



DICKINSON POLICE DEPARTMENT

Chief Joseph R. Cianni

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November 14h, 2024

Ref: Alcohol/Tobacco Compliance Checks

President Decker and Commissioners,

Tobacco Compliance Checks

On October 29th tobacco compliance checks of 15 businesses were conducted utilizing a 17yoa female volunteer. The following business failed the compliance check and sold tobacco products to the minor volunteer:

- **VAPES** (927 W. Villard)- **2nd Violation**, \$1k+(2) Days Suspension
 - Previous Compliance Check Failures: 03/2022; 07/22/2023
- **THE PIT STOP** (386 21st St. West)- **2nd Violation**, \$1k+(2) Days Suspension
 - Previous Compliance Check Failures: 12/19/2023
- **LUCKY'S XPRESS** (450 12th ST. West)- **1st Violation**, \$500
- **THE HUB/WEST DAKOTA OIL** (450 E. Villard)- **1st Violation**, \$500
- **LOAF N JUG** (797 S. Main)- **1st Violation**, \$500

*In accordance with Dickinson Municipal Code Section 25.06.040-2(B), following a 2-year violation matrix, the violation occurring on October 29th at VAPES and THE PIT STOP constitutes their second tobacco violation. A second violation of this nature dictates a fine of \$1,000 and suspension of their tobacco license for a minimum of (2) Days be imposed. This failure by the remaining business constitutes a first violation dictating a \$500 fine be imposed.

25..06.040-2(B): For a violation of Section 25.06.030 by a Retail tobacco dealer: 1) First offense, a fine of \$500.00 2) Second offense within two years, a fine of \$1,000.00 and suspension of license of no less than two (2) days. 3) Third and subsequent offenses within two years, a fine of \$2,000.00 and suspension of license for no less than four (4) days or revocation of license.

Alcohol Compliance Checks

On November 6th alcohol compliance checks of 10 businesses were conducted utilizing a 17yoa female volunteer. The following businesses failed the compliance check and served the minor volunteer:

- **BLUE 42** (36 W. Villard)- **1st Violation**
 - Previous Compliance Check Failures: 02/28/2022
- **NEIGHBORS** (745 N. State Ave)- **1st Violation**
- **SOUTHSIDE SALOON** (43 E. Broadway)- **1st Violation**

*In accordance with Dickinson Municipal Code Section 4.08.240-C(1), following the 18-month matrix, the violations occurring on November 6th constituted a first alcohol offense for all the involved businesses. A first offense dictates a written warning or a written warning and a \$1,000 fine depending on the server training status of the involved employee.

4.08.240: 1) First Offense: (i) If the agent or employee of the licensee possesses a server training certificate card, or is within the 90-day grace period referenced in subsection (b), above, at the time of the violation by said agent or employee, the licensee will receive a written warning. (ii) If the agent or employee of the licensee does not possess a server training certificate card at the time of the violation by said agent or employee, the licensee will receive a written warning and a \$1,000.00 administrative penalty. 2) Second Offense: \$2,000 administrative penalty. 3) Third Offense: \$5,000 administrative penalty. 4) Fourth Offense: Upon a fourth offense, the License Holder shall appear before the Commission for a determination of penalty which may include monetary fines of at least \$5,000, suspension of the license for a period of days to be determined by the Commission, or revocation of license. The level of offenses shall be determined by reference to an 18-month period from the first offense by the licensee. By way of illustration, a second offense occurring more than 18 months after a first offense would then be deemed a first offense. Any offenses occurring prior to the effective date of this ordinance (April 18, 2005 - Ordinance No. 1296) shall not be considered an offense for purposes of this Section.

Notice of violation letters describing sanctions/fines will be sent out to all businesses who failed compliance checks following the November 19th commission meeting.

Thank You!

A handwritten signature in black ink, appearing to read "Joe Cianni". The signature is fluid and cursive, with a prominent "J" and "C".

Chief Joe Cianni