

**In the Matter of the
Tobacco License
Held by Infinity Smokes, Inc.
d/b/a Infinity Smokes
814 Hennepin Ave
Minneapolis, MN 55403**

**Findings of Fact,
Conclusions and
Recommendations**

This matter came before the Department as a mediation agreement in which parties held discussions over a period of time prior to formalizing the stipulations below.

FINDINGS OF FACT

1. Licensee, Tariq Hamouda, received a Tobacco Dealer's license for Infinity Smokes, 814 Hennepin Ave. S., on April 18, 2011.
2. After making undercover buys of suspected illegal synthetic drugs from a clerk behind the counter of Infinity Smokes, Minneapolis Police conducted a search warrant on May 17, 2012, and confiscated packaged, synthetic drugs.
3. On Dec. 14, 2012, felony charges were filed against Infinity Smokes store clerk, Sulaiman Asaad Hamouda, for 4th Degree drug sales. Those charges were later amended and on Dec. 9, 2013, he pled guilty to felony Fifth Degree drug possession. In his court testimony Mr. Hamouda stated that when he sold the substances at the store he knew they were illegal. Although there was a guilty plea entered, the judge stayed the plea for three years which will result in no criminal history for Mr. Hamouda if he complies with his probation conditions during that time.

CONCLUSIONS

1. On May 17, 2012, the licensee failed to comply with all applicable laws and ordinances in violation of Minneapolis Code of Ordinances 259.250(2) and (3) which states:

259.250. Business license management responsibilities. The following minimum standards and conditions shall be met in order to hold a license, provisional license or license permit under Titles 10, 11, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or license permit.

(2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes.

(3) The licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.

RECOMMENDATIONS

The Department acknowledges the licensee's interest in resolving the issues at its licensed establishment. Due to the expressed willingness of all parties to bring the property into compliance with all applicable ordinances, statutes and regulations, the Department makes the following recommendations:

1. The licensee shall be assessed a fine of \$2000.
2. \$1000 in assessed fines will be stayed on the condition there are no same or similar violations committed within one year commencing from the date of the signing of this agreement. The remaining \$1000 shall be paid upon the signing of this agreement.
3. A same or similar violation committed within one year of the date of the signing of this agreement will result in the imposition of the stayed fines and a voluntary withdrawal of license.
4. Commencing on July 21, 2014, clerk Sulaiman Hamouda shall not be employed at Infinity Smokes for a period of 60 days.
5. At such time as the Findings of Fact are approved by the City Council, Infinity Smoke's license renewal shall be approved, and this matter shall be concluded for both sides.

Infinity Smokes, Inc. understands that the holding of a business license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For Infinity Smokes, Inc.

By: _____

(Signature)

Its: _____

(title)

Dated: 9/9/14, 2014.

For the City of Minneapolis:

Grant Wilson

Grant Wilson

Manager, Licenses & Consumer Services

Dated: 9-15, 2014.