

STATE OF MINNESOTA  
COMMISSIONER OF COMMERCE

IAN 27 2005

Rec'd \$ \_\_\_\_\_

In the Matter of the Gasoline Sales Practices  
of SuperUSA, Inc.

CONSENT CEASE AND  
DESIST ORDER

TO: Mr. Gus Tarr  
SuperUSA, Inc.  
7940 Nicollet Ave S  
Bloomington, MN 55420

Commissioner of Commerce Glenn Wilson (hereinafter "Commissioner") has determined  
as follows:

3. The Commissioner has advised SuperUSA, Inc. (hereinafter "Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. §§ 45.027, subd. 5 (2004) and §325D.71 (2004), against Respondent based on allegations that Respondent at 2275 E Larpenteur, Maplewood, Minnesota, during the months of October through December 2004 engaged in the continuing offer and sale of gasoline below the minimum allowable price, in violation of Minn. Stat. §325D.04 (2004) even after Respondent was informed by the Weights and Measures Division of the Minnesota Commerce Department that its gasoline prices were below the minimum allowable price.

2. Respondent acknowledges that it has been advised of its rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and Respondent hereby expressly waives those rights. Respondent further acknowledges that it has been represented by legal counsel throughout these proceedings, or has been advised of its right to be represented by legal counsel which right it hereby waives.

3. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2004) and Minn. R. 1400.5900 (2000), and without acknowledging that the alleged violations have occurred.

4. The following Order is in the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. § 45.027, subd. 5 (2004) that Respondent, shall cease and desist from engaging in the unlawful below-cost sale of gasoline.

**IT IS FURTHER ORDERED**, pursuant to Minn. Stat. § 45.027, subd. 6 (2004) that Respondent shall pay to the State of Minnesota a civil penalty of \$1500.

This Order shall be effective upon signature on behalf of the Commissioner.

Dated: 3/3/05

GLENN WILSON  
Commissioner

By: 

PATRICK L. NELSON  
Deputy Commissioner  
Market Assurance Division

85 Seventh Place East, Suite 500  
Saint Paul, Minnesota 55101  
Telephone: (651)296-2488

## CONSENT TO ENTRY OF ORDER

The undersigned, acting on behalf of SuperUSA, Inc., (hereinafter known as "Respondent") states that Respondent has read the foregoing Consent Order; that Respondent knows and fully understands its contents and effect; that Respondent is authorized to execute this Consent to Entry of Order on behalf of Respondent; that Respondent has been advised of Respondent's right to a hearing; that Respondent has been represented by legal counsel in this matter; or that Respondent has been advised of Respondent's right to be represented by legal counsel and that Respondent has waived this right; and that Respondent consents to entry of this Order by the Commissioner of Commerce. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

Respondent

By:

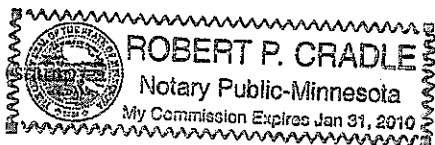
SuperUSA, Inc.

Its:

SHAWN PONTIWIANI

STATE OF

COUNTY OF

This instrument was acknowledged before me this 28<sup>th</sup> day of January, 2005, by

(Signature of notary officer)

My commission expires:

01/31/2010