



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651-552-4199

www.wspmn.gov

Type of Violation: **Tobacco**

Name of establishment: **Jerrys Enterprises Inc, dba Cub Foods**

Address: **2001 Robert Street South**

Police Case Number: **19004621**

Date of Violation: **November 20, 2019**

Summary:

On November 20, 2019 Officers Greg Altman and Jose Marrero along with an underage decoy, conducted a tobacco compliance check at Cub Foods located at 2001 Robert St S. The underage decoy was provided recorded money by the officers and instructed to attempt to purchase a tobacco product. The decoy possessed her unaltered Minnesota driver's license, which indicated her age was 17. She was told not to lie about her age and if denied tobacco or asked her age, the decoy was to return to the officers.

The underage decoy entered Cub Foods and purchases a package of cigarettes. The employee did ask to see the decoy's identification, reviewed the drivers' license, and sold the cigarettes to her. When later questions by the officers, the employee stated she must have entered the wrong date of birth into the age verification system. The officers were able to retrieve the marked money the decoy used to purchase a pack of cigarettes from the establishment's cash register.

Other information:

- The licensee at Cub Foods has had a city issued tobacco license for over seven years;
- The licensee has had no tobacco compliance check failures in over six years;
- The licensee does have an age verification system in place;
- The licensee did not send anyone to the city sponsored tobacco compliance training in March 2019.

Recommendations:

1. \$75 fine for the license holder (Minimum statutory / city code requirement);
2. \$50 fine for the employee (Minimum statutory / city code requirement);
3. While holding a city issued tobacco license, a representative from this establishment will attend any future city sponsored tobacco compliance training when notified; and
4. While holding a city issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employees receive. This list must be kept up to date and made available to the police department upon a reasonable request.

"We Serve with Honor and Integrity"



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www.wspmn.gov

January 14, 2020

Jerry's Enterprises Inc, dba Cub Foods
Attn: Kent Dixon
2001 Robert St S
West St Paul MN 55118

Dear Mr. Kent Dixon,

On November 20, 2019 the police department conducted required multiple tobacco compliance checks throughout the City of West St Paul. Unfortunately two establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and subsequent sanction recommendations developed. This recommendation will be presented to the City Council in the form of a hearing at the February 24, 2020 Council meeting for their consideration.

City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Ave in West St Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

Attached is my sanction recommendations to the Council and an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Ordinance by visiting the City's website (www.wspmn.gov) and click on "city ordinances", then go to Tobacco – 113.

If you have any questions or concerns please do not hesitate to contact me at 651-552-4202.

Sincerely,

A handwritten signature in blue ink that reads "Brian Sturgeon".

Brian Sturgeon, Chief of Police

"We Serve with Honor and Integrity"



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1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
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January 14, 2020

Ashley Amber Contreras
212 Emerson Ave W
West Saint Paul MN 55118

Dear Ms. Contreras,

On November 20, 2019 the police department conducted required multiple tobacco compliance checks throughout the City of West St Paul. Unfortunately two establishments failed these checks and you were identified as the employee conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a City-issued tobacco license. Section 113 of the West St Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Ordinance by visiting the City's website (www.wspmn.gov) and click on "city ordinances", then go to Tobacco – 113.

In following the procedure for tobacco license violations there was a review of the violation and subsequent sanction recommendations developed. This recommendation will be presented to the City Council in the form of a hearing at the February 24, 2020 Council meeting for their consideration. Attached is my recommendation to the Council and an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses.

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If you have any questions or concerns please do not hesitate to contact me at 651-552-4202.

Sincerely,

Brian Sturgeon, Chief of Police

"We Serve with Honor and Integrity"



INCIDENT

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

Case Number: 19004618

Title: Tobacco Compliance Check Failure

INCIDENT INFORMATION

Charges/Citation:	609.685.1a(a) (citation# 190719901971)	Address:	1113 Robert Street S Bldg Name/Num: Stevens Tobacco West St. Paul, MN 55118
Incident Type:	Other	Parties Involved:	
Start Date:	2019-11-20 17:28	Nieves, Brandon Jose	2000-01-08 Suspect
End Date:	2019-11-20 17:30		
Reported Date:	2019-11-20 17:28		

OFFICER INFORMATION

Name	Agency	Badge	Role
Jose Marrero	West St. Paul	2630	Primary

SYNOPSIS OF EVENTS

Tobacco compliance check failure.

NARRATIVE

On 2019-11-20 Officer G. Altman and I conducted required yearly tobacco compliance checks on all businesses in the City of West St. Paul issued current tobacco licenses. A 17 year old female assisted in conducting the checks with us. This female will be referred to as [REDACTED] for the rest of this report. Prior to conducting these checks [REDACTED] was not aware of any personal connections to any employee in any of the businesses checked.

All the money used during the compliance checks was provided by the City of West St. Paul. [REDACTED] was instructed on how to conduct herself during the checks as such. [REDACTED] was instructed to provide her drivers license if asked. [REDACTED] was instructed to not lie or misrepresent her age if questioned. [REDACTED] was instructed to return to our vehicle if a purchase was made. [REDACTED] was only allowed to have her Drivers license, the supplied \$20 bill and her cell phone while doing the checks. The business that failed for this report was at 1113 Robert St. S. (Steven's Tobacco).

[REDACTED] entered the business alone and a short time later returned with a purchased package of cigarettes. [REDACTED] stated the black male behind the counter had sold her the cigarettes. [REDACTED] advised that the male did not ask for her I.D. at any time. [REDACTED] handed me the change and cigarettes from the purchase. Officer G. Altman and I entered the store and spoke with the employee involved. This employee was identified using his MN state drivers license as Brandon Jose Nieves DOB/2000-01-08.

CASE #: 19004618

INCIDENT REPORT



INCIDENT

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

Case Number: 19004618
Title: Tobacco Compliance Check Failure

Brandon was advised that he had sold tobacco to an under aged person. When asked why he did not ask for or check her identification, he stated that she looked way older. Brandon stated that he has only been employed for about two weeks at this place. A copy of the sales receipt was collected, and the cigarettes and change were returned to the store for a refund. We collected our \$20 bill and explained to Brandon that he would receive a citation in the mail, along with instructions and a court date to follow.

Brandon was handed a business card with the case number on it for this incident. A second card was left for the businesses owner. Brandon stated he had no questions for us. A criminal history was requested for Brandon before any charges made. I reviewed the history for Brandon and seeing no previous related infractions, I issued a citation to Brandon for the sale of tobacco to a persons under the age of 18 years old. Citation #190719901971 was completed and placed in the mail for delivery on 11/22/2019.

Cleared by citation.

PARTIES INVOLVED

PERSON 1

Role(s): Suspect

Last: Nieves	First: Brandon	Middle: Jose	Date of Birth: 2000-01-08 (19)	
Sex: Male	Race: Black/African American	Height: 511 -511	Weight: 167 -167 lbs	Hair:
Eyes: Brown	Is Juvenile?: No	Ethnicity: Not Hispanic/Latino	Build:	Complexion:

Residence: 1550 Charlton Street APT 206; West Saint Paul, MN 55118-2005; US

Residence Type: RESIDENCE/HOME

Cell Phone: (612)508-7399

Description:

EMPLOYMENT INFORMATION

Name: Steven's Tobacco

Type: RETAIL

Occupation: Cashier

Shift:

Address: 1113 Robert Street S Bldg Name/Num: Stevens Tobacco; West St. Paul, MN 55118; US

Address Type

OTHER RETAIL

Work Phone: (651)451-4468

Description:

CASE #: 19004618

INCIDENT REPORT



INCIDENT

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

Case Number: 19004618
Title: Tobacco Compliance Check Failure

CHARGES/ORDINANCES

Type: Statute

Charge: 609.685.1a(a)

Level: Misdemeanor

UOC:

Enh. Factor:

Citation #: 190719901971

Description: Sale of Tobacco/Tobacco Related Device to Children-Under 18 Years Old; Misd; Subsequent offense GM

CASE #: 19004618

INCIDENT REPORT



INCIDENT

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

Case Number: 19004621

Title: Tobacco Compliance Check Failure

INCIDENT INFORMATION

Charges/Citation:	609.685.1a(a) (citation# 190719901972)	Address:	2001 Robert Street S Bldg Name/Num: Cub Foods West St. Paul, MN 55118
Incident Type:	Other	Parties Involved:	
Start Date:	2019-11-20 18:21	Contreras, Ashley Amber	1990-02-13 Suspect
End Date:	2019-11-20 18:30		
Reported Date:	2019-11-20 18:21		

OFFICER INFORMATION

Name	Agency	Badge	Role
Jose Marrero	West St. Paul	2630	Primary

SYNOPSIS OF EVENTS

Tobacco compliance check failure.

NARRATIVE

On 2019-11-20 Officer G. Altman and I conducted required yearly tobacco compliance checks on all businesses in the City of West St. Paul issued current tobacco licenses. A 17 year old female assisted in conducting the checks with us. This female will be referred to as [REDACTED] for the rest of this report. Prior to conducting these checks [REDACTED] was not aware of any personal connections to any employee in any of the businesses checked.

All the money used during the compliance checks was provided by the City of West St. Paul. [REDACTED] was instructed on how to conduct herself during the checks as such. [REDACTED] was instructed told to provide her drivers license if asked. [REDACTED] was instructed to not lie or misrepresent her age if questioned. AMM was instructed to return to our vehicle if a purchase was made. [REDACTED] was only allowed to have her Drivers license, the supplied \$20 bill and her cell phone while doing the checks. The business that failed for this report was at 2001 Robert St. S. (Cub Foods).

[REDACTED] entered the business alone and a short time later returned with a purchased package of cigarettes. [REDACTED] stated the white female named Ashley behind the counter had sold her the cigarettes. [REDACTED] advised that the female did ask for her I.D. and she looked at before handing her the cigarettes. [REDACTED] handed me the change and cigarettes from the purchase. Officer G. Altman and I entered the store and spoke with the employee

CASE #: 19004621

INCIDENT REPORT



INCIDENT

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

Case Number: 19004621
Title: Tobacco Compliance Check Failure

involved. This employee was identified using her MN state drivers license as Ashley Amber Contreras DOB/1990-02-13.

Ashley was advised that she had sold tobacco to an under aged person. When asked what happened, Ashley replied, "I looked at her license but I may have entered it incorrectly into the register. A copy of the sales receipt was collected, and the cigarettes and change were returned to the store for a refund. We collected our \$20 bill and explained to Ashley that she would receive a citation in the mail, along with instructions and a court date to follow.

Ashley was handed a business card with the case number on it for this incident. A second card was left with the working manager, Jose. Ashley stated he had no questions for us. A criminal history was requested for Ashley before any charges were completed. I reviewed the history and found no related previous offenses. I issued citation #190719901972 for a sale to persons under the age of 18 years old. This citation was placed in the mail for delivery on 11/22/2019.

No further action taken, cleared by citation.

PARTIES INVOLVED

PERSON 1

Role(s): Suspect

Last: Contreras	First: Ashley	Middle: Amber	Date of Birth: 1990-02-13 (29)
Sex: Female	Race: White	Height: 503 -503	Weight: 180 -180 lbs
Eyes: Blue	Is Juvenile?: No	Ethnicity: Not Hispanic/Latino	Hair:
		Build:	Complexion:

Residence: 212 Emerson Avenue W; West Saint Paul, MN 55118-2127; US

Residence Type: RESIDENCE/HOME

Cell Phone: (612)964-4274

Description:

EMPLOYMENT INFORMATION

Name: Cub Foods

Type: GROCERY

Occupation: Cashier

Shift:

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

Address Type

GROCERY/SUPERMARKET

CASE #: 19004621

INCIDENT REPORT



INCIDENT

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

Case Number: 19004621
Title: Tobacco Compliance Check Failure

Work Phone: (651)451-2877

Description:

CHARGES/ORDINANCES

Type: Statute

Charge: 609.685.1a(a)

Level: Misdemeanor

UOC:

Enh. Factor:

Citation #: 190719901972

Description: Sale of Tobacco/Tobacco Related Device to Children-Under 18 Years Old; Misd; Subsequent offense GM

CASE #: 19004621

INCIDENT REPORT