agrees to provide a detailed breakdown of all items sold, including total dollar amounts for individual items by category, at the time of license

renewal if requested by DSI. 5. Licensee agrees to take appropriate measurements to ensure compliance with age limitations in accordance with the City of St. Paul legislative code chapter 324 tobacco, which include age restrictions of who may enter the establishment.

6. Temporary window signs placed between the height of four (4) to seven (7) feet above grade shall not cover more than thirty (30) percent of this window space area, and cannot block views into the clerk or cashler station.

7. Licensee acknowledges that the interior door between the Tobacco Product Shop and other adjoining retail space (currently Grocery Store) shall remain. locked at all times. The clerk/cashier of the Tobacco Product Shop shall have a key with the ability to unlock the door only to allow customers/patrons of the Tobacco Product Shop access to use of the restroom in the adjoining retail space at all times the Tobacco Product Shop is open for business.

Requirement Comments Text

LICERSES: TWONES TOBACCO INC

DBA: TWONES TOBACCO

License #: 20180003705

10/05/2018 No Tobacco Product Shop located within 2,640' of this location JNV 10/09/2018 Kevin Benshoof approves 378 sq. ft. Tobacco Product Shop JNV

License Group Comments Text

- Licensee: TWONES TOBACCO INC
- DBA1 TWONES TOBACCO

License # 20180003705

6/17/2021 Youth Tobacco compliance fail KY

4/06/2020 Sent letter dated 3-3-2020 in email from licensing manager and a follow up phone call for closure of product shop for executive order 20-20. Covid-19 JNV

6/12/2019 Youth Compliance Check Pass JNV

04/17/2019 Flavor and Price Compliance Check: Passed, DC

12/24/2018 Opening inspection-floor plans-workers complication and signed licence conditions JNV

12/21/2018 Per DSI Bidg. Insp. Dave Tank ok finla on Bidg Pimi #2018-111240. JWF

10/24/2018 sent letter for missing documents / building permit site plans 30 days to comply JNV

08/20/2021

08/20/2021

8/20/2021

STAMP - Ownership / Zoning Information

STAMP - Ownership / Zoning Information

New Search

Help using this report

Run Date:	08/20/21 02:55 PM	
House#:	2005	Last updated from Ramsey County data on:

Street Name: Ford

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

2005 Ford Pkwy - Parkway Auto Care - 55116-1932 - Other Applications

PIN: 162823220088	Census Track: 37500 Census Block: 400	3 Council Ward:	3 District Council: 15
Year Built:	Foundation Sq Feet: Loan Company:	Land Value: 465200	Building Value: 134800
Unverified Usage: 10-G	ENERAL RETAIL & SVC- B- Commercial	ISP:	Units: 0

Zoning: T2 / Sign-Highland

Legal Desc: KING'S LINCOLN PARK LOTS 26 27 AND LOT 28

Owner:

William 1 Dunnigan Trust 168 Griggs St N St Paul MN 55104-6407 651-983-4891

Certificate of Occupancy Responsible Party:

william Dunnigan Dunnigan 168 Griggs St N St Paul MN 55104 651-221-9031 DEPARTMENT OF SAFETY AND INSPECTIONS Register X, Convenier, Director

CITY OF SAINT	PAUL	Business Licensing 175 Jackson Sneet, Suite 226 Satur Pont, Mouseon 55101-1806	Telephone: 051-266-8989 Facehnike: 051-266-9124 Wek: sereexapool.gooidu
л	obacco Youth Cor	npliance Check Purchas	se Form
20180003705 TWONES TOBACCO 2005 FORD PKWY STE 1 ST PAUL, MN 55116 15			Fail
Business Type:	/ Gas 🔲 Gas	Drug Store / Pharmacy	Tobacco Product Shop
Superimirket / Grocery	General Merchant	Liquor Store / Har Resta	strant Other (private club, bowling, etc.)
Inspectars <u>Kaozanapang Yang</u> Name	Date	: 08 /08 / 2021 MM DD YYYY	Tinee: 2:53a.m.
Was purchase attempted? Yes No	If NO, check a Does not se After busine Not applica	ll tobacco Unsatisfactory/ ess hours Out of business	unsafe conditions
Buyer: Name	Age Sex 20 Female	Did adult or officer	a second s
Yun sale made? Yen □No	Was age asked? □Yes ØNo	Was ID requested?	Was ID shows?
Type of purchase: Self Service Clerk assisted Vending machine - Unlocked Location of machine Vending machine - Locked Location of machine		of product: lignettes mokeless ligna junc hisha -junc Mher (cigarette papers, lighter,	Amount spent: \$.
Clerk Information: Decemble]Male Approximat	e Age: 18 or Under 18	
City & State		Zip Code	
Driver's license # or State LD	.#		Date of Birth: 8/12/1998
Description / Notes:_ Burn	de curly		

AA-ADA-EEO Employer



