



**Request for City Council Committee Action
From the City Attorney's Office**

Date: August 19, 2004

To: Ways and Means/Budget Committee

Referral to:

Subject: Action in replevin by Ahmed Ibrahim

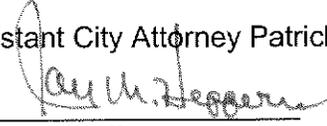
Recommendation: That the City Council approve settlement of the above matter by payment of \$3,900.00 to Ahmed Ibrahim and his attorney, Michael Hager, payable from Fund/Org. 6900 150 1500 400 and authorize the City Attorney to execute any documents necessary to effectuate the settlement.

Previous Directives:

Prepared by: Assistant City Attorney Patrick A. Marzitelli

Phone: (612) 673-2671

Approved by:


Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

- Neighborhood Notification
- City Goals:
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information

In an order dated December 2, 2002, Hennepin County District Court Judge Allen Oleisky ordered the Minneapolis Police Department to "release to Petitioner Ahmed M. Ibrahim all property now in its

possession and seized pursuant to search warrants 33168 and 33171 and/or described within MPD Inventory and Return sheet dated March 23, 1998." A prior order, dated October 25, 2002, informed the parties that the court would accept the property pursuant to Minnesota Rule of Civil procedure 67.02 so that any claimant could come forward on November 27, 2002 to make a claim.

The court awarded the property to Ibrahim on December 2, 2002. When Ibrahim contacted the Minneapolis Police Department, it was discovered that the property was sold through a police department auction on May 18, 2002, five months before the Hennepin County District court accepted the property.

In a letter dated July 14, 2004 Ibrahim, through his attorney Michael C. Hager, claimed the property was improperly sold and demanded reimbursement. According to Ibrahim, the property included the following items: a Rolex watch valued at \$2700, a Rado watch valued at \$1700, a Christian Dior watch valued at \$1500, a Raymond Weil watch valued at \$500, a Guess watch valued \$300, and a Gucci watch also valued at \$300. Other items included "rings of silver fashion jewelry design" valued at approximately \$500 total. Ibrahim claimed a total loss of \$7500.

A warrant had in fact been signed by Hennepin County District Court Judge R. Scherer and lawfully executed on March 6, 1998 at Ibrahim's place of business. Based on the inventory return sheet turned in by the officers who executed the warrant, the personal property included "eleven (11) watches" and "9 pearl necklaces." No further description of the property is given.

These items were assigned a property inventory number, P.I. 98-8399. MPD Property and Evidence records indicate the items inventoried under this number were sold through a Minneapolis Police Department Jewelry auction on May 18, 2002. The auction records show that 376 watches were sold. The watches were divided into lots. A single lot could have anywhere from 1-6 watches. The highest price paid per lot was \$650 and lowest price paid per lot was \$5. The average price per watch was \$6.38. The auction records do not describe the make or model of any individual watch. The descriptions are general and the burden of determining the make, model, and ultimate value of any one item is left with the perspective buyer.

In a letter dated July 14, 2004, Ibrahim's attorney, Michael C. Hager wrote "[t]he amount [Ibrahim] would accept in order to forgo further legal proceeding is \$6,000. The demand takes into account the replacement value, however, the values in this collection, I believe are not significantly reduced from the purchase price." A settlement amount was negotiated and the agreed amount was \$3900. This figure represents the six high valued watches seized on March 6, 1998. Because the make and model of each watch could not be verified for reasons stated above, each watch was given the top lot price of \$650. The City Attorney's Office recommends approval of this settlement.