

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 9th day of September, he 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:

W & T Market  
604 Western Avenue  
Saint Paul, MN 55103  
Attn: May Vang

Caty Royce, Co-Executive Director  
Frogtown Neighborhood Association  
501 Dale Street  
Saint Paul, MN 55117

Tia Williams, Co-Executive Director  
Frogtown Neighborhood Association  
501 Dale Street  
Saint Paul, MN 55117

(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 9th day of September 2021

  
Notary Public





**SAINT PAUL**  
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY  
LYNDSEY 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

September 9, 2021

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

W & T Market  
604 Western Avenue  
Saint Paul, MN 55103  
Attn: May Vang

RE: Cigarette/Tobacco and Malt Off Sale license held by W & T Market for the premises located at  
604 Western Avenue in Saint Paul  
License ID #: 20080000233

W & T Market:

The Department of Safety and Inspections ("Department") will recommend adverse action against the Cigarette/Tobacco license held by W & T Market ("Licensee") for the premises located at 604 Western Avenue North 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."

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.



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 3, 2021 at 11:24am, a tobacco compliance check was conducted at W & T Market located at 604 Western Avenue North. A twenty-year-old female entered your store and attempted to purchase cigarettes. She was not asked to show her identification which indicated she was underage. Nevertheless, the clerk sold her a package of American Spirit cigarettes. Inspector Yang came into the establishment afterward and spoke to the clerk, Melvin Lee Parker. He was informed that he failed the youth compliance check by selling American Spirit 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 **September 23, 2021**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the 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 **September 23, 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 **September 23, 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 **September 23, 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 September 23, 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 City Council Consent Agenda for approval of the recommended penalty.**

**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.



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

Sincerely,

Therese Skarda  
Assistant City Attorney  
License No.: 0240989

Cc: May Vang, 604 Western Avenue North, Saint Paul, MN 55103  
Caty Royce, Co-Executive Director, Frogtown Neighborhood Association, 501 Dale Street, Saint Paul, MN 55117  
Tia Williams, Co-Executive Director, Frogtown Neighborhood Association, 501 Dale Street, Saint Paul, MN 55117

Attachments:      Inspector's Report  
                         Screenshots EClips System  
                         License Group Comments Text  
                         License Group Conditions Text  
                         STAMP – Ownership/Zoning Information  
                         Tobacco Youth Compliance Check Purchase Form  
                         Photos of purchased cigarettes  
                         Photo of Store Clerk



CITY OF SAINT PAUL

*Business Licensing*  
375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1896

*Telephone:* 651-266-8989  
*Facsimile:* 651-266-9124  
*Web:* [www.sppaul.gov/dsi](http://www.sppaul.gov/dsi)

## Inspector's Report

Inspectors Name: Kaozouapang Yang

Time & Date: 8/3/2021 at 11:24AM

Business/Property Name: W & T Market

Property Address: 604 Western Avenue North - Saint Paul, MN 55103

Reason for Visit: Annual Cigarette/Tobacco Youth Compliance Check

Observations: Youth purchased a Pack of American Spirit Cigarettes

Photos Taken: ☒ Yes ☐ No – Area(s) of where the Photo(s) were 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 Melvin Lee Parker, I introduced myself as a DSI Licensing Inspector for the City of Saint Paul. I informed him that he failed a youth compliance check, an attempted purchase of a pack of American Spirits cigarettes was successfully made from an underage buyer at 11:24 a.m.



**Properties For License** 604 WESTERN AVE N

Pay Print Warn Hist Summary

Licensee: W & T INC  
DBA: W & T INC

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name:	W & T INC				
DBA:	W & T INC				
Sales Tax Id:	*****	Non-Profit: <input type="checkbox"/>	Worker's Comp: 06/25/2022		
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	Home
Business	06/25/2021	00/00/0000				(851) 502-2989	
Other	06/25/2021	00/00/0000	GHAITH	AHMED	OWNER	(612) 871-7425	(612)

Background Check Required ☐

License # 210001128 Save Changes to History ☒ OK Cancel Help

**Properties For License** 604 WESTERN AVE N

Pay Print Warn Hist Summary

Licensee: W & T INC  
DBA: W & T INC

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name:	W & T INC				
DBA:	W & T INC				
Sales Tax Id:	*****	Non-Profit: <input type="checkbox"/>	Worker's Comp: 06/25/2022		
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	Dr
604 WESTERN AVE N	ST PAUL	55103	00/00/0000	00/00/0000	
1000 31ST AVE N	PLYMOUTH	55103	01/12/1981	00/00/0000	MN H99

Background Check Required ☐

License # 210001128 Save Changes to History ☒ OK Cancel Help

License Group Conditions Text

08/05/2021

Licensee: W & T INC

DBA: W & T INC

License #: 20210001128

1. 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 cashier station.

2. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.

License Group Comments Text

08/05/2021

Licensee: W & T INC

DBA: W & T INC

License #: 20210001128

8/03/2021 Youth Tobacco compliance fail KY

8/30/2021 Received tobacco acknowledgment form for hand out JNV

8/30/2021 Received confirmation on sale of property from current license holder JNV

8/25/2021 Sent change of ownership document to LM to determine the license holder left the country to cancel license administratively JNV



**STAMP - Ownership / Zoning Information**[New Search](#)[Help using this report](#)**Run Date:** 08/05/21 09:39 AM**House#:** 604**Last updated from Ramsey County data on:****Street Name:** western

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

604 Western Ave N - W & T Market - 55103-1664 - [Other Applications](#)**PIN:** 362923120149**Census Tract:** 32700**Census Block:** 2013**Council Ward:** 1 **District Council:** 7**Year Built:****Foundation Sq****Loan Company:****Land****Building****Feet:** 4560**Value:** 35400**Value:** 280600**Existing Primary Use:** C- **Legality of Use:**

Grocery Store

**Occupancy****Units:** 1**Group****Type:** M**Existing Secondary Use 1:** R-Single Family Dwelling**Zoning:** B2**Legal Desc:** KUHN'S SUBD PT OF LAFONDS ADD LOT 1**Owner:**

Ahmad &amp; Bassam Property Llc

604 Western Ave N

St Paul MN 55103-1664

**Homesteader:**

May Sia Vang

604 Western Ave N

St Paul MN 55103-1604

651-330-5648

**Certificate of Occupancy Responsible Party:**

May Sia Vang

604 Western Ave N

St Paul MN 55103-1604

651-330-5648



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/bu

Tobacco Youth Compliance Check Purchase Form

20080000233  
W & T MARKET  
604 WESTERN AVE N  
ST PAUL, MN 55103-1664  
7

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 / 03 / 2021  
MM DD YYYY

Time: 11 : 24 a.m. / p.m.

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: [REDACTED]  
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 40 +

Name of Clerk: Melvin Lee Pancer Address: 504 Ivy Ave E

City & State St. Paul, MN Zip Code 55130

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

Description / Notes: Black man w/ hat



CITY OF SAINT PAUL

*Business Licensing*  
375 Jackson Street, Suite 720  
Saint Paul, Minnesota 55101-1806

*Telephone:* 651-266-6989  
*Facsimile:* 651-266-9124  
*Web:* [www.stpaul.gov/dti](http://www.stpaul.gov/dti)

## Clerk Identification Form

As it appears on Driver's License or State I.D. Card

Name: Parker, Melvin Lee

Primary address: 504 Ivy Avenue East

Secondary address: N/A

City: Saint Paul

State: MN

Zip code: 55130-3412

DOB: 10/30/1960

Identification Number: DD00000004672661

Place Snip of I.D. below



## Tobacco Youth Compliance Check Purchase Form

20080000233  
W & T MARKET  
604 WESTERN AVE N  
ST PAUL, MN 55103-1664  
7

**Business Type:**

☒ Convenience☐ Convenience / Gas☐ Gas☐ Drug Store / Pharmacy☐ Tobacco Product Shop☐ Supermarket / Grocery☐ General Merchant☐ Liquor Store / Bar Restaurant

-her (private club, bowling, etc.)

Inspector: Kaozouapang Yang  
Name

Date: ( )

If NO, check reason

☐ Does not sell to

☐ After business h

☐ Not applicable

Age  
20

Sex  
Female

Was age asked?

☐ Yes☒ No

Type of pr

☐ Cigarette  
☐ Smoke  
☐ Cigars  
☐ Shisha  
☐ E-juice  
☐ Other ( )

**Clerk Information:** ☐ Female ☒ Male **Approximate Age:**

Name of Clerk: \_\_\_\_\_ A

City &amp; State

Driver's license # or State I.D.#

Description / Notes: Black man w/ hat

AA-ADA-EEO Employer