Request for City Council Committee Action from the Department of Regulatory Services-License Division

Date September 13, 2007

To PSRS Chair Don Samuels

Subject Revocation of the renewal tobacco dealer's license for Venus Grocery located at 3751 Portland Avenue, Minneapolis, MN 55407.

Recommendation

The Business License Division recommends that the tobacco dealer's license for Venus Grocery, located at 3751 Portland Avenue, be revoked for sale of tobacco to minors by the owner of the grocery store on three separate occasions.

Prepared or Submitted by Julie Casey, Inspector, Licenses and Consumer Services.
Ricardo Cervantes, Deputy Director, Licenses and Consumer Services

Approved by

Ricardo Cervantes, Deputy Director

Burt Osborne, Director of Licenses

Rocco Forte, Assistant City Coordinator

Policy Review Group (PRG) Not Applicable X

Presenters in Committee Julie Casey, License Inspector, Ricardo Cervantes, Deputy Director, Licenses and Consumer Services

Financial Impact

X No financial impact – or – Action is within current department budget

Background/Supporting Information Attached

Venus Grocery was licensed as a grocery, tobacco dealer, 3.2 off sale beer and food manufacturer's license in March 2006.

The owner of Venus Grocery, located at 3751 Portland Avenue sold tobacco products to the minor compliance checkers hired by the License Division to conduct checks on stores checking identification before selling tobacco products. Those checks took place as follows:

June 28, 2006- $250 administrative citation paid.

April 4, 2007-$450 administrative citation paid.

August 16, 2007-Penalty remains to be determined by Council.

Normally a $650 administrative penalty and 30 day suspension would be administered on the third check, however; the License Division felt that the situation called for a departure from the presumptive penalty because the owner of the business personally failed all compliance checks after he took possession of the business.

Minneapolis
City of Lakes

Regulatory Services Department

Licenses & Consumer Services Division

350 South 5th Street – Room 1C
Minneapolis MN 55415-1391

Office 612 673-2080
Fax 612 673-3399
TTY 612 673-2157

September 13, 2007

Mesud Didovic
Venus Grocery
1101 44 1/2 Avenue NE
Columbia Heights, MN 55421

NOTICE OF HEARING

In respect to your Tobacco license for Venus Grocery, located at 3751 Portland Avenue.

PLEASE TAKE NOTE:

1. This is to notify you that a hearing will be held before the Public Safety and Regulatory Services Committee of the Minneapolis City Council on Wednesday, October 10, 2007 at 1:00 p.m. or shortly thereafter, in Room 317, City Hall, 350 South Fifth Street, Minneapolis, MN to consider action with respect to your tobacco dealer's license for Venus Grocery, 3751 Portland Avenue, Minneapolis, MN 55407

2. This hearing may result in revocation of the tobacco dealer license resulting in loss of the ability to sell tobacco products in your store.

3. An attorney may represent you if you so desire.

   Pursuant to Minneapolis Charter Chapter 4, the Committee will determine whether or not the license holder is in violation of Minneapolis Code of Ordinance 281.50 selling tobacco products to minors as outlined below. This grocery store has failed all tobacco checks performed since the owner; Mr. Mesud Didovic obtained a license in March 2006.

   a. On June 29, 2006, Mr. Mesud Didovic, the store owner, sold cigarettes to the minor compliance checker. A $250 administrative citation was issued and paid. The citation was not appealed.
   b. On April 4, 2007, Mr. Mesud Didovic, the store owner sold cigarettes to the minor compliance checker. A $450 administrative citation was issued and paid. The citation was not appealed.

c. On August 16, 2007, Mr. Mesud Didovic, the store owner sold cigarettes to the minor compliance checker. The penalty for this failure was withheld pending a hearing before the Minneapolis City Council.

Minneapolis City Ordinance281.50 states, " Sales to minors. No person within the city shall sell, give to, or in any way furnish any tobacco to any person under eighteen (18) years of age."

Minneapolis Charter Chapter 4, Section 16 states, "Licenses May be Revoked. Any license issued by the authority of the City Council may be revoked by the City Council at any time upon proper notice and hearing for good cause..."

If you have further questions regarding the issues or conduct of the hearing, you may contact License Inspector Julie Casey at 612-673-3905.

Sincerely,

Ricardo X. Cervantes, Deputy Director
Licenses and Consumer Services