

**STATE OF MINNESOTA  
COMMISSIONER OF COMMERCE**

In the Matter of the Gasoline Sales Practices  
of Petro Wash Company

**CONSENT CEASE AND  
DESIST ORDER**

TO: Mr. Paul Mack  
Petro Wash Company  
314 Buchanan St NE  
Minneapolis, MN 55413

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

1. The Commissioner has advised Petro Wash Company (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 its own sales records, Respondent, at 29 3rd St NE, Waite Park, Minnesota, during the time between September 2004 and August 2005 engaged in the continuing offer and sale of gasoline by way of posted price or indicating meter that was below the minimum allowable price on no fewer than one hundred-nine (109) separate occasions, 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 (Exhibit 1).

2. Respondent failed to completely comply with information requests made on October 11<sup>th</sup>, 2005, January 25<sup>th</sup>, 2005, February 24<sup>th</sup>, 2005, and June 28<sup>th</sup>, 2005 in violation of

Minn. Stat. §§ 45.027, subd. 1(a) and subd. 2 (2004) even after requests, by Respondent, for extensions had been granted.

3. 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.

4. 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.

5. 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 the offer and sale of gasoline below the minimum allowable price.

**IT IS FURTHER ORDERED**, pursuant to Minn. Stat. § 45.027, subd. 2 (2004) that Respondent shall provide all day-by-day sales data sorted by octane, by quantity, and by actual prices charged for each retail sale, of gasoline for the period of September through December 2004, and July 1<sup>st</sup> through September 2005.

**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 \$5,000.00.

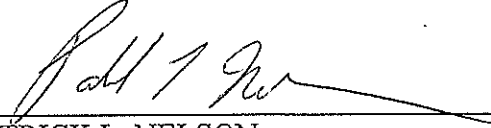
This Order shall be effective upon signature on behalf of the Commissioner.

Dated: \_\_\_\_\_

4/4/06

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

GP2503093/MCP

### CONSENT TO ENTRY OF ORDER

The undersigned, acting on behalf of Petro Wash Company, (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:

Jeanne Mack  
On behalf of Petro Wash Company

Its:

Vice President  
(Signature and Title of Authorized Representative)

STATE OF

MINNESOTA

COUNTY OF

AYOKA

This instrument was acknowledged before me this 14th day of March, 2006, by

Jeanne Mack

(stamp)

Mary Ann Christians  
(Signature of notary officer)

My commission expires: \_\_\_\_\_

