



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Emily King, Deputy City Clerk
Date: September 16, 2024
Item: Impose Sanctions and License Suspension Upon Retail Intoxicating Liquor and Tobacco Licensee, Northern Tier Retail LLC dba Speedway #4486, 1390 S Frontage Rd

Council Action Requested:

Consider the attached resolutions approving civil penalties of the following of Speedway #4486, 1390 S. Frontage Rd:

- Liquor License: \$1,500 fine and 6-day suspension
- Tobacco License: \$1,000 fine and 7-day suspension

Background Information:

On July 22, 2024, the City of Hastings conducted a liquor and tobacco compliance check of Speedway Gas Station at 1390 S. Frontage Road, Hastings, MN 55033. Speedway failed the compliance checks and did not participate in the Best Practices Program.

Pursuant to Section 111.10 of the City Code pertaining to Alcoholic Beverages, the presumptive civil penalties for a second offense, Non-Best Practices Program Business of a \$1,500 fine and a 6-day license suspension to be levied against Speedway Gas Station. The licensee has been advised of the penalties and that it has an opportunity to demand a hearing before the City Council.

Pursuant to Section 112.12 of the City Code and Minnesota Statute 461.12 pertaining to Tobacco Regulations, the presumptive civil penalties for a third offense of a \$1,000 fine and 7-day license suspension to be levied against Speedway Gas Station. The licensee has been advised of the penalties and that it has an opportunity to demand a hearing before the City Council.

Financial Impact:

N/A

Advisory Commission Discussion:

N/A

Council Committee Discussion:

N/A

Attachments:

- Hastings City Code Section 111.10, Suspension or Revocation of License
- Hastings City Code Section 112.12, Hearings and Appeals and Minnesota Statute 461.12, Municipal License of Tobacco, Tobacco-Related Devices, and Similar Products
- Police Report #24-900109
- Resolution Imposing Sanctions Upon Retail Intoxicating Liquor License Holder Speedway Gas Station
- Resolution Imposing Sanctions Upon Tobacco License Holder Speedway Gas Station
- Speedway Letter for the Board

111.10 Suspension Or Revocation Of License

1. *Suspending License.* The City Council may suspend any retail license for up to 60 days or revoke any retail license for the sale of alcoholic beverages upon the violation of any provision or condition of this chapter or of any state or federal law regulating the sale of alcoholic beverages. The City Council shall revoke the license for any willful violation, which under the laws of this state, is grounds for mandatory revocation.
2. *Notice To Suspend.* Before the Council shall suspend or revoke any license issued under this chapter, the licensee shall be given at least 10-days' notice stating the time and place of the hearing and the charges against the licensee. The notice shall also state that the licensee may have a hearing conducted under M.S. §§ 14.57 through 14.69 of the Minnesota Administrative Procedures Act, as they may be amended from time to time.
3. *Presumptive Civil Penalties.* The following process and presumptive penalties shall apply only to liquor license violations involving failure of routine alcohol sales, compliance checks or sales of alcohol to underage persons. There shall be no presumptive penalties for liquor license violations of other types and the City Council may impose any penalties allowed by law for those violations after the notice and opportunity for hearing provided in division (B) above.
 1. *Purpose.* The purpose of this section is to establish a standard by which the City Council determines the length of license suspensions and the propriety of revocations, and shall apply to all on-sale and off-sale licensed premises. These penalties are presumed to be appropriate for every case; however, the Council may deviate in an individual case where the Council finds that there exist substantial reasons making it more appropriate to deviate. When deviating from these standards, the Council shall provide written findings that support the penalty imposed.
 2. *Best Practices Program.* The Best Practices Program (BPP) is a program offered by the City with the intent to eliminate sales of alcohol to youth. Participation in the BPP is voluntary, it is offered to both off-sale and on-sale liquor establishments and offers incentives to participating licensees to undertake certain practices with the objective of avoiding sales to minors. The City will assist participating businesses with training and a different set of presumptive penalties will apply to those who choose to participate, should an illegal sale to a minor occur. Licensees may enroll at any time during their license period, and will be offered an opportunity at the time of annual license renewal. Interested licensees will provide written intent to participate, and will be categorized as a Best Practices Business once they have successfully completed the requirements of the program. It is the licensee's responsibility to ensure continued compliance with the program; the City may conduct random verification checks, and recertification will be required during annual renewal of a liquor license. If a Best Practices Business has two (2) or more violations within a three (3) year period, the City Council may choose to disregard a business' participation in the program and apply penalties different than the BPP presumptive penalties.

	<i>Required Items</i>
	A minimum of 75% of alcohol selling employees (at any one time) have attended alcohol training conducted by Hastings Police Department (or other training pre-approved by the City)
	Business has an internal program in place for providing ongoing training of both new and current alcohol selling employees (copy of program and tracking must be provided)

	Business has an internal policy requiring identification checks for anyone appearing to be 40 years old or under (copy of program and tracking must be provided)
<i>Electives (Must Have 40 Points)</i>	
10	Business has an internal employee reward/recognition program for employees who catch any underage customer attempting to purchase alcohol
10	Businesses uses an automated ID Card Scammer system or
20	Business uses an automated ID card scanner system that is integrated into register system*
10	Business has an internal policy setting a minimum age of 21 for employees to sell alcohol products
10	Business agrees to meet immediately with city staff following a violation (instead of waiting for criminal court proceedings)
	Total electives selected
	* Cannot elect both automated ID systems

3. Underage sales and compliance check failures. The following presumptive penalties apply to liquor license violations involving failure of routine alcohol sales compliance checks or sale of alcoholic beverages to an underage person(s).

<i>Violation</i>	<i>Best Practices Business</i>	<i>Non-Best Practices Business</i>
1st	\$500 civil penalty	\$1,000 civil penalty and 3 day license suspension
2nd (within 24 months of first violation)	\$750 civil penalty and 3 day license suspension	\$1,500 civil penalty and 6 day license suspension
3rd (within 24 months of first violation)	\$1,000 civil penalty and 6 day license suspension	\$2,000 civil penalty and 9 day license suspension
4th (within 24 months of first violation)	Revocation	Revocation
"Best Practices" designation applies to those license holders who at the time of the violation are registered with the city to participate and are in compliance with its alcohol "Best Practices Program".		

1. Multiple violations. At a licensee’s first appearance before the City Council, the Council shall act upon all of the violations that have been alleged in the notice sent to the licensee. The Council in that case shall consider the presumptive penalty for each violation under the 1st Violation column in division (3) above. The occurrence of multiple violations shall be a basis for deviation from the presumptive penalties in the Council’s discretion.
2. Subsequent violation. Violations occurring after the notice of hearing has been sent to the licensee, but prior to the hearing, shall be treated as a separate violation and treated as a subsequent violation before the City Council, unless the City Administrator and licensee agree in writing to add the violation to the

appearance and hearing on the initial violation for which notice was sent. The same procedure shall apply to a second, third or fourth violation considered before the Council.

3. Subsequent appearances. Upon a second, third or fourth appearance before the City Council by the same licensee, the Council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, the Council may consider the amount of time elapsed between appearances as a basis for deviation from the presumptive penalties imposed by this section.
 4. Computation of violations. Multiple violations are computed by reviewing the time period of the two (2) years immediately prior to the date of the most current violation.
 5. Stipulations in lieu of hearing. When a liquor license violation involves a licensee's failure of a routine alcohol sales compliance check or sale of alcohol to an underage person or persons to which these presumptive penalties apply, documentation of the illegal sale shall be sent to the City Council by either the Chief of Police or the City Administrator, together with notice of the applicable presumptive penalty. If no Council member objects to application of the presumptive penalty or otherwise requests that the matter be brought before the Council within 7 days, the City Administrator or City Attorney may enter into a written stipulation with the licensee which shall include a waiver of further notice and hearing by the licensee, a recitation of stipulated facts describing the alleged violation, and setting forth the applicable presumptive penalty to be imposed, provided that all such stipulations shall be subject to the approval of the City Council and if the approval is not granted, the licensee shall have the right to withdraw its waiver of hearing and to demand a hearing before the Council.
 6. Other penalties. Nothing in this section shall restrict or limit the authority of the City Council to suspend a liquor license up to 60 days, to revoke the license, to impose a civil fee not to exceed \$2,000 to impose conditions, or to take any other action in accordance with law; provided that the license holder has been afforded an opportunity for a hearing in the manner provided by this chapter.
4. *Costs.* Once a notice of intent to revoke or suspend a license has been mailed to the licensee, the licensee becomes responsible for all reasonable costs of investigation, administration and hearings associated with the action as a condition of reinstatement, termination of suspension or dismissal of the allegations prior to a hearing.

(Prior Code, § 3.10)

HISTORY

Amended by Ord. [483, 2nd Series](#) on 5/20/2002

Amended by Ord. [509, 2nd Series](#) on 4/5/2004

Amended by Ord. [2009-07, 3rd Series](#) on 7/6/2009

112.12 Hearings And Appeals

1. *Notice.* Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and penalty and which shall inform the alleged violator of his or her right to be heard on the accusation. The administrative penalties for illegal sales of licensed products contained in M.S. § 461.12, as it may be amended from time to time, shall apply unless the City Council determines that a more severe administrative penalty, suspension or revocation shall be imposed.
2. *Generally.* Following receipt of a notice of denial issued under this chapter or notice of violation and penalty issued under this section, or a notice of revocation, an applicant or license holder may request a hearing before the City Council. A request for a hearing shall be made by the applicant or license holder in writing and filed with the City Clerk within 10 days of the mailing of the notice of denial or alleged violation. Following receipt of a written request for hearing, the applicant or license holder shall be afforded an opportunity for a hearing before the City Council.
3. *Findings.* If after the hearing, the applicant is found ineligible for a license or is found to have violated this chapter, the City Council may affirm the denial, impose a fine, issue a suspension or revocation, or impose any combination thereof. The decision shall be in writing and shall set forth the reasons for the findings of the City Council. Copies shall be provided to the applicant or license holder. Likewise, if the City Council finds that no violation occurred or finds grounds for not imposing any penalty, the findings shall be recorded and a copy provided to the applicant or license holder.
4. *Decision.* If the City Council determines that a violation of this chapter did occur, that decision, along with the City Council's reasons for finding a violation and the penalty to be imposed under this chapter, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, the findings shall be recorded and a copy provided to the acquitted accused violator.
5. *Default.* If the applicant or license holder has been provided written notice of the denial or violation and if no request for a hearing is filed within the 10-day period, then the denial, penalty, suspension, or revocation imposed pursuant to this section shall take effect immediately by default. The City Clerk shall mail the notice of the denial, fine, suspension, or revocation to the applicant or license holder.
6. *Hearings.* If a person accused of violating this section so requests, a hearing shall be scheduled, the time and place of which shall be provided to the accused violator.
7. *Hearing Officer.* The hearing shall be held before the City Council and shall be open to the public.
8. *Appeals.* Any appeal of the decision of the City Council must be filed with the District Court within 10 days of the mailing of the City Council's decision.
9. *Misdemeanor Prosecution.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this chapter by a person 21 years of age or older. If the city elects to seek misdemeanor prosecution, no administrative monetary penalty shall be imposed. If the city elects to seek misdemeanor prosecution, the city is not precluded from suspending or revoking the license of a licensee as provided by this chapter.
10. *Continued Violation.* Each violation, and every day in a violation occurs or continues, shall constitute a separate offense.

(Prior Code, § 5.34) Penalty, see § 10.99

HISTORY

Amended by Ord. [2020-01, 3rd Series](#) on 3/2/2020

461.12 MUNICIPAL LICENSE OF TOBACCO, TOBACCO-RELATED DEVICES, AND SIMILAR PRODUCTS.

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco, tobacco-related devices, and electronic delivery devices as defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as described in section 609.6855, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products. The State Agricultural Society shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products are not required to obtain a second license for the same location under the licensing ordinance of the county.

Subd. 2. **Administrative penalties for sales and furnishing; licensees.** If a licensee or employee of a licensee sells, gives, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$300 for the first violation. An administrative penalty of \$600 must be imposed for a second violation at the same location within 36 months after the initial violation. For a third or any subsequent violation at the same location within 36 months after the initial violation, an administrative penalty of \$1,000 must be imposed, and the licensee's authority to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at that location must be suspended for not less than seven days and may be revoked. No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 2a. **Penalties for sales of certain products; licensees.** (a) A licensee's authority to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at that location must be suspended for not less than seven days and may be revoked if the licensee:

(1) holds a license or registration issued pursuant to chapter 342 or section 151.72, subdivision 5b, and the license or registration is revoked;

(2) is convicted of an offense under section 151.72, subdivision 7; or

(3) has been convicted under any other statute for the illegal sale of marijuana, cannabis flower, cannabis products, lower-potency hemp edibles, hemp-derived consumer products, or edible cannabinoid products and the sale took place on the premises of a business that sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products.

(b) No suspension, revocation, or other penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 3. **Administrative penalty for sales and furnishing; individuals.** An individual who sells, gives, or otherwise furnishes tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia

delivery products to a person under the age of 21 years may be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 4. **Alternative penalties for use of false identification; persons under age 21.** The licensing authority shall consult with interested persons, as applicable, including but not limited to educators, parents, guardians, persons under the age of 21 years, and representatives of the court system to develop alternative penalties for persons under the age of 21 years who purchase, or attempt to purchase, tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products using a driver's license, permit, Minnesota identification card, or any other type of false identification to misrepresent the person's age, in violation of section 609.685 or 609.6855. The licensing authority and the interested persons shall consider a variety of alternative civil penalties, including, but not limited to, tobacco-free education; tobacco cessation programs; notice to schools and parents or guardians; community service; and court diversion programs. Alternative civil penalties developed under this subdivision shall not include fines or monetary penalties.

Subd. 5. **Compliance checks.** A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks conducted under this subdivision must involve persons at least 17 years of age, but under the age of 21, who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority. The age requirements for persons participating in compliance checks under this subdivision shall not affect the age requirements in federal law for persons participating in federally required compliance checks of these locations.

Subd. 6. **Defense.** It is an affirmative defense to the charge of selling tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 21 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section 340A.503, subdivision 6.

Subd. 7. **Judicial review.** Any person aggrieved by a decision under subdivision 2 or 3 may have the decision reviewed in the district court in the same manner and procedure as provided in section 462.361.

Subd. 8. **Notice to commissioner.** The licensing authority under this section shall, within 30 days of the issuance of a license, inform the commissioner of revenue of the licensee's name, address, trade name, and the effective and expiration dates of the license. The commissioner of revenue must also be informed of a license renewal, transfer, cancellation, suspension, or revocation during the license period.

History: 1941 c 242 s 3; 1941 c 405 s 3; 1951 c 382 s 1; Ex1959 c 73 s 2; 1973 c 123 art 5 s 7; 1982 c 572 s 2; 1997 c 227 s 4; 1Sp2001 c 5 art 7 s 63; 2010 c 255 s 7; 2010 c 305 s 4-9; 2014 c 291 art 6 s 28; 2020 c 88 s 4-8; 2023 c 63 art 6 s 53



Hastings Police Department

Incident Report

VIII-11(a,b)

Incident:
GM-Liquor-Purchase/Sell/Bar

Incident Report Number:
24-900109

Between: Date - Time

And/At: Date-Time

7/22/24

08:15

Incident Location:
1390 South Frontage Rd, Hastings, MN, 55033

Offense - 1:
340A.503.2(1)

Offense - 2:
609.6855.1(a)

Offense - 3:

Offense - 4:

Offense - 5:

Offense - 6:

Offense - 7:

Offense - 8:

Name (Last, First, Middle)

DOB:

Race/Sex

Address: (Address, City, State, Zip)

Phone 1

Employer

Phone 2

Employer Address

Work Phone #

Name (Last, First, Middle)

DOB:

Race/Sex

Address: (Address, City, State, Zip)

Phone 1

Employer

Phone 2

Employer Address

Work Phone #

SUMMARY

On 07/22/2024 at around 0815 hours officers responded to the 1300 block of South Frontage Road for an Alcohol and Tobacco Compliance Check. Tamaronica Sharell Isom (age 22) of Cottage Grove was charged with Selling Tobacco and Alcohol to Someone Under the Age of 21.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

Freeman, Georgeann M.

Payroll Number:

haaf01

Report Date:

07/23/2024

Time Received:

08:15:00

Time Cleared:

08:15:00

Unit(s) Assigned:

1423

Pages:

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Reviewed by:

McGrath, Brenda J.

Payroll Number:

HABm01

Copy To

Date: 07/23/2024
Offense - 1: 340A.503.2(1)
Incident Report Number: 24-900109

Hastings Police Department

Continuation
VTH-11 (a,b)

Incident Report Number

24-900109

Incident Location:

1390 South Frontage Rd, Hastings, MN, 55033

Incident Date:

07/22/2024

NAMES

Suspect

Isom, Tamaronica Sharell B/F-22 of 9321 Jeffery Ave S,
Cottage Grove, MN, 55016

DOB: 06/26/2002

HT: 509 WT: 150 Hair: Brown

Eyes: Unknown Complexion: Black

Phone 1: (312) 415-2437

Other-1

Johnsen, Joseph Ray W/M-36 of 6281 Taylor Ave, 204, St. Paul, MN, 55111

DOB: 11/05/1987

HT: 600 WT: 205 Hair: Unknown

Eyes: Blue Complexion: Light Medium

Phone 1: (651) 328-4353 Phone 2: (612) 408-8323

Other-2

Polzin, Daniel U/M-53 of 4824 Sonoma Rd, Woodbury, MN, 55129

DOB: 11/19/1970

Eyes: Unknown

Phone 1: (612) 599-3296

Location of Event

Speedway West #4486 of 1390 South Frontage Rd, Hastings, MN, 55033

Phone 1: (651) 480-8700 Phone 2: (651) 480-8700

Reporting Officer(s):

Freeman, Georgeann M.

Payroll Number:

haqf01

Pages:

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Hastings Police Department

Continuation
VTH-11 (a,b)

Incident Report Number

24-900109

Incident Location:

1390 South Frontage Rd, Hastings, MN, 55033

Incident Date:

07/22/2024

NARRATIVE

On 7/22/2024 at approximately 0815 hours I, Officer Freeman #1423, was conducting a tobacco and alcohol compliance check at Speedway (1390 South Frontage Road). The buyer, identified as [REDACTED], was able to purchase a pack of Marlboro cigarettes for \$11.73 and a 6 pack of Mango Cart Beer for \$10.49 at the cash register. [REDACTED] was 17 years old. Prior to the purchase, [REDACTED] was advised to purchase a pack of Marlboro cigarettes and a small case of beer at the cash register. [REDACTED] and I had previously gone over expectations for Alcohol and Tobacco Compliance which included [REDACTED] showing [REDACTED] real drivers license and telling people [REDACTED] age if they asked. [REDACTED] and [REDACTED] mother also signed a Tobacco Consent Form.

[REDACTED] went into the store first and I walked in shortly after in plain clothes (jeans and a sweatshirt). I saw the cashier later identified as Tamaronica Sharell Isom DOB/2002-06-26 ask [REDACTED] for [REDACTED] ID which [REDACTED] provided. I did not see Tamaronica scan the ID with their system. Tamaronica collected the money related to the transaction from [REDACTED] for the purchase of the two items and the transaction was complete. [REDACTED] paid with a one 20-dollar bill and one 5-dollar bill. The total for the transaction was \$22.82. At this point I intervened and identified myself as a Hastings Police Officer. Tamaronica had another employee refund the transaction and provided the money back. They also provided me with a receipt of the transaction for record keeping which I later scanned into the casefile. I advised Tamaronica I would return back into the store in a bit, and that I needed to grab something in my squad. I also explained I would bring [REDACTED] back outside prior to meeting with her and her manager.

I returned to my squad car and grabbed my body camera which I planned to use to record my conversation with Tamaronica once I returned inside the store. For clarity and brevity, I have paraphrased and summarized the incident which is the subject of this report. The items discussed may or may not be written in the order they appear on the BWC. The words I have chosen for the report may not be the exact words used by the involved parties.

When I first tried to speak with Tamaronica she told me I could talk to her manager and began to walk away from me. I explained to Tamaronica that I needed to identify her. When I asked Tamaronica for her name she would not give it to me at first and was silent. I explained to Tamaronica it was a lawful request from a Police Officer and she would need to identify herself. Tamaronica then told me her name was, "T". I questioned her and based on her response, I asked Tamaronica for an ID which she provided me. I noticed her driver's license was from out of state. I asked Tamaronica where she currently lived, and she said she had "general delivery" which I did not understand. Tamaronica was not being the most cooperative. After a short time, Tamaronica provided her current address as 9321 Jeffery Avenue S in Cottage Grove, MN. I asked Tamaronica if she had been trained in checking ID's and she explained she was. She advised she had worked at Speedway for 2 weeks. Tamaronica informed me she did not specifically check [REDACTED] ID but did ask to see it.

Reporting Officer(s):

Freeman, Georgeann M.

Payroll Number:

haqf01

Pages:

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Hastings Police Department**Continuation**
VIII-11 (a,b)

Incident Report Number

24-900109

Incident Location:

1390 South Frontage Rd, Hastings, MN, 55033

Incident Date:

07/22/2024

I spoke with the manager on duty, and he was identified as Joseph Ray Johnsen DOB/1987-11-05. Joseph explained Tamaronica had been through compliance training, and he explained he told his employees the importance of checking ID's. Joseph said they had a system in place where they could scan the ID into their system, or they could type the date of birth in as well. Joseph said their system was working. He believed Tamaronica was going to be terminated based on the incident and I later learned she was. I suggested Joseph continue to educate his employees. Joseph informed me the district manager was Dan. Dan was later identified as Daniel Polzin DOB/1970-11-19. I called Daniel at 612-599-3296 and advised him on the situation. He explained it was their company policy to terminate employment for employees who sell to minors and advised Tamaronica had been terminated.

At 1554 hours I called Tamaronica and inquired if she had ever sold tobacco to a minor and she advised she had not. I also began to explain the process to her so she would know what to expect. While talking with Tamaronica, she hung up and I did not attempt a call back.

Since Tamaronica sold the cigarettes and alcohol to [REDACTED], who was 17 years old at the time, I am requesting this case be sent up for charging considerations for the following charges.

Statute: 340A.503.2(1) Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr Level of Offense: Gross Misdemeanor Statute: 609.6855.1(a) Description: Nicotine delivery products - Sell nicotine delivery product - Under 21 years old Level of Offense: Petty Misdemeanor

See BWC for further information related to the conversation with Tamaronica

Case Status: Refer to prosecutor review

Squad Video: No

Photos: No

Refer Adult Services: No

Refer Juvenile Service: No

Physical Evidence: No

Body Cam: Yes

Statements: No

Reporting Officer(s):

Freeman, Georgeann M.

Payroll Number:

haqf01

Pages:

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**City of Hastings
Dakota County, Minnesota**

RESOLUTION NO. _____

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL INTOXICATING LIQUOR LICENSE HOLDER
SPEEDWAY GAS STATION**

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 Hastings, Minnesota, as follows:

FINDINGS

- A. On July 22, 2024, the Hastings Police Department conducted an alcohol compliance check at the Speedway Gas Station located at 1390 S. Frontage Road, Hastings, Minnesota 55033. On that date, an employee of Speedway sold intoxicating alcohol to an underage purchaser cooperating with the Hastings Police Department. The Speedway Gas Station also sold intoxicating alcohol to an underage purchase on April 28, 2023, making the new violation their second in a 24-month period.
- B. The Police reports from the July 22, 2024 incident are attached and are stipulated into evidence to support the sanctions imposed herein.
- C. Notice of an intoxicating liquor violation was duly given to the license holder for the premises at 1390 S Frontage Road, Hastings, Minnesota 55033 on September 5, 2024, pursuant to Minnesota Statutes, sections 14.57 to 14.69, and City Code Section 111.10.
- D. In lieu of a hearing, the liquor license holder has agreed to comply with the civil sanctions below and consents to the terms contained herein.
- E. The civil sanctions below are conditioned upon the Hastings City Council’s approval. If the City Council chooses to impose more severe sanctions, the liquor license holder has the right to withdraw its consent.

CONCLUSION

- A. Based upon the police report attached hereto, the City Council concludes that the liquor license holder for the premises at 1390 S Frontage Road, Hastings, Minnesota 55033 (Speedway Gas Station) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on July 22, 2024, in the licensed establishment.

- B. This incident constitutes the liquor license holder’s second violation pursuant to Hastings City Code Section 111.10 within a 24-month period.
- C. The liquor license holder is not a member of the Best Practices Program; therefore, the presumptive sanctions are: \$1,500 fine and 6-day suspension.
- D. The following sanctions are imposed for the violation:
 - 1. A \$1,500 civil penalty is imposed against the license holder which must be paid by 4:30 p.m. on September 23, 2024. If not paid, the license will be suspended without notice to the licensee until the civil penalty is paid.
 - 2. The city-issued license will be suspended for a period of six (6) days, which will occur on these dates: September 23 (beginning at 12: a.m.) – September 28 (ending at 11:59 p.m.) The licensee is required to cooperate and work with the Police Chief, who will monitor and ensure compliance with this sanction.
 - 3. While holding a City-issued alcohol license, the licensee or a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;
 - 4. The license holder will enroll in the City’s Best Practices Program and will voluntarily undertake the recommended practices to avoid future illegal sales of alcohol to minors. The license holder will provide the City with its written intent to participate in the Best Practices Program within 10 days of this resolution;
 - 5. The license holder will establish an age verification policy for the establishment’s employees and provide the police department with a copy of this policy within 30 days of this resolution;
 - 6. While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employees receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon request.
 - 7. The license holder shall not have any alcohol-related violations for a period of one year of this resolution.
 - 8. If the licensee fails to comply by the conditions and sanctions set forth in this resolution, the licensee may be required to attend a Council meeting for additional sanctions.

Adopted by the City Council of the City of Hastings this ___ day of _____, 2024.

Attest:

Mary Fasbender, Mayor

Kelly Murtaugh, City Clerk

Signature of Representative

Rebecca Townzen

Printed name of Representative

9/12/2024

DATE

**City of Hastings
Dakota County, Minnesota**

RESOLUTION NO. _____

**RESOLUTION IMPOSING SANCTIONS UPON
TOBACCO LICENSE HOLDER
SPEEDWAY GAS STATION**

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a tobacco 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 Hastings, Minnesota, as follows:

FINDINGS

- A. On July 22, 2024, the Hastings Police Department conducted a tobacco compliance check at the Speedway Gas Station located at 1390 S. Frontage Road, Hastings, Minnesota 55033. On that date, an employee of Speedway sold tobacco to an underage purchaser cooperating with the Hastings Police Department. The Speedway Gas Station also sold tobacco to an underage person on April 24, 2023, and January 3, 2022 making the new violation their third violation in a 36-month period.
- B. The Police reports from the July 22, 2024 incident are attached and are stipulated into evidence to support the sanctions imposed herein.
- C. Notice of the violation was duly given to the license holder by personal service or by mail for the premises at 1390 S Frontage Road, Hastings, Minnesota 55033 on August 21, 2024, pursuant to Minnesota Statutes, Section 461.12, and City Code Section 112.12.
- D. In lieu of a hearing, the tobacco license holder has agreed to comply with the civil sanctions below and consents to the terms contained herein.
- E. The civil sanctions below are conditioned upon the Hastings City Council’s approval. If the City Council chooses to impose more severe sanctions, the license holder has the right to withdraw its consent.

CONCLUSION

- A. Based upon the police report attached hereto, the City Council concludes that the tobacco license holder for the premises at 1390 S Frontage Road, Hastings, Minnesota 55033 (Speedway Gas Station) failed to comply with an applicable statute in that a tobacco product was sold to an underage person on July 22, 2024, in the licensed establishment.

- B. This incident constitutes the tobacco license holder's third violation within a ~~36-month~~ 1 (a,b) period.
- C. The mandatory statutory sanctions are: \$1,000 fine and 7-day suspension.
- D. The following sanctions are imposed for the violation:
1. A \$1,000 civil penalty is imposed against the license holder which must be paid by 4:30 p.m. on September 23, 2024. If not paid, the license will be suspended without notice to the licensee until the civil penalty is paid.
 2. The city-issued license will be suspended for a period of seven (7) days, which will occur on these dates: September 23 (beginning at 12:00 a.m.) – September 29 (ending at 11:59 p.m.) The licensee is required to cooperate and work with the Police Chief, who will monitor and ensure compliance with this sanction.
 3. The license holder shall not have any tobacco-related violations for a period of one year of this resolution.
 4. If the licensee fails to comply by the conditions and sanctions set forth in this resolution, the licensee may be required to attend a Council meeting for additional sanctions.

Adopted by the City Council of the City of Hastings this ___ day of _____, 2024.

Attest:

Mary Fasbender, Mayor

Kelly Murtaugh, City Clerk

Signature of Representative

Rebecca Townzen

Printed name of Representative

9/12/2024

DATE



September 12, 2024

VIA EMAIL TO KMurtaugh@hastingsmn.gov

City of Hastings
101 4th Street East
Hastings, MN 55033

RE: Tobacco & Alcohol Violation
Speedway LLC dba Speedway #4486/46544 1390 S. Frontage Road Hastings, MN 55033
Date of Violation – July 22, 2024

To Whom It May Concern,

This letter is being sent in addition to the signed Resolutions to the Authority on September 12, 2024.

The employee involved, Tarmonica Isom, had been trained from our Alcohol and Tobacco training program prior to the alleged date of violation (July 22, 2024). It is our corporate policy that all employees are required to retake this training annually. Re-training is immediately required for all employees working at a store that incurs a violation incident.

As a result of this incident, Tarmonica Isom was immediately terminated per our corporate age-restricted product sales policy and her employment records are noted that her eligibility for future employment is subject to the same policy.

After this set of violation, this location has implemented a new age-verification solution within the Radiant Point of Sale register system that verifies the legal age of a customer. This solution only allows age-restricted products to be purchased if the customer identification is scanned/swiped into the register. There is no bypass or override options for the sales associates to use and all customers of any age are required to present identification before a sale. This is not often popular with customers of more than legal age, but when we advise it is corporate policy to avoid minor sales, it seems to quiet the critics.

Please know we remain steadfast in our goal of ensuring that this type of violation does not occur in our stores. In addition to providing all employees with written notification of all policies, we continue to provide comprehensive training to include a full and complete explanation of internal disciplinary policies and procedures for employees failing to adhere to required compliance standards and “BARS” compliance checks are conducted throughout our brands.

If you have any questions or concerns, please feel free to contact me directly at 972-828-6879 or via email @ Rebecca.Townzen@7-11.com.

Yours very truly,

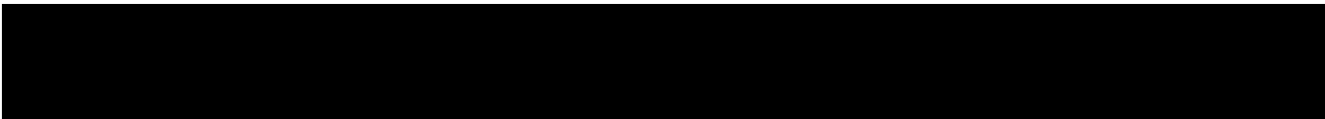
**Rebecca
Townzen**
Digitally signed by Rebecca
Townzen
DN: cn=Rebecca Townzen, c=US,
email=rebecca.townzen@7-
11.com
Date: 2024.09.12 10:14:47 -05'00'

Rebecca Townzen
Regulatory Compliance Analyst
7-Eleven, Inc.
3200 Hackberry Rd, Irving, TX 75063



STATEMENT OF PARTICULARS

In reference to the Tobacco and Alcohol violation at Speedway #4486/46544, we respectfully provide the following:

1. Licensee, Speedway LLC, owns and operates the subject store located at 1390 S. Frontage Road in Hastings, MN.
 2. Pursuant to 7-Eleven/Speedway's Age-Restricted Products Sales policies & procedures, the employee/cashier in this matter was immediately terminated. We adhere to a zero tolerance policy for any and all sales of alcohol and tobacco products to minors. A copy of this policy & procedure document is attached for reference.*
 3. 7-11/Speedway has an extensive and mandatory new hire training program which includes alcohol and tobacco sales training. Completion certificates are kept on file for each employee.
 4. 7-11/Speedway also has a re-training schedule for all employees involved in Age-Restricted Product Sales that requires store management to maintain completion records. This re-training is immediately required for all employees working at a store that incurs a violation incident.
 5. 7-11/Speedway conducts "mystery shop" internal compliance checks at all locations on a regular basis (BARS Program). Resulting reports are discussed with store management and employees as a continued reminder of policies, procedures, regulatory compliance, etc.
- 



Age-Restricted Product Sales Policy ^{VIII-11}(a,b)

Previously Issued: July 20, 2022

Date Revised: January 4, 2023

1. PURPOSE

- 1.1 To establish a policy for the selling of Age-Restricted Products and provide guidance when Employees in Corporate Stores fail internal Mystery Shops or Governmental Inspections regarding the sale of Age-Restricted Products.

2. APPLIES TO

- 2.1 All United States Corporate Store Employees regardless of banner.

3. POLICY OVERVIEW

- 3.1 Requirements regarding the sale of Age-Restricted Products.

4. POLICY

- 4.1 All Employees are prohibited from selling Age-Restricted Products to persons under twenty-one ("21") years of age.
- 4.2 All Employees working in a Corporate Store must request Photo Identification before the sale of Age-Restricted Products for all customers who look to be under the age of thirty ("30") except for customers in Colorado; Indiana; Massachusetts; Nevada and Tennessee.

- 4.3** All Employees must have received Age-Restricted Product Sales training before they are able to sell any Age-Restricted Products. Refresher training should be taken at least annually, unless directed otherwise.
- 4.3.1** Employees must certify they have completed training and a record of the completed that training must be maintained.
- 4.3.2** Store Leaders must ensure their Employees receive and complete training.
- 4.4** All Governmental Inspection violations must be reported to Corporate Compliance.
- 4.5** Violation of this policy will result in disciplinary action up to and including termination. Sale to a minor will result in termination from employment.
- 4.6** Any Employee terminated for non-compliance is not eligible for rehire until (1) one year has passed since Employee's termination; (2) the appropriate Market Leader, Area Leader, and/or Zone Vice President/Leader has approved in writing to Human Resources such rehire; and (3) Employee has successfully completed all necessary training as determined by the Company.

5. PROCEDURE

- 5.1** The Company or a government agency will shop at a Corporate Store and attempt to purchase an Age-Restricted Product.

- 5.3** Governmental Inspection

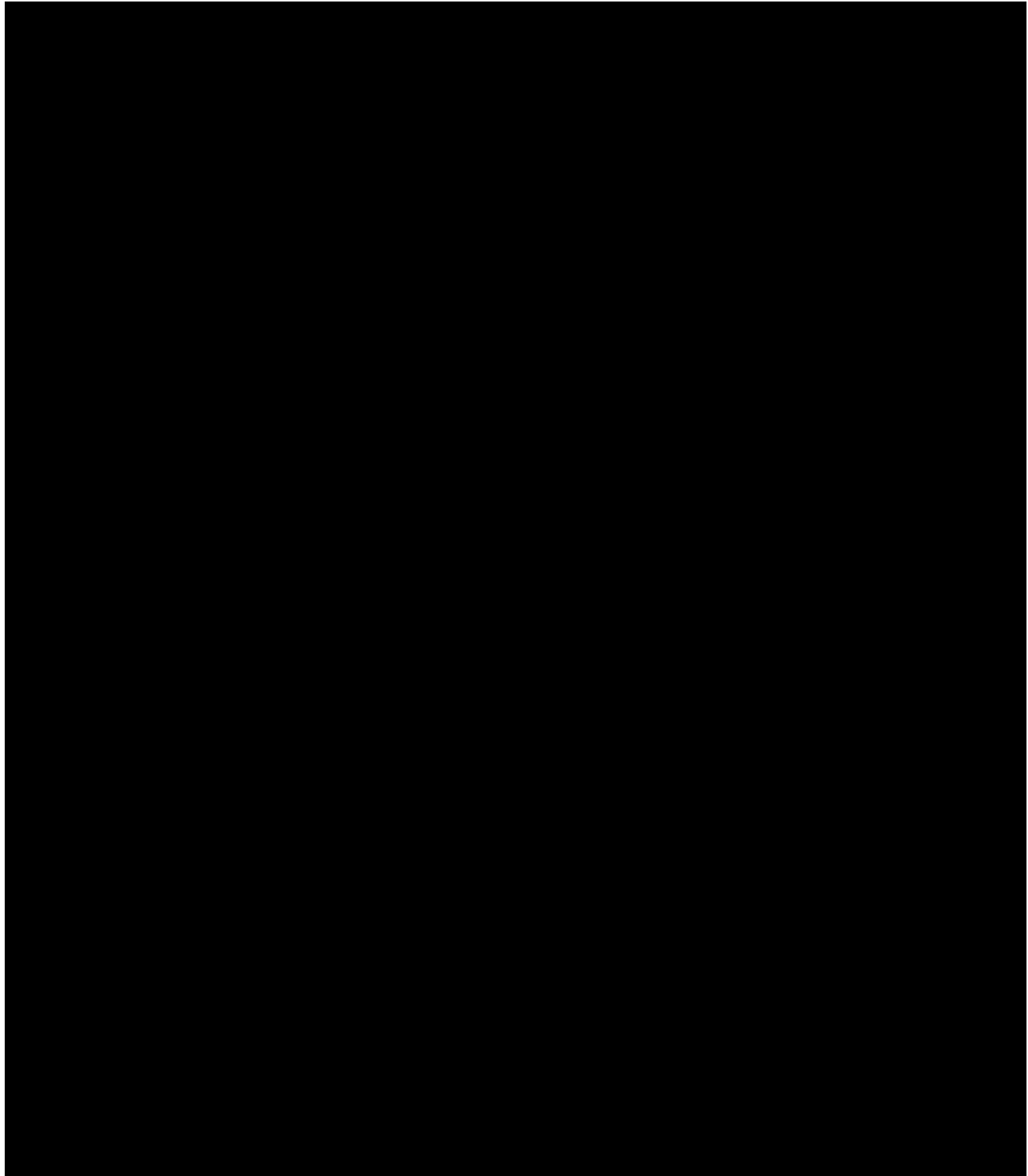
5.3.1 Upon violation of a Governmental Inspection, Employee will be terminated.

VIII-11 (a,b)

5.3.2 A terminated Employee will not be eligible for rehire unless process detailed in section 4.6 above is followed.

5.3.3 The Supervisor of an Employee who fails a Governmental Inspection may also be subject to discipline.

6. DEFINITIONS



7. EXCEPTIONS

None.

VIII-11 (a,b)

8. RELATED POLICIES

[Redacted]

9. FORMS

None.

10. REVISION HISTORY

[Redacted]



a,b)

GUIDANCE

Company policy requires age verification for anyone who appears to be thirty (“30”) years or younger for alcohol, tobacco and tobacco-related products, lottery, and other age-restricted products.

Selling alcohol or tobacco-related products to a legal age adult who, in turn, is going to give or sell alcohol or tobacco-related products to someone under the legal age is prohibited.

ALL VIOLATIONS MUST BE REPORTED TO CORPORATE COMPLIANCE!
(See process next page)

ALL VIOLATIONS MUST BE REPORTED TO CORPORATE COMPLIANCE!

Process:

The following process applies to all sales regarding Age-Restricted Products:

Upon receipt of any notice of a possible failed inspection, citation or violation (including FDA), warning letter, failed compliance check letter, etc, the Store Team must immediately notify their Area Leader and provide a copy of all related documentation via the [REDACTED]

[REDACTED] For those stores that do not have access to [REDACTED] stores are to report and send document copies by way of email to [REDACTED]

Corporate Compliance must be notified of any violation (including FDA) within 24-48 hours after knowledge or receipt of the notice of violation, warning letter, failed compliance check letter, etc. Again, the reporting process is via the [REDACTED]

- The Corporate Compliance Team will handle the violation cases and any required response letters to the regulatory agencies, work to mitigate, settle and pay fines as may ultimately be required.
- Point of Sales (POS) registers should be prompting for age-verification for all Age-Restricted Products sales. If your register is not doing so, please create a 7HELP ticket and follow to resolution.
- The assigned Human Resources Business Partner will work with the Store Leader and Area Leader to review the store video and information in the violation documentation (warning letter, citation, etc.) to determine disciplinary actions to be taken.

As a reminder, if an employee sells or attempts to sell Age-Restricted Products to an underage person, the employee will be terminated from employment. The full Age-Restricted Products Policy and Procedures can be found in the Operations Manual.

REVISIONS

a,b)



Activity Info 'Age Restricted Sales/ID Zone'

Age Restricted Sales/ID Zone



Course Group

Started
Thursday, March 11, 2021 9:48 AM CST

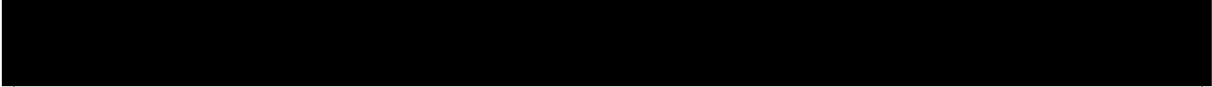


Recertification: Annual.

Attachments

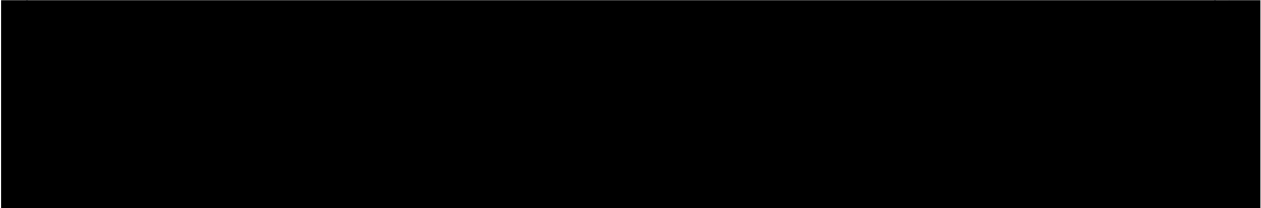


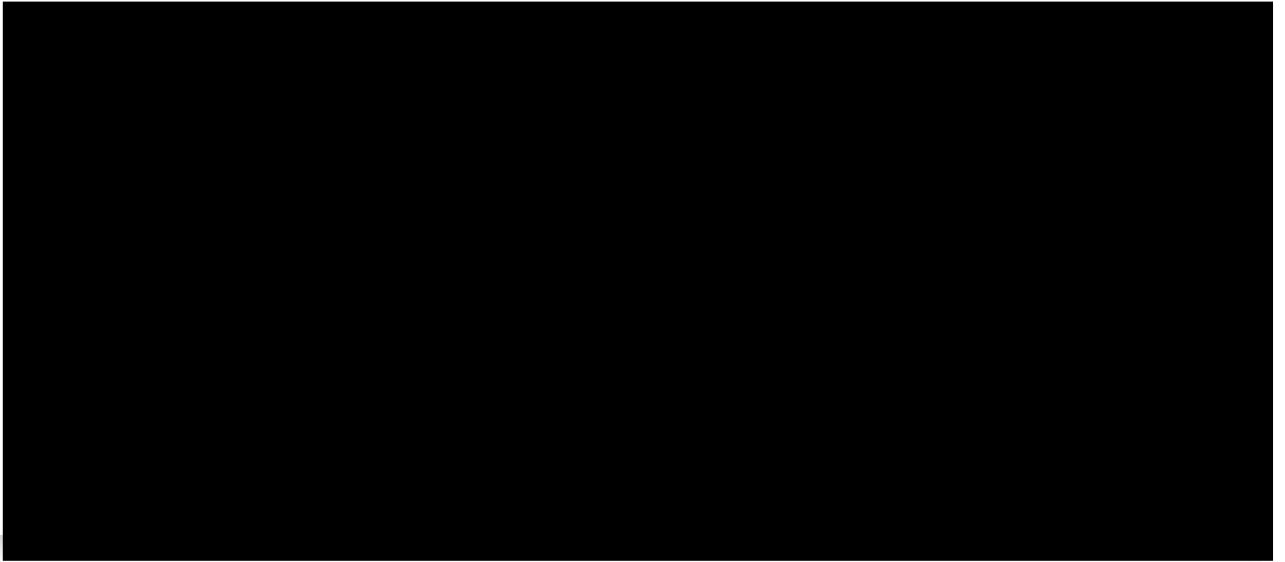
Sub-Activities



Age Restricted Sales

This course on selling age restricted products is for all U.S. stores except for California, Illinois, Nevada and New York.





Age-Restricted Products

Goal: Apply processes and laws, and understand the implications of selling age-restricted products.



Why Is This Important?

If you violate age-restricted product laws, you could incur significant personal fines or lose your store's license to sell age-restricted products like alcohol, tobacco and e-cigarettes. If you are a corporate employee, you could also lose your job. What is your experience with how violating any of these laws have impacted someone? What have you heard about what the consequences can be if someone violated the laws governing selling age restricted products?

What Do I Need to Know?

The sale of age-restricted products such as alcohol, tobacco, lottery and e-cigarettes are significant contributors to your profits. Some areas require age restriction for other items such as over-the-counter cough medications. Losing the ability to sell these products could be devastating to your business. Check with your facilitator for your state (U.S.) / provincial (Canada) or local age-restricted products and requirements. The relevant eLearning course below highlights the importance of:

- not selling age-restricted products to minors or intoxicated persons
- the possible penalties if caught making an illegal sale of age-restricted products
- the procedures for verifying proper ID
- how to refuse a sale

Policy

7-Eleven's policy meets or exceeds the age requirement for the Federal government and all state (U.S.) / provincial (Canada) governments: you must request valid ID for all persons appearing to be 30 years of age or younger. Failure to request valid ID in accordance with this regulation can result in significant fines and possible loss of privileges to sell age-restricted products.

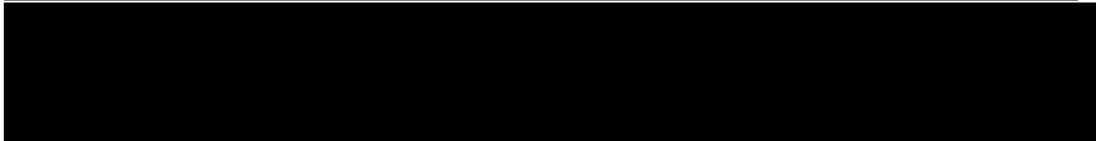


States / provinces routinely conduct verification that stores are following state / provincial law on age-restricted sales. Such checks are conducted randomly. There are severe penalties for both your store and your employees for failing to comply with state / provincial laws.



Processing Sales

U.S.



If your customer does not comply with the sale of the age-restricted product(s)...

For example, tobacco and alcohol

<ul style="list-style-type: none"> ▪ under the required age ▪ no ID ▪ ID is not valid 	<ul style="list-style-type: none"> ▪ customer is intoxicated or something similar ▪ time of day
--	---

... communicate the age-restricted guidelines to your customer while refusing the sale by following these steps:

For tobacco

1. **Refuse** sale by telling the customer.
2. **State** the reason why by **citing** appropriate policy and law.

For alcohol

1. **Refuse** sale by telling the customer.
2. **State** the law.
3. **Remove** the product from the counter.
4. **Turn** slightly away from the customer.

E-Cigarettes

Since July 2017, there has been discussion of regulation of Electronic Nicotine Delivery System (ENDS) products such as e-cigarettes and other vaping products. The target has been focused on flavored ENDS products by the FDA because of the popularity within the youth demographic.

What 7-Eleven is doing

The RIS will 'lock down' Restriction Code 7 to prevent the ability to select "Visual ID OK" or manually enter a date of birth on the POS for all ENDS (e-cigarette and vaping) products. All POS systems will require a Driver's License or other Government ID to be scanned or swiped to verify age eligibility to complete the sale.

