Subject: Alcohol License Sanction Hearings

Meeting Date: April 25, 2022

Submitted/Presented by/Department: Brian Sturgeon, Chief of Police

Action Type
☐ Consent Item
☐ Public Hearing
☒ Action/Motion
☒ Resolution

☒ Discussion/Direction
☐ Informational Only
☐ Report
☒ Other: License Hearing

Action
Tonight are six alcohol license sanction hearings. A sanction recommendation has been developed for each of the six license holders and during each of the sanction hearings, Council, through resolution, can impose the appropriate sanction through adoption of the respective resolution.

Background
Each year the Police Department conducts two alcohol and tobacco compliance checks on all city licensed establishments. In performing these compliance checks, the department utilizes age appropriate individuals who are under police supervision. These individuals will enter an establishment and either request to be served alcohol, attempt to purchase alcohol, or attempt to purchase tobacco products. Alcohol and tobacco compliance checks are performed separately and involve an individual that is between the ages of 18 and 20 years old for alcohol, and between 17 and 20 years old for tobacco. If a minor is utilized, written parental permission is obtained.

All underage buyers are searched by the officers prior to going into the establishment to make sure they do not have alcohol or tobacco on their person. They only possess recorded money provided to them by the department in order to attempt to make purchases along with their identification card. They do not use false or altered identification and if asked for identification they will provide their government issued identification card. They will not lie about their age if asked. The individuals will not consume any alcohol or use any tobacco products. If a sale is conducted, the seller will be held accountable criminally under the specific state statute.

In addition to the individual criminal charge to the employee, the licensed establishments are subject to civil sanctions governed by city ordinance. For alcohol sanctions, the Council has developed and implanted through resolution, an Alcohol Sanction Grid in order to encompass all factors surrounding the compliance check and the establishment’s operations.

I am pleased to report that for a second time in a row, all our tobacco license holders passed the compliance checks. However, six alcohol license holders failed and they are:
Subject: Alcohol License Sanction Hearings

Latinasian Investments, dba Smith Liquors located at 977 Smith Ave S
Crus Enterprises LLC, dba El Nuevo Morelos located at 360 Bernard St W
FTL Corporation, dba MGM Wine and Spirits located at 1690 Robert St S
Faust Co, LLC, dba R and B Liquor located at 1111 Robert St S
Je Robert Street Liquor LLC, dba Cub Liquor located at 2001 Robert St S
Apple Minnesota LLC, dba Applebee's Neighborhood Grill and Bar located at 1753 Robert St S

Tonight is the required sanction hearings. Each of the five establishments will have a separate hearing at which time information will be provided to Council regarding the compliance check failure. The establishment will also have the opportunity to provide testimony and witnesses in order for Council to make an informed decision regarding sanctions. Each establishment has been properly notified of this hearing as required by city ordinance.

Below are applicable city ordinances regarding actions being taken tonight:

   Chapter 110 – General Licensing
   Chapter 112 – Alcoholic Beverages

Attachments
Police Reports
Alcohol Sanction Grid
Notice of Sanction Hearings
Sanction Summaries
Resolutions

Previous Relevant Actions

Alternatives

Financial
Budgeted:  □ Yes  □ No Financial Impact
Fund:  101
Department:  3000
Account:  35102
Amount:  TBD
INCIDENT INFORMATION

Charges/Citation:  
Address: 1616 Humboldt Avenue  
Incident Type: Other  
Parties Involved: 2002-04-16  
Start Date: 2021-12-21 16:06  
Mentioned  
End Date:  
Reported Date: 2021-12-21 16:06

CASE INFORMATION

Non NIBRS Reportable: Yes

OFFICER INFORMATION

Name  
Agency West St. Paul  
Badge 2636  
Role Primary

SYNOPSIS OF EVENTS

NARRATIVE

On 12-21-2021, Officer Mandel and I conducted alcohol compliance checks at businesses that hold alcohol licenses in West Saint Paul.

A 19-year-old male, identified as [redacted] DOB/2002-04-16, was used during the alcohol compliance checks. [redacted] was not personally known at the West Saint Paul Police Department or any surrounding establishments checked. [redacted] was given (1) $20.00 bill (MK59203670f) during the duration of the compliance checks. During the compliance checks, [redacted] was in possession of only his cellphone, MN driver's license, and the $20.00 bill. [redacted] was instructed to present his license if asked and not lie about his current age.

The following businesses in West Saint Paul were checked and passed:

- 5-8 Grill & Tap
- Beirut Deli
- BLVD'S Bar and Grill
- Carbones
- Jameson's Irish Pub
- Cub foods (No longer have alcohol)
INCIDENT
West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

- Dunham's Bar
- El Taquito
- Fireside Lounge
- Foodsmith
- Gallagher's Bar
- North 40 Tavern
- Nowak's Liquor
- Southview County Club (No access to the building)
- Speedway (Alcohol locked with a lost key)
- Tappers Pub
- Target
- Tokyo Sushi
- Walmart
- El Cubano

The following businesses were checked and did not pass:

- Applebee's (CN 21004317)
- El Nuevo Morelos (CN 21004311)
- MGM Liquor (CN21004315)
- R & B Liquor (CN21004312)
- Smith Liquor Store (CN21004310)
- Cub Liquor (CN 21004316)

A separate incident report was written on the above case numbers detailing the failures.

Nothing further.

PARTIES INVOLVED

PERSON 1
Role(s): Mentioned

<table>
<thead>
<tr>
<th>Role(s)</th>
<th>Mentioned</th>
</tr>
</thead>
</table>


Eyes: Brown  Is Juvenile?: No  Ethnicity: Hispanic/Latino  Build: Large  Complexion: Light Brown
Alcohol Compliance Checks Case File 21004309

Photograph of the front of the $20.00 bill used to purchase alcohol.

Back of the bill used to purchase alcohol

Photograph of driver’s license of the underage buyer
## Alcohol-related Civil Penalties Grid

<table>
<thead>
<tr>
<th>Level 3 – HFLS</th>
<th>Level 4 – HFHS or 3 or More Aggravating Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500-1,000 fine And/or 5-10 day suspension revocation</td>
<td>$1,000 -2,000 fine And/or 10-60 days suspension revocation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Level 1 - LFLS</th>
<th>Level 2 – LFHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training, Installation of Alcohol devices, Video surveillance, security, etc $0-500 fine</td>
<td>$500-1,000 fine And/or 3-5 day suspension</td>
</tr>
</tbody>
</table>

**Key:**
- **Level 1 – LFLS:** Low Severity, Low Frequency
- **Level 2 – LFHS:** Low Frequency, High Severity
- **Level 3 – HFLS:** High Frequency, Low Severity
- **Level 4 – HFHS:** High Frequency, High Severity

1. **Incident Severity and Frequency** – The city department reporting the violation to the City Council will substantiate the severity and frequency of the incident in a report based on the number of incidents occurring at the licensed location under the same licensee for the previous five years. Incident severity and frequency will take into consideration the totality of the circumstances and the potential or actual impact on a specific neighborhood or to the overall community.

2. **Aggravating Factors** – Aggravating Factors in a single incident may cause a move in the grid to the next level (either up or sideways). Examples of Aggravating Factors include, but are not limited to:
   - Any prior violation of alcohol-related incidents in the last 5 years of the new incident (each prior shall be counted as an Aggravating Factor);
   - *Felony or gross misdemeanor charges were issued out of the new incident;*
   - Any weapons, drugs or violence involved in the new incident;
   - The act endangered the public;
   - *The act involved a juvenile;
   - The act involved bias or discrimination;
   - The act lead to other crimes (i.e. over-serving then involved in a car accident) *(gross misdemeanor charges or incidents involving a juvenile stemming from a routine alcohol compliance check conducted by the Police Department shall not be counted as an Aggravating Factor in a single incident)

3. **Penalties may include a Fine, Suspension, or Revocation or any combination thereof.**
**INCIDENT INFORMATION**

<table>
<thead>
<tr>
<th>Charges/Citation:</th>
<th>340A.503.2(1) (90G)</th>
<th>Address: 1753 Robert Street S Bldg</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>340A.503.2(1) (90G)</td>
<td>Name/Num: Applebee's West St. Paul, MN 55118; Dakota US</td>
</tr>
<tr>
<td>Incident Type:</td>
<td>Other</td>
<td>Parties Involved: Swanson, Brooke Deidre 1971-10-28 Suspect</td>
</tr>
<tr>
<td>Start Date:</td>
<td>2021-12-21 19:53</td>
<td>2002-04-16 Mentioned</td>
</tr>
<tr>
<td>End Date:</td>
<td>2021-12-21 19:53</td>
<td>AppleBees</td>
</tr>
<tr>
<td>Reported Date:</td>
<td>2021-12-21 19:53</td>
<td></td>
</tr>
</tbody>
</table>

**CASE INFORMATION**

Non NIBRS Reportable: Yes

**OFFICER INFORMATION**

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
<th>Badge</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethan Draz</td>
<td>West St. Paul</td>
<td>2636</td>
<td>Primary</td>
</tr>
</tbody>
</table>

**SYNOPSIS OF EVENTS**

Alcohol Compliance Check

**NARRATIVE**

On 12-12-2021 at 1951 hours, Officer Mandel and I conducted a required alcohol compliance check of every business holding an alcohol license in the City of West Saint Paul. A 19-year old male was used and will be referred to as MMM in this report.

MMM did not and was not known by employees at Applebee's. A $20.00 bill was used during the alcohol compliance check provided by the city of West Saint Paul. MMM was only in possession of his M.N. driver's license, cell phone, and the $20.00 bill Officer Mandel provided. MMM was instructed to present his M.N. driver's license if asked and not to lie about his age.

Approximately 5 minutes after entering Applebee's, MMM texted Officer Mandel via cellphone, stating he had been served alcohol. I entered Applebee's and observed MMM sitting at the bar with a tall beer in front of him. Behind the bar, I observed the bartender, later identified as Brooke Deidre Swanson DOB/1971-10-28. MMM got up from the bar and proceeded outside. MMM left the receipt and change from the transaction on the bar. The
receipt had Brooke's name located on the top. Brooke was identified as the employee of Applebee's who served MMM the Coors Light.

I advised Brooke that a compliance test was conducted, which he failed. Brooke was told that she would be receiving criminal charging information via mail.

The Coors Light was returned along with the change from the transaction. I received the $20.00 back that was used during the transaction. The receipt and purchased alcohol photo will be uploaded to this case file.

Dispatch ran a criminal history on Brooke, which showed no enhancing violations.

I am requesting a formal complaint against Brooke for the following:

- 340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

Nothing further.

PARTIES INVOLVED

PERSON 1
Role(s): Suspect

Last: Swanson  First: Brooke  Middle: Deidre  Date of Birth: 1971-10-28 (50)
Sex: Female  Race: White  Height: 508-508  Weight: 150-150 lbs  Hair: Blonde or Strawberry
Eyes: Green  Is Juvenile?: No  Ethnicity: Not Hispanic/Latino  Build: Medium  Complexion: Light
Residence: 293 Robert Street S APT Lower level; West St. Paul, MN 55118; Dakota US
Cell Phone: (715)441-3624  Description:

Is US Citizen: No  Immigration Checked: No  DNA Collected: No  Special Needs: No

CHARGES/ORDINANCES
Type: Statute  Charge: 340A.503.2(1) (90G)
Level: Gross Misdemeanor  UOC:  Enh. Factor:
Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr
Arrest Date: 2022-01-03 at 02:13
**PERSON 2**

Role(s): Mentioned

<table>
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<tr>
<th>Last</th>
<th>First</th>
<th>Middle</th>
<th>Sex</th>
<th>Race</th>
<th>Height</th>
<th>Weight</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Male</td>
<td>Black/African American</td>
<td>508 -508</td>
<td>250 -250 lbs</td>
<td>Black</td>
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<table>
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<tr>
<th>Eyes</th>
<th>Is Juvenile?</th>
<th>Ethnicity</th>
<th>Build</th>
<th>Complexion</th>
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<tbody>
<tr>
<td>Brown</td>
<td>No</td>
<td>Hispanic/Latino</td>
<td>Large</td>
<td>Light Brown</td>
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<table>
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<tr>
<th>Residence</th>
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<tbody>
<tr>
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**CHARGES/ORDINANCES**

Type: Statute  
Charge: 340A.503.2(1) (90G)

Level: Gross Misdemeanor  
UOC:  
Enh. Factor:  
Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

**BUSINESS 1**

Role(s): Mentioned  
Business Name: AppleBees

Location: 1753 Robert Street S  
Bldg Name/Num: Applebee's; West St. Paul, MN 55118; Dakota US

**PROPERTY INFORMATION**

ID:  
Associated with: noAssociatedOffense;  
Description: Coors Light  
Property Category: Alcohol

<table>
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<tr>
<th>Quantity</th>
<th>Unit Price</th>
<th>Value</th>
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<tr>
<td>1</td>
<td>5.50</td>
<td>5.50</td>
<td>notApplicable</td>
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</table>

<table>
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<tr>
<th>Brand Name</th>
<th>Model</th>
<th>Color</th>
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<tr>
<td></td>
<td></td>
<td>other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Owner Applied Number</th>
<th>Property NCIC Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
State of Minnesota, 
Plaintiff,

vs.

BROOKE DEIDRE SWANSON    DOB: 10/28/1971
293 Robert Street S
Lower Level
West St. Paul, MN 55118
Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Liquor-Furnish to Person Under 21 Years of Age (GM)
Minnesota Statute: 340A.503.2(1), with reference to: 340A.702(b)
Maximum Sentence: One year in jail and $3,000 fine
Offense Level: Gross Misdemeanor
Offense Date (on or about): 12/12/2021
Control #/(ICR#): 21004317

Charge Description: On December 12, 2021, in the City of West St. Paul, Dakota County, Minnesota, the accused herein did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, in violation of Minnesota Statutes § 340A.503, subd. 2(1). As a result, said accused committed a gross misdemeanor in violation of Minnesota Statutes § 340A.702, clause (b).
On December 12, 2021, West St. Paul Police Officers conducted alcohol compliance checks on businesses in West St. Paul, Dakota County. A purchaser that was 19 years of age, MMM, was used by the Police Department. MMM entered Applebee’s located at 1753 Robert Street South, in the City of West St. Paul, Dakota County, and ordered a beer. The bar tender, Brooke Deidre Swanson, DOB 10/28/1971, “Suspect,” furnished a beer to MMM.
SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise
be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and
correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant Elyse Wood
Police Officer
1616 Humboldt Ave
West St Paul, MN 55118-3972
Badge: 2628

Electronically Signed: 02/15/2022 09:28 AM
Dakota County, 21199

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney Joseph Anthony Kelly
City Attorney
2350 Wycliff Street
Suite 200
St. Paul, MN 55114-1331
(651) 224-3781

Electronically Signed: 02/14/2022 03:13 PM
FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THHEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

[ ] Execute in MN Only  [ ] Execute Nationwide  [ ] Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: ________ __________.

Judicial Officer <[judge name]>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF DAKOTA STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Brooke Deidre Swanson

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:
March 18, 2022

Apple Minnesota LLC
Dba Applebee’s Neighborhood Grill and Bar
1763 Robert St S
West St Paul MN 55118

Ronald Igarashi
38501 Ranally Way
Willoughby, OH 44094

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Igarashi,

On December 21, 2021 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed to present to the City Council for consideration. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on April 25, 2022 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota.

This letter serves as your official notice of this hearing which you have the right to be present. You may address the Council, provide testimony, present evidence and/or bring witnesses on your behalf if you desire.

You may also wish to review the City’s alcohol and licensing codes by visiting the City’s website, www.wspmn.gov ; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4201.

Sincerely,

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
Type of Violation: **Alcohol**

Name of establishment: **Applebee’s Neighborhood Grill and Bar**

Address: **1753 Robert St S**

Police Case Number: **21004317**

Date of Violation: **December 21, 2021**

Summary:

On December 21, 2021 Officers Ethan Draz and Mike Mandel along with an underage decoy conducted an alcohol compliance check at Applebee’s located at 1753 Robert St S. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase an alcoholic product. The decoy possessed his unaltered Minnesota driver's license which indicated his age was 19. He also possessed his cell phone. He was told not to lie or misrepresent his age if asked. The decoy was served a tall glass of Coors Light while seated at the bar. The decoy then texted the officers who were outside in the parking lot.

The officers came inside to the bar area and saw the beer in front of the decoy.

Other Information:

- The licensee at Applebees has had a city issued alcohol license since at least 2011;
- In the past five years, the licensee failed one alcohol compliance check in 2017.

Recommendations:

1. A $500.00 civil penalty; and
2. The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
3. While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

!

Brian Sturgeon, Chief of Police

"We Serve with Honor and Integrity"
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 22-

RESOLUTION IMPOSING SANCTIONS UPON
RETAIL LIQUOR LICENSE HOLDER
APPLE MINNESOTA, LLC DBA APPLEBEE’S NEIGHBORHOOD GRILL AND BAR

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 1753 Robert St S, West St. Paul, Minnesota on March 18, 2022 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

1.01 The hearing was held on Monday, April 25, 2022, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1753 Robert St S (Apple Minnesota, LLC) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on December 21, 2021 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $500.00 civil penalty is imposed against the license holder; and

b) While holding a City issued alcohol license, a representative from this establishment will attend any future City sponsored alcohol compliance training when notified; and
c) While holding a City issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept up to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 25th day of April 2022.

Attest:

____________________________  __________________________
David J. Napier, Mayor             Nicole Tillander, City Clerk
INCIDENT INFORMATION

Charges/Citation: 340A.503.2(1) (90G)  
Address: 2001 Robert Street S Bldg  
Name/Num: Cub Foods  
West St. Paul, MN 55118; Dakora US  
Incident Type: Other  
Start Date: 2021-12-21 19:34  
End Date: 2021-12-21 19:34  
Reported Date: 2021-12-21 19:34  
Parties Involved:  
Trevors, Aaron Jacob 1994-02-22 Suspect  
Cub Food Liquor  
Mentioned 2002-04-16

CASE INFORMATION
Non NIBRS Reportable: Yes

OFFICER INFORMATION

Name: Ethan Draz  
Agency: West St. Paul  
Badge: 2636  
Role: Primary

SYNOPSIS OF EVENTS
Alcohol compliance check

NARRATIVE

On 12-12-2021 at 1930 hours, Officer Mandel and I conducted a required alcohol compliance check of every business holding an alcohol license in the City of West Saint Paul. A 19-year old male was used and will be referred to as MMM in this report.

MMM did not and was not known by employees at Cub Liquor. A $20.00 bill was used during the alcohol compliance check provided by the city of West Saint Paul. MMM was only in possession of his M.N. driver's license, cell phone, and the $20.00 bill Officer Mandel provided. MMM was instructed to present his M.N. driver's license if asked and not to lie about his age.

Approximately 5 minutes after entering Cub Liquor, MMM exited the store and approached our vehicle with a 15 pack of Blue Moon Beer. MMM gave me the 15 pack of Blue Moon, a dated sales receipt, and the change from the transaction. MMM described the employee who sold him the alcohol as a white younger male with glasses. MMM stated that the male did not check his I.D.
Shortly after, I entered the store and observed a male matching the description behind the register counter. The other employee behind the counter was a female. I identified the male as Aaron Jacob Trevors, DOB/1994-02-22. I advised Aaron that a alcohol compliance test was conducted, which he failed. Aaron was told that he would be receiving criminal charging information via mail. Aaron stated something along the lines of "he was underage?" as I explained his criminal charge.

The Blue Moon was returned along with the change from the transaction. I received the $20.00 back used during the transaction. The receipt and purchased alcohol photo will be uploaded to this case file.

Dispatch ran a criminal history on Aaron, which showed no enhancing violations.

I am requesting a formal complaint against Aaron for the following:

* 340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

Nothing further.

PARTIES INVOLVED

PERSON 1
Role(s): Suspect

<table>
<thead>
<tr>
<th>Last: Trevors</th>
<th>First: Aaron</th>
<th>Middle: Jacob</th>
<th>Date of Birth: 1994-02-22 (27)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex: Male</td>
<td>Race: White</td>
<td>Height: 5'11&quot;</td>
<td>Weight: 219-219 lbs</td>
</tr>
<tr>
<td>Eyes: Hazel</td>
<td>Is Juvenile: No</td>
<td>Ethnicity: Not Hispanic/Latino</td>
<td>Build: Large</td>
</tr>
<tr>
<td>Residence: 11774 Harvest Path; Woodbury, MN 55129-7806, Washington US</td>
<td>Cell Phone: (651)436-8462</td>
<td>Complexion: Light</td>
<td></td>
</tr>
</tbody>
</table>

CHARGES/ORDINANCES
Type: Statute
Level: Gross Misdemeanor
Charge: 340A.503.2(1) (90G)
UOC:  Enh. Factor: 
Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

BUSINESS 1
Role(s): Mentioned
Business Name: Cub Food Liquor

West St. Paul (MN0190700)  Page 2 of 3
Report Generated by: -()
Creation: Ethan Draz 2022-01-05 21:41:37
INCIDENT
West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

Location: 2001 Robert Street S Bldg Name/Num: Cub Foods Liquor; West St. Paul, MN 55118; Dakota US

PERSON 2
Role(s):
Mentioned Last: 
First: 
Middle: 
Date of Birth: 2002-04-16 (19)
Sex: Male
Race: Black/African American
Height: 508 -508
Weight: 250 -250 lbs
Eyes: Brown
Is Juvenile?: No
Ethnicity: Hispanic/Latino
Build: Large
Complexion: Light Brown
Residence:

PROPERTY INFORMATION
ID: Associated with: noAssociatedOffense;
Description: Blue Moon (15)
Property Category: Alcohol

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Report Generated by: -()
Creation: Ethan Draz 2022-01-05 21:41:37
State of Minnesota, Plaintiff,

vs.

AARON JACOB TREVORS  DOB: 02/22/1994
11774 Harvest Path
Woodbury, MN 55129-7808
Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Liquor-Furnish to Person Under 21 Years of Age (GM) (WSP)
Minnesota Statute: 340A.503.2(1), with reference to: 340A.702(8)
Maximum Sentence: One year in jail and $3,000 fine
Offense Level: Gross Misdemeanor
Offense Date (on or about): 12/12/2021
Control # (ICR#): 21004316

Charge Description: On December 12, 2021, in the City of West St. Paul, Dakota County, Minnesota, the accused herein did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, in violation of Minnesota Statutes § 340A.503, subd. 2(1). As a result, said accused committed a gross misdemeanor in violation of Minnesota Statutes § 340A.702, clause (8).
On December 12, 2021, West St. Paul Police Officers conducted alcohol compliance checks on businesses in West St. Paul, Dakota County. A purchaser that was 19 years of age, MMM, was used by the Police Department. MMM entered Cub Foods purchased a 15 pack of beer. The employee that sold the beer to MMM, Aaron Jacob Trevors, DOB 02/22/1994, "Suspect," did not ask for MMM's ID.
SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise
be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and
correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant
Matthew Swenke
Police Lieutenant
1616 Humboldt Ave
West St Paul, MN 55118-3972
Badge: 2603

Electronically Signed:
01/09/2022 01:58 PM
Dakota County, Minnesota

Prosecuting Attorney
Joseph Anthony Kelly
City Attorney
2350 Wycliff Street
Suite 200
St. Paul, MN 55114-1331
(651) 224-3781

Electronically Signed:
01/08/2022 01:19 PM

Being authorized to prosecute the offenses charged, I approve this complaint.
FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

[ ] SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

[ ] WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

[ ] Execute in MN Only  [ ] Execute Nationwide  [ ] Execute in Border States

[ ] ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $  
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: ____________ ____________.

Judicial Officer <judge name>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF DAKOTA  
STATE OF MINNESOTA

State of Minnesota  
Plaintiff  
vs.  
Aaron Jacob Trevors  
Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:
March 18, 2022

JE Robert Street Liquor, LLC
Dba Cub Liquor
2061 Robert St S
West St Paul MN 55118

Kent Dean Dixon
101 George St
Excelsior MN 55331

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Dixon,

On December 21, 2021 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed to present to the City Council for consideration. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on April 25, 2022 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota.

This letter serves as your official notice of this hearing which you have the right to be present. You may address the Council, provide testimony, present evidence and/or bring witnesses on your behalf if you desire.

You may also wish to review the City’s alcohol and licensing codes by visiting the City’s website, www.wspmn.gov; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4201.

Sincerely,

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
Type of Violation: Alcohol

Name of establishment: Cub Liquor

Address: 2001 Robert St S

Police Case Number: 21004316

Date of Violation: December 21, 2021

Summary:

On December 21, 2021 Officers Ethan Draz and Mike Mandel along with an underage decoy conducted an alcohol compliance check at Cub Liquor located at 2001 Robert St S. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase an alcoholic product. The decoy possessed his unaltered Minnesota driver’s license which indicated his age was 19. He also possessed his cell phone. He was told not to lie or misrepresent his age if asked. The decoy was able to purchase a 15 pack of Blue Moon beer. The decoy walked to the parking lot and turned over the alcohol to the officers.

The seller did not ask for any identification from the decoy prior to making the purchase. When the officers entered the store and introduced themselves to the seller and told him that he had just sold alcohol to an underage person, he responded to something similar to, “He was underage?”

Other information:

- The licensee at Cub Liquor has had a city issued alcohol license since at least 2011;
- In the past five years, the licensee failed one alcohol compliance check in 2017.

Recommendations:

1. A $500.00 civil penalty; and
2. The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
3. While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA  

RESOLUTION NO. 22-  

RESOLUTION IMPOSING SANCTIONS UPON  
RETAIL LIQUOR LICENSE HOLDER  
JE ROBERT STREET LIQUOR, LLC DBA CUB LIQUOR  

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;  

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:  

FINDINGS  

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 2001 Robert St S, West St. Paul, Minnesota on March 18, 2022 pursuant to Minnesota Statutes, sections 14.57 to 14.69.  

1.01 The hearing was held on Monday, April 25, 2022, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.  

1.02 At the hearing all persons who appeared and desired to be heard, were heard.  

CONCLUSION  

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 2001 Robert St S (JE Robert Street Liquor, LLC) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on December 21, 2021 in the licensed establishment.  

2.02 The following sanctions are imposed for the violation:  

a) A $500.00 civil penalty is imposed against the license holder; and  

b) While holding a City issued alcohol license, a representative from this establishment will attend any future City sponsored alcohol compliance training when notified; and
c) While holding a City issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 25th day of April 2022.

Attest:

_________________________  _______________________
David J. Napier, Mayor       Nicole Tillander, City Clerk
INCIDENT INFORMATION

Charges/Citation: 340A.503.2(1) (90G)  
Address: 360 Bernard Street W Bldg  
Name/Num: El Nuevo Morelos  
West St. Paul, MN 55118;  
Dakota US  
Incident Type: Other  
Start Date: 2021-12-21 17:09  
End Date: 2021-12-21 17:09  
Reported Date: 2021-12-21 17:09  
Parties Involved:  
Yonic, Rubi Rojas (no middle name) 1991-09-11  
Suspect  
Mentioned  
Cruz Martinez, Saul Ivan 1999-11-18 Mentioned  
El Nuevo Morelos Mexican

CASE INFORMATION

Non NIBRS Reportable: Yes

OFFICER INFORMATION

Name: Ethan Draz  
Agency: West St. Paul  
Badge: 2636  
Role: Primary

SYNOPSIS OF EVENTS

Alcohol Compliance Check

NARRATIVE

On 12-12-2021 at 1702 hours, Officer Mandel and I conducted a required alcohol compliance check of every business holding an alcohol license in West Saint Paul. A 19-year old male was used and will be referred to as MMM in this report.

MMM did not and was not known by employees at El Nuevo Morelos Mexican. A $20.00 bill was used during the alcohol compliance check provided by the City of West Saint Paul. MMM was only in possession of his M.N. driver's license, cell phone, and the $20.00 bill Officer Mandel provided. MMM was instructed to present his M.N. driver's license if asked and not to lie about his age.

From Officer Mandel and my vantage point, we were able see the MMM's server through the window, later identified as Rubi Rojas Yonic DOB/1991-09-11.
Approximately 5 minutes after entering El Nuevo Morelos Mexican, MMM texted Officer Mandel via cellphone, stating he had been served alcohol. I entered El Nuevo Morelos Mexican and observed MMM sitting in a booth by himself with a Michelob Golden Light and the change from the transaction on the table. MMM got up and left the restaurant. I observed Rubi near the west side of the business.

I proceeded to where Rubi was seated with the Michelob Golden Light and change from the transaction. I advised Rubi that an alcohol compliance test was conducted, which he failed. Rubi had difficulty understanding that I needed the $20.00 back due to a language barrier. An unidentified female customer assisted with translating what I required from Rubi. The Michelob Golden Light was returned along with the change from the transaction. Rubi called his supervisor, later identified as Saul Ivan Cruz Martinez DOB/1999-11-18.

Shortly after, Saul arrived at the restaurant to give me a copy of the receipt. I did receive the $20.00 originally used in the compliance check. Saul was informed of the failed compliance check. I asked Saul to translate to Rubi that he would receive criminal charges via mail.

Dispatch ran a criminal history on Rubi, which showed no enhancing violations.

I am requesting a formal complaint against Rubi for the following:

- 340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

Nothing further.

PARTIES INVOLVED

PERSON 1
Role(s): Suspect

Last: Tonic
First: Rubi Rojas
Middle: (no middle name)
Date of Birth: 1991-09-11 (30)
Sex: Male
Race: White
Height: 506 - 506
Weight: 175 - 175 lbs
Build: Medium
ISON JUVENILE?: No
Ethnicity: Hispanic/Latino
Build: Medium
Complexion: Light Brown

Hair: Black

Residence: 640 Orleans Street; Saint Paul, MN 55107; Ramsey US
Cell Phone: (612)367-7021
Description:

Is US Citizen: No
Immigration Checked: No
DNA Collected: No
Special Needs: No

CHARGES/ORDINANCES

West St. Paul (MN0190700)
INCIDENT
West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

Type: Statute
Level: Gross Misdemeanor

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

Arrest Date: 2022-01-03 at 03:16

PERSON 2
Role(s): Mentioned
Last: First: Middle: Date of Birth: 2002-04-16 (19)
Eyes: Brown Is Juvenile?: No Ethnicity: Hispanic/Latino Build: Large Complexion: Light Brown

Residence:

PERSON 3
Role(s): Mentioned
Last: First: Middle: Date of Birth: 1999-11-18 (22)
Cruz Martinez First: Saul Middle: Ivan
Sex: Male Race: White Height: 505 -505 Weight: 150 -150 lbs Hair: Black
Eyes: Black Is Juvenile?: No Ethnicity: Hispanic/Latino Build: Medium Complexion: Light Brown

Residence: 360 Bernard Street W Bldg Name/Num: El Nuevo Morelos; West St. Paul, MN 55118; Dakota US
Cell Phone: (651)367-7021 Description:

BUSINESS 1
Role(s): Mentioned
Business Name: El Nuevo Morelos Mexican
Location: 360 Bernard Street W Bldg Name/Num: El Nuevo Morelos; West St. Paul, MN 55118; Dakota US

PROPERTY INFORMATION
ID: Associated with: noAssociatedOffense;
Description: Michelob Golden Light  
Property Category: Alcohol  

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State of Minnesota,  
Plaintiff,  

vs.  

RUBI ROJAS YONIC  DOB: 09/11/1991  
640 Orleans Street  
Saint Paul, MN 55107  

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

**COUNT I**

Charge: Liquor-Furnish to Person Under 21 Years of Age (GM) (WSP)  
Minnesota Statute: 340A.503.2(1), with reference to: 340A.702(8)  
Maximum Sentence: One year in jail and $3,000 fine  
Offense Level: Gross Misdemeanor  
Offense Date (on or about): 12/12/2021  
Control #/(ICR#): 21004311

Charge Description: On December 12, 2021, in the City of West St. Paul, Dakota County, Minnesota, the accused herein did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, in violation of Minnesota Statutes § 340A.503, subd. 2(1). As a result, said accused committed a gross misdemeanor in violation of Minnesota Statutes § 340A.702, clause (8).
On December 12, 2021, West St. Paul Police conducted an alcohol compliance check at El Nuevo Morelos Mexican restaurant located at 360 Bernard Street West in the City of West St. Paul, Dakota County.

MMM, a 19 year old male, ordered and was served a Michelob Golden Light by Rubi Rojas Yonic (dob: 9/11/1991). MMM paid for the beer with a $20.00 bill provided by the City of West St. Paul.
SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise
be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and
correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Matthew Swenke
Police Lieutenant
1616 Humboldt Ave
West St Paul, MN 55118-3972
Badge: 2603

Electronically Signed:
01/11/2022 08:58 AM
Dakota County, Minnesota

Prosecuting Attorney

Kevin Beck
2350 Wycliff Street
Suite 200
St. Paul, MN 55114-1331
(651) 224-3781

Electronically Signed:
01/11/2022 08:53 AM

Being authorized to prosecute the offenses charged, I approve this complaint.
FINDING OF PROBABLE CAUSE
From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS
THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT
To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

ORDER OF DETENTION
Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: __________, ______.

Judicial Officer <[judge name]>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF DAKOTA STATE OF MINNESOTA

State of Minnesota
Plaintiff
vs.

Rubi Rojas Yonic
Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:

4
March 18, 2022

Cruz Enterprises, LLC                      Oscar Cruz Martinez
Dba El Nuevo Morelos                      7613 Nicollet Ave
360 Bernard Street W                      Richfield MN 55423
West St. Paul MN 55118

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Martinez,

On December 21, 2021 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed to present to the City Council for consideration. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on April 25, 2022 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota.

This letter serves as your official notice of this hearing which you have the right to be present. You may address the Council, provide testimony, present evidence and/or bring witnesses on your behalf if you desire.

You may also wish to review the City’s alcohol and licensing codes by visiting the City’s website, www.wspmn.gov; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4201.

Sincerely,

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
Type of Violation: Alcohol

Name of establishment: El Nuevo Morelos

Address: 360 Bernard St W

Police Case Number: 21004311

Date of Violation: December 21, 2021

Summary:

On December 21, 2021 Officers Ethan Draz and Mike Mandel along with an underage decoy conducted an alcohol compliance check at El Nuevo Morelos located at 360 Bernard St W. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase an alcoholic product. The decoy possessed his unaltered Minnesota driver’s license which indicated his age was 19. He also possessed his cell phone. He was told not to lie or misrepresent his age if asked. The decoy was able to purchase a Michelob Golden Light beer at which point he sent a text to the officers outside saying he was served alcohol at which point the officers came into the establishment.

Other information:

- The licensee at El Nuevo Morelos has had a city issued alcohol license since 2019;
- The licensee failed one alcohol compliance check in 2019.

Recommendations:

1. A $500.00 civil penalty; and
2. The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
3. While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 360 Bernard St W, West St. Paul, Minnesota on March 18, 2022 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

1.01 The hearing was held on Monday, April 25, 2022, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 360 Bernard St W (Cruz Enterprises, LLC) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on December 21, 2021 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $500.00 civil penalty is imposed against the license holder; and

b) While holding a City issued alcohol license, a representative from this establishment will attend any future City sponsored alcohol compliance training when notified; and
c) While holding a City issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 25th day of April 2022.

Attest:

________________________    ____________________________
David J. Napier, Mayor        Nicole Tillander, City Clerk
INCIDENT INFORMATION

Charges/Citation: 340A.503.2(1) (90G)  
Address: 1690 Robert Street S Bldg  
Name/Num: MGM Liquor  
West St. Paul, MN 55118; Dakota US

Incident Type: Other  
Start Date: 2021-12-21 18:42  
End Date: 2022-01-03 18:42  
Reported Date: 2021-12-21 18:42

Parties Involved:
Lovely, Shannon Marie 1972-03-17 Suspect  
2002-04-16  
Mentioned  
Garcia, Caroline Kay 1983-05-28 Mentioned

CASE INFORMATION
Non NIBRS Reportable: Yes

OFFICER INFORMATION
Name  
Ethan Draz  
Agency  
West St. Paul  
Badge  
2636  
Role  
Primary

SYNOPSIS OF EVENTS
Alcohol compliance check

NARRATIVE

On 12-12-2021 at 1729 hours, Officer Mandel and I conducted a required alcohol compliance check of every business holding an alcohol license in West Saint Paul. A 19-year old male was used and will be referred to as MMM in this report.

MMM did not and was not known by employees at MGM Liquors. A $20.00 bill was used during the alcohol compliance check provided by the City of West Saint Paul. MMM was only in possession of his M.N. driver's license, cell phone, and the $20.00 bill Officer Mandel provided. MMM was instructed to present his M.N. driver's license if asked and not to lie about his age.

Approximately 5 minutes after entering MGM Liquors, MMM exited the store and approached our unmarked vehicle carrying a 12 pack of Smirnoff Ice. MMM provided me the 12 pack of Smirnoff Ice, a dated sales receipt, and the change from the transaction.
An MGM liquor employee was outside at this time. MMM advised that this female, who was later identified as Caroline Kay Garcia DOB/1983-05-28, did not sell him the alcohol. MMM advised that a second female, who completed the sale was inside the store behind the register counter. MMM stated the female did not ask for his I.D.

Shortly after, I entered the store and observed a female at the check-out register. There was only one register open at this time. I identified this female as Shannon Marie Lovely DOB/1972-03-17. I advised Shannon that an alcohol compliance test was conducted, which she failed. Shannon was told that she would be receiving criminal charging information via mail. The receipt and purchased alcohol photo will be uploaded to this case file. The Smirnoff Ice was returned along with the change from the transaction. I received the $20.00 back that was used during the transaction.

It should be noted that the female outside, Caroline, is the Manager at MGM Liquors. Caroline was made aware of the compliance failure.

Dispatch ran a criminal history on Shannon, which showed no enhancing violations.

I am requesting a formal complaint against Shannon for the following:

- 340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

Nothing further.

PARTIES INVOLVED

PERSON 1
Role(s): Suspect

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</thead>
<tbody>
<tr>
<td>1875 Oakdale Avenue APT 207; West Saint Paul, MN 55118-2538; Dakota US</td>
<td>(651)308-2504</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Is US Citizen:</th>
<th>Immigration Checked:</th>
<th>DNA Collected:</th>
<th>Special Needs:</th>
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<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

CHARGES/ORDINANCES

West St. Paul (MN0190700)
INCIDENT
West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

Type: Statute
Charge: 340A.503.2(1) (90G)
Level: Gross Misdemeanor
UOC: Enh. Factor:

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

Arrest Date: 2022-01-03 at 01:05

PERSON 2
Role(s): Mentioned
Last: First: Middle: Date of Birth: 2002-04-16 (19)
Sex: Male Race: Height: 508 - 508 Weight: 250 - 250 lbs Hair:
Eyes: Brown Is Juvenile?: No Residence:

BUSINESS 1
Role(s): Mentioned Business Name: MGM Liquor
Location: 1690 Robert Street S Bldg Name/Num: MGM Liquor; West St. Paul, MN 55118; Dakota US

PERSON 3
Role(s): Mentioned
Last: Garcia First: Caroline Middle: Kay Date of Birth: 1983-05-28 (38)
Sex: Female Race: White Height: 504 - 504 Weight: 105 - 105 lbs Hair: Blonde or Strawberry
Eyes: Blue Is Juvenile?: No Ethnicity: Not Hispanic/Latino Build: Small Complexion: Light Residence: 1690 Robert Street S Bldg Name/Num: MGM Liquor; West St. Paul, MN 55118; Dakota US
Cell Phone: (651)666-0683 Description:

PROPERTY INFORMATION
ID: Associated with: noAssociatedOffense;
Description: 12 pack Smirnoff Ice
Property Category: Alcohol
Quantity Unit Price Value Code
1 16.43 16.43 notApplicable

West St. Paul (MN0190700) Page 3 of 4 Creation: Ethan Draz 2022-01-05 21:58:30
State of Minnesota,  
Plaintiff,  

vs.  

SHANNON MARIE LOVELY  DOB: 03/17/1972  
1875 Oakdale Avenue  
#207  
West Saint Paul, MN 55118-2538  
Defendant.  

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Liquor-Furnish to Person Under 21 Years of Age (GM) (WSP)  
Minnesota Statute: 340A.503.2(1), with reference to: 340A.702(8)  
Maximum Sentence: One year in jail and $3,000 fine  
Offense Level: Gross Misdemeanor  
Offense Date (on or about): 12/12/2021  
Control #(ICR#): 21004315  

Charge Description: On December 12, 2021, in the City of West St. Paul, Dakota County, Minnesota, the accused herein did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, in violation of Minnesota Statutes § 340A.503, subd. 2(1). As a result, said accused committed a gross misdemeanor in violation of Minnesota Statutes § 340A.702, clause (8).
On December 12, 2021, West St. Paul Police Officers conducted alcohol compliance checks on businesses in West St. Paul, Dakota County. A purchaser that was 19 years of age, MMM, was used by the Police Department. MMM entered MGM Liquors and purchased a 12 pack of Smirnoff Ice. The employee that sold the drinks to MMM, Shannon Marie Lovely, DOB 03/17/1972, "Suspect," did not ask for MMM's ID.
SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be: (1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or (2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant
Matthew Swenke
Police Lieutenant
1616 Humboldt Ave
West St Paul, MN 55118-3972
Badge: 2603

Electronically Signed:
01/09/2022 02:05 PM
Dakota County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney
Joseph Anthony Kelly
City Attorney
2350 Wycliff Street
Suite 200
St. Paul, MN 55114-1331
(651) 224-3781

Electronically Signed:
01/08/2022 01:26 PM
FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☐ SUMMONS

Therefore you, the Defendant, are SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

If you fail to appear in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ Execute in MN Only ☐ Execute Nationwide ☐ Execute in Border States

☐ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: _________ __, ______.

Judicial Officer <[judge name]>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF DAKOTA
STATE OF MINNESOTA

State of Minnesota
Plaintiff

vs.

Shannon Marie Lovely
Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:
March 18, 2022

FTL Corporation  
Dba MGM Wine and Spirits  
1690 Robert St S  
West St. Paul MN 55118  

Norma Jean Lanners  
FTL Corporation  
275 White Bear Ave N  
St Paul MN 55106  

Subject: Alcohol License Violation and Notice of Hearing

Dear Ms. Lanners,

On December 21, 2021 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed to present to the City Council for consideration. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on April 25, 2022 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota.

This letter serves as your official notice of this hearing which you have the right to be present. You may address the Council, provide testimony, present evidence and/or bring witnesses on your behalf if you desire.

You may also wish to review the City’s alcohol and licensing codes by visiting the City’s website, www.wspmn.gov; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4201.

Sincerely,

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
Type of Violation: Alcohol

Name of establishment: MGM Wine and Spirits

Address: 1690 Robert St S

Police Case Number: 21004315

Date of Violation: December 21, 2022

Summary:

On December 21, 2021 Officers Ethan Draz and Mike Mandel, along with an underage decoy conducted an alcohol compliance check at MGM Wine and Spirits located at 1690 Robert St S. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase an alcoholic product. The decoy possessed his unaltered Minnesota driver's license which indicated his age was 19. He also possessed his cell phone. He was told not to lie or misrepresent his age if asked. The decoy was able to purchase a 12 pack of Smirnoff Ice. He exited the establishment and turned over the beer to the officers who were waiting outside in the parking lot.

The employee did not ask for an identification from the decoy prior to making the sale.

Other information:

- The licensee at MGM Wine and Spirits has had a city issued alcohol license since at least 2011;
- In the past five years, the licensee failed an alcohol compliance check in 2018.

Recommendations:

1. A $500.00 civil penalty.
2. The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
3. While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 22-

RESOLUTION IMPOSING SANCTIONS UPON
RETAIL LIQUOR LICENSE HOLDER
FTL CORPORATION DBA MGM WINE AND SPIRITS

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 1690 Robert St S, West St. Paul, Minnesota on March 18, 2022 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

1.01 The hearing was held on Monday, April 25, 2022, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1690 Robert St S (FTL Corporation) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on December 21, 2021 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $500.00 civil penalty is imposed against the license holder; and

b) While holding a City issued alcohol license, a representative from this establishment will attend any future City sponsored alcohol compliance training when notified; and
c) While holding a City issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 25th day of April 2022.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk
INCIDENT INFORMATION

Charges/Citation: 340A.503.2(1) (90G)
Address: 1111 Robert Street S Bldg
           Name/Num: R and B liquors
           West St. Paul 55118; Dakota
           US
Incident Type: Other
Start Date: 2021-12-21 17:31
End Date: 2021-12-21 17:31
Reported Date: 2021-12-21 17:31

Parties Involved:
Campos, Analysa Marie 1990-03-01 Suspect
R and B liquors

CASE INFORMATION

Non NIBRS Reportable: Yes

OFFICER INFORMATION

Name: Ethan Draz
Agency: West St. Paul
Badge: 2636
Role: Primary
Name: Michael Mandel
Agency: West St. Paul
Badge: 2629
Role: Assisting

SYNOPSIS OF EVENTS

Alcohol compliance check

NARRATIVE

On 12-12-2021 at 1729 hours, Officer Mandel and I conducted a required alcohol compliance check of every business holding an alcohol license in the City of West Saint Paul. A 19-year-old male was used and will be referred to as MMM in this report.

MMM did not and was not known by employees at R & B Liquor. A $20.00 bill was used during the alcohol compliance check provided by the city of West Saint Paul. During the compliance check, MMM was only in possession of his M.N. driver's license, cell phone, and the $20.00 bill Officer Mandel provided. MMM was instructed to present his M.N. driver's license if asked and not to lie about his age.

Approximately 5 minutes after entering R & B Liquors, MMM exited the store and approached our vehicle carrying a 12 pack of Corona Seltzers. MMM gave me the 12 pack of Seltzer, a dated sales receipt, and the change from the transaction. MMM described the female's clothing description who sold him the alcohol. MMM advised that the female had a hat on. MMM stated the female did not ask for his I.D.
I then entered the store and observed a female matching the description provided by MMM. I identified this female as Analysa Marie Campos DOB/1990-03-01. As I introduced myself to Analysa and she commented, something like, "oh, that man was underage?" I advised Analysa that an alcohol compliance check was conducted in which she failed. Analysa was told that she would be receiving criminal charging information via mail. The receipt and purchased alcohol photo will be uploaded to this case file.

The Corona was returned along with the change from the transaction. I received the $20.00 back that was used during the transaction.

Dispatch ran a criminal history on Analysa, which showed no enhancing violations.

I am requesting a formal complaint against Analysa for the following:

- 340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

Nothing further

PARTIES INVOLVED

PERSON 1

Role(s): Suspect

<table>
<thead>
<tr>
<th>Last</th>
<th>First</th>
<th>Middle</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campos</td>
<td>Analysa</td>
<td>Marie</td>
<td>1990-03-01 (31)</td>
</tr>
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</table>

<table>
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<th>Sex: Female</th>
<th>Race: White</th>
<th>Height: 502 -502</th>
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<td>Eyes: Brown</td>
<td>Is Juvenile: No</td>
<td>Ethnicity: Hispanic/Latino</td>
<td>Build: Medium</td>
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Complexion: Light Brown

Residence: 161 Concord Exchange N APT 106; South Saint Paul, MN 55075-2273; Dakota US

Cell Phone: (612)481-6241

Description:

Is US Citizen: Yes  Immigration Checked: No  DNA Collected: No  Special Needs: No

CHARGES/ORDINANCES

Type: Statute  Charge: 340A.503.2(1) (90G)

Level: Gross Misdemeanor  UOC:  Enh. Factor:

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to ull/21yr

Arrest Date: 2022-01-03 at 00:15
INCIDENT
West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

Case Number: 21004312
Title: Alcohol Compliance Check

PERSON 2
Role(s):
Mentioned Last: First: Middle: Date of Birth: 2002-04-16 (19)
Sex: Male Race: Black/African American Height: 508 - 508 Weight: 250 - 250 lbs
Hair: Black
Eyes: Brown Is Juvenile?: No Ethnicity: Hispanic/Latino Build: Large
Complexion: Light Brown
Residence:

BUSINESS 1
Role(s): Mentioned Business Name: R and B liquors
Location: 1111 Robert Street S Bldg Name/Num: R and B liquors; West St. Paul 55118; Dakota US

PROPERTY INFORMATION
ID: Associated with: noAssociatedOffense;
Description: Corona SLTZR
Property Category: Alcohol
Quantity Unit Price Value Code
1 16.51 16.51 notApplicable

Brand Name Model Color
Corona other
Serial Number Owner Applied Number Property NCIC Type

West St. Paul (MN0190700) Page 3 of 3 Report Generated by: -()
Creation: Ethan Draz 2022-01-03 00:44:48
State of Minnesota, Plaintiff,

vs.

ANALYSSA MARIE CAMPOS DOB: 03/01/1990
161 Concord Exchange N
#106
South Saint Paul, MN 55075-2273

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Liquor-Furnish to Person Under 21 Years of Age (GM) (WSP)
Minnesota Statute: 340A.503.2(1), with reference to: 340A.702(8)
Maximum Sentence: One year in jail and $3,000 fine
Offense Level: Gross Misdemeanor

Offense Date (on or about): 12/12/2021
Control # (ICR#): 21004312

Charge Description: On December 12, 2021, in the City of West St. Paul, Dakota County, Minnesota, the accused herein did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, in violation of Minnesota Statutes § 340A.503, subd. 2(1). As a result, said accused committed a gross misdemeanor in violation of Minnesota Statutes § 340A.702, clause (8).
On December 12, 2021, West St. Paul Police Officers conducted alcohol compliance checks on businesses in West St. Paul, Dakota County. A purchaser that was 19 years of age, MMM, was used by the Police Department. MMM entered R & B and purchased a 12 pack of alcoholic seltzer. The employee that sold the seltzer to MMM, Analyssa Marie Campos, DOB 03/01/1990, “Suspect,” did not ask for MMM’s ID.
SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise
be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and
correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant Matthew Swenke
Police Lieutenant
1616 Humboldt Ave
West St Paul, MN 55118-3972
Badge: 2603

Electronically Signed: 01/09/2022 02:01 PM
Dakota County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney Joseph Anthony Kelly
City Attorney
2350 Wycliff Street
Suite 200
St. Paul, MN 55114-1331
(651) 224-3781

Electronically Signed: 01/08/2022 01:22 PM
FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant’s arrest or other lawful steps be taken to obtain Defendant’s appearance in court, or Defendant’s detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

X SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ Execute in MN Only ☐ Execute Nationwide ☐ Execute in Border States

☐ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: __________ __________.

Judicial Officer <judge name>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA
COUNTY OF DAKOTA

State of Minnesota
Plaintiff

vs.

Analyssa Marie Campos
Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:
March 18, 2022

Faust Co, LLC  
Dba R and B Liquor  
1111 Robert St S  
West St. Paul MN 55118

Mark Thomas Faust  
1636 2nd Ave  
Newport MN 55055

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Faust,

On December 21, 2021 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed to present to the City Council for consideration. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on April 25, 2022 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota.

This letter serves as your official notice of this hearing which you have the right to be present. You may address the Council, provide testimony, present evidence and/or bring witnesses on your behalf if you desire.

You may also wish to review the City’s alcohol and licensing codes by visiting the City’s website, www.wspmn.gov; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4201.

Sincerely,

[Signature]

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
Type of Violation: Alcohol

Name of establishment: R and B Liquor

Address: 1111 Robert St S

Police Case Number: 21004312

Date of Violation: December 21, 2021

Summary:

On December 21, 2021 Officers Ethan Draz and Mike Mandel along with an underage decoy conducted an alcohol compliance check at R and B Liquor located at 1111 Robert St S. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase an alcoholic product. The decoy possessed his unaltered Minnesota driver's license which indicated his age was 19. He also possessed his cell phone. He was told not to lie or misrepresent his age if asked. The decoy was able to purchase a 12 pack of Corona Seltzers. The decoy walked to the parking lot and turned over the alcohol to the officers.

The seller did not ask for any identification from the decoy prior to making the purchase. When the officers entered the store and introduced themselves to the seller, she said something similar to "Oh, that male was underage?" even before they told her why they were there.

Other information:

- The licensee at R and B Liquor has had a city issued alcohol license since at least 2011;
- In the past five years, the licensee failed one alcohol compliance check in 2019.

Recommendations:

1. A $500.00 civil penalty; and
2. The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
3. While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

Brian Sturgeon, Chief of Police

"We Serve with Honor and Integrity"
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 22-

RESOLUTION IMPOSING SANCTIONS UPON
RETAIL LIQUOR LICENSE HOLDER
FAUST CO, LLC DBA R AND B LIQUOR

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 1111 Robert St S, West St. Paul, Minnesota on March 18, 2022 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

1.01 The hearing was held on Monday, April 25, 2022, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1111 Robert St S (Faust Co, LLC) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on December 21, 2021 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $500.00 civil penalty is imposed against the license holder; and

b) While holding a City issued alcohol license, a representative from this establishment will attend any future City sponsored alcohol compliance training when notified; and
c) While holding a City issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 25th day of April 2022.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk
INCIDENT
West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

Case Number: 21004310
Title: Alcohol Compliance Failure

INCIDENT INFORMATION

Charges/Citation: 340A.503.2(1) (90G)  
Address: 977 Smith Avenue S  
West St. Paul, MN 55118; Dakota US
Incident Type: Other  
Start Date: 2021-12-21 16:21  
End Date: 2021-12-23 16:21  
Reported Date: 2021-12-21 16:21  
Parties Involved: Floyd, Baylee Marie Lynn 2002-05-11 Suspect  
Smith Liquor

CASE INFORMATION
Non NIBRS Reportable: Yes

OFFICER INFORMATION

Name  
Ethan Draz  
Michael Mandel
Agency  
West St. Paul  
West St. Paul
Badge  
2636  
2629
Role  
Primary  
Assisting

SYNOPSIS OF EVENTS
Alcohol compliance check failure

NARRATIVE

On 12-12-2021 at 1614 hours, Officer Mandel and I conducted a required alcohol compliance check of every business holding an alcohol license in West Saint Paul. A 19-year-old male was used and will be referred to as MMM in this report.

MMM did not and was not known by employees at Smith Liquor. A $20.00 bill was used during the alcohol compliance check provided by the city of West Saint Paul. During the compliance check, MMM was only in possession of his M.N. driver's license, cell phone, and the $20.00 bill Officer Mandel provided. MMM was instructed to present his M.N. driver's license if asked and not to lie about his age.

Approximately 5 minutes after entering Smith Liquor, MMM exited the business, approached our vehicle on foot carrying a 12 pack of Bud Light Lime alcoholic beverage. MMM gave me possession of the 12 back of beer, the dated sales receipt, and the change from the completed transaction. MMM stated the person who sold him the alcohol was a younger white female at the register. MMM advised that the employee did not ask for his I.D.
Shortly after, I entered the store and observed a younger white female at the register. I identified the female as Baylee Marie Lynn Floyd DOB/2002-05-11. I advised Baylee that an alcohol compliance check was conducted in which she failed. Baylee was told that she would be receiving criminal charging information via mail. I took a digital photograph of the beer, receipt, and change. The picture was later downloaded to this case file.

The Bud Light Lime was returned along with the change from the transaction. I received the original $20.00 bill back that was used to complete the transaction.

Dispatch ran a criminal history on Baylee, which showed no enhancing violations.

I am requesting Baylee be formally charged with:

340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

PARTIES INVOLVED

PERSON 1

Role(s): Suspect

Last: Floyd  First: Baylee  Middle: Marie Lyna  Date of Birth: 2002-05-11 (19)

Sex: Female  Race: White  Height: 506-506  Weight: 110-110 lbs  Hair: Black

Eyes: Green  Is Juvenile?: No  Ethnicity: Not Hispanic/Latino  Build: Small  Complexion: Light

Residence: 1016 Albemarle Street N APT 3; Saint Paul, MN 55117; Ramsey US

Cell Phone: (763)238-6795  Description:

Is US Citizen: Yes  Immigration Checked: No  DNA Collected: No  Special Needs: No

CHARGES/ORDINANCES

Type: Statute  Charge: 340A.503.2(1) (90G)

Level: Gross Misdemeanor  UOC:  Enh. Factor:

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

Arrest Date: 2021-12-23 at 22:25

BUSINESS 1

Role(s): Mentioned  Business Name: Smith Liquor

Location: 977 Smith Avenue S; West St. Paul, MN 55118; Dakota US

West St. Paul (MN0190700)  Page 2 of 3  Report Generated by: -()
Creation: Ethan Draz 2021-12-23 22:30:45
State of Minnesota,  
 Plaintiff,  
 
 vs.  
 
 BAYLEE MARIE LYNN FLOYD  DOB: 05/11/2002  
 1016 Abermarle Street N  
 #3  
 Saint Paul, MN 55117  
 Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Liquor-Furnish to Person Under 21 Years of Age (GM) (WSP)  
Minnesota Statute: 340A.503.2(1), with reference to: 340A.702(8)  
Maximum Sentence: One year in jail and $3,000 fine  
Offense Level: Gross Misdemeanor  
Offense Date (on or about): 12/12/2021  
Control #((ICR#): 21004310  

Charge Description: On December 12, 2021, in the City of West St. Paul, Dakota County, Minnesota, the accused therein did sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, in violation of Minnesota Statutes § 340A.503, subd. 2(1). As a result, said accused committed a gross misdemeanor in violation of Minnesota Statutes § 340A.702, clause (8).
On December 12, 2021, West St. Paul Police conducted an alcohol compliance check at Smith Liquor located at 977 Smith Avenue South in the City of West St. Paul, Dakota County.

MMM, a 19 year old male, purchased a 12-pack of Bud Light Lime from Baylee Marie Lynn Floyd (dob: 5/11/2002). MMM paid for the beer with a $20.00 bill provided by the City of West St. Paul. Floyd did not ask for MMM's identification.
SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise
be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and
correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant
Matthew Swenke
Police Lieutenant
1616 Humboldt Ave
West St Paul, MN 55118-3972
Badge: 2603

Electronically Signed:
01/11/2022 10:51 AM
Dakota County, Minnesota

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney
Kevin Beck
2350 Wycliff Street
Suite 200
St. Paul, MN 55114-1331
(651) 224-3781

Electronically Signed:
01/11/2022 09:46 AM
FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

X SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ Execute in MN Only ☐ Execute Nationwide ☐ Execute in Border States

☐ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: $

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: __________ __________.

Judicial Officer <judge name>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF DAKOTA
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Baylee Marie Lynn Floyd

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent:
March 18, 2022

Latinasian Investments Carlos Alberto Lares
Dba Smith Liquors 6518 Berwick Circle
977 Smith Ave S Shakopee MN 55379
West St Paul MN 55118

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Lares,

On December 21, 2021 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed to present to the City Council for consideration. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on April 25, 2022 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota.

This letter serves as your official notice of this hearing which you have the right to be present. You may address the Council, provide testimony, present evidence and/or bring witnesses on your behalf if you desire.

You may also wish to review the City’s alcohol and licensing codes by visiting the City’s website, www.wspmn.gov; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4201.

Sincerely,

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
Type of Violation: Alcohol

Name of establishment: Smith Liquor

Address: 977 Robert St S

Police Case Number: 21004310

Date of Violation: December 21, 2021

Summary:

On December 21, 2021 Officers Ethan Draz and Mike Mandel along with an underage decoy conducted an alcohol compliance check at Smith Liquor located at 977 Smith Ave S. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase an alcoholic product. The decoy possessed his unaltered Minnesota driver’s license which indicated his age was 19. He also possessed his cell phone. He was told not to lie or misrepresent his age if asked. The decoy was able to purchase a 12 pack of Bud Light Lime beer. The decoy walked to the parking lot and turned over the alcohol to the officers.

The seller did not ask for any identification from the decoy prior to making the purchase.

Other Information:

- The licensee at Smith Liquor has had a city issued alcohol license since 2015;
- In the past five years, the licensee failed two previous alcohol compliance checks in 2019 and 2021.
- The 2021 sanction included a $400.00 stayed penalty for a period of one year.

Recommendations:

1. A $1,000.00 civil penalty; and
2. Imposition of the stayed $400.00 civil penalty from the previous sanction hearing; and
3. Five day liquor license suspension, with four days stayed for a period of one year; and
4. The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
5. While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

Brian Sturgeon, Chief of Police

“We Serve with Honor and Integrity”
CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA  
RESOLUTION NO. 22-  

RESOLUTION IMPOSING SANCTIONS UPON  
RETAIL LIQUOR LICENSE HOLDER  
LATINASIAN INVESTMENTS DBA SMITH LIQUORS

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 977 Smith Ave S, West St. Paul, Minnesota on March 18, 2022 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

1.01 The hearing was held on Monday, April 25, 2022, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 977 Smith Ave S (Latinasian Investments) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on December 21, 2021 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $1,000.00 civil penalty is imposed against the license holder; and

b) Imposition of the stayed $400.00 civil penalty from the previous sanction hearing; and

c) Five day liquor license suspension, four days stayed for a period of one year; and
d) While holding a City issued alcohol license, a representative from this establishment will attend any future City sponsored alcohol compliance training when notified; and

e) While holding a City issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee’s receive. This list must be kept up to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 25th day of April 2022.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk