



# INCIDENT

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

Case Number: 19004514

Title: Alcohol Complince CHeck Failure

## INCIDENT INFORMATION

Charges/Citation:	340A.503.2(1)	Address:	1111 Robert Street S Bldg Name/Num: R & B Liquors West St. Paul, MN 55118
Incident Type:	Other	Parties Involved:	
Start Date:	2019-11-11 13:43	<b>Faust, Mark Thomas</b>	1960-08-01 Suspect
End Date:	2019-11-11 13:50		
Reported Date:	2019-11-11 13:43		

## OFFICER INFORMATION

Name	Agency	Badge	Role
<b>Jose Marrero</b>	<b>West St. Paul</b>	<b>2630</b>	<b>Primary</b>

## SYNOPSIS OF EVENTS

Alcohol compliance check failure.

## NARRATIVE

On 2019-11-11 Officer G. Altman and I conducted required alcohol compliance checks of all businesses holding a license for alcohol in the City of West St. Paul. A 20 year old female was used to assist in the checks who shall be referred to as KAS in this report.

KAS did not personally know any of the employees of the establishments checked. All money used during the checks was provided by the City of West St. Paul. During the checks KAS was only in possession of her Mn drivers license, cell phone and a recorded \$20 bill. KAS was instructed to present her drivers license if asked to do so and advised not to lie or misrepresent her age if questioned during the checks. KAS was instructed for bars/restaurants to enter and text us on our work cell phone if she was served by staff, so we could enter the business and make contact. For liquor stores she instructed to return to our vehicle with what ever she had purchased.

The business checked for this report was R&B Liquors, 1111 Robert Street S. KAS entered the business alone. A short time later KAS exited and returned to our vehicle with a bottle of alcohol. KAS stated the male behind the counter sold her the alcohol. KAS was asked to wait in the vehicle while officers made contact with the employee.

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The employee was identified as, Mark Thomas Faust DOB/1960-08-01. Mark was advised that he had sold to an under age person. Mark stated he did not check the identification of KAS. Mark is the owner of the business and was upset with himself for failing. The change and bottle from the purchase were returned to Mark and the original \$20 used was returned to us.

Mark's information was confirmed and photos of the purchased alcohol and receipt were placed into the case file. Mark was advised that he would receive more information through the mail. Mark was given a business card for contact information and a case number.

A criminal history was also obtained on Mark.

Forwarded for a review on formal charges to include - 340A.503.2(1) Liquor, Purchase/sell/Barter/Furnish alcohol to someone under 21 years of age.

## PARTIES INVOLVED

### PERSON 1

Role(s): Suspect

<b>Last:</b> Faust	<b>First:</b> Mark	<b>Middle:</b> Thomas	<b>Date of Birth:</b> 1960-08-01 (59)	
<b>Sex:</b> Male	<b>Race:</b> White	<b>Height:</b> 511 -511	<b>Weight:</b> 230 -230 lbs	<b>Hair:</b>
<b>Eyes:</b> Hazel	<b>Is Juvenile?:</b> No	<b>Ethnicity:</b> Not Hispanic/Latino	<b>Build:</b>	<b>Complexion:</b>
<b>Residence:</b> 1111 Robert Street S Bldg Name/Num: R & B Liquors; West St. Paul, MN 55118; US				
<b>Residence Type:</b> LIQUOR STORE				
<b>Cell Phone:</b> (952)924-0334		<b>Description:</b>		

### EMPLOYMENT INFORMATION

<b>Name:</b> R & B Liquor	<b>Type:</b>
<b>Occupation:</b> Owner	<b>Shift:</b>
<b>Address:</b> 1111 Robert Street S Bldg Name/Num: R & B Liquors; West St. Paul, MN 55118; US	
Address Type LIQUOR STORE	
<b>Work Phone:</b> (651)457-4347	<b>Description:</b>

### CHARGES/ORDINANCES

<b>Type:</b> Statute	<b>Charge:</b> 340A.503.2(1)
<b>Level:</b> Gross Misdemeanor	<b>UOC:</b> <b>Enh. Factor:</b>

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Title: Alcohol Complinance CHeck Failure

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

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INCIDENT REPORT



## 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](http://www.wspmn.gov)

January 23, 2020

Mr. Mark Faust  
R & B Liquor  
1111 Robert St S  
West St Paul, Minnesota 55118

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Faust,

On November 11, 2019 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. 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 February 24, 2020 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 at. You may address the Council, provide testimony, present evidence 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](http://www.wspmn.gov) ; Intoxicating Liquor – 112 or Licensing – 110.

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

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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## City Issued License Sanction Hearing

Date: February 24, 2020

Type of Violation: Alcohol

Name of Establishment: Faust Co. LLC, dba R & B Liquor

Address: 1111 Robert St S

Police Case File: 19004514

Date of Violation: November 11, 2019

### Summary:

On November 11, 2019 at about 1:43 PM, Officers Marrero and Altman along with an underage decoy conducted an alcohol compliance check at R & B Liquor. The officers provided the decoy with marked money and she had her unaltered Minnesota identification card and cell phone with her. The decoy was told not to lie about her age if asked.

During the compliance check, the underage decoy was sold a bottle of Whiskey and subsequently exited the store and gave the bottle to the officers. The officers went into the store and identified the individual who sold the alcohol. The individual, who is the owner, confirmed he did not check her identification.

### Other Information:

- The license holder has one previous compliance check failure and that was in 2015.
- The license hold has sent representatives to the City sponsored alcohol compliance training.
- There have been no police issues with the establishment.

### Recommendation:

- A \$500 civil penalty, \$200 of which is stayed for a period of one year. If there are other alcohol license violations within the one year period, the stayed penalty of \$200 will be imposed in addition to any new sanctions;
- The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
- 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.

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Sincerely,

A handwritten signature in blue ink that reads "Brian Sturgeon". The signature is written in a cursive, flowing style.

Brian Sturgeon, Chief of Police

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