

CITY OF MINNEAPOLIS  
LICENSES AND CONSUMER SERVICES  
350 SOUTH 5<sup>TH</sup> STREET, ROOM 1-C, CITY HALL  
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT  
CONCLUSIONS, AND  
RECOMMENDATIONS**

In the Matter of License No. L022 50533 LOON EXPRESS  
for TOBACCO DEALER

Held by:  
**LYNDALE EXPRESS INC**  
**ATTN: AHMED AL HAWWARI**  
**2801 LYNDALE AVE S**  
**MINNEAPOLIS, MN 55408**

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08-0666478

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This matter came to the attention of the Business License Division when the business owner requested an appeal hearing for the 3<sup>rd</sup> tobacco violation which occurred on August 6, 2008. Mr. Ahmed Al-Hawwam, as president of Lyndale Express, Inc., decided to forego the appeal hearing and stipulate to the facts. The Business License Division makes the following findings of fact.

**FINDINGS OF FACT**

1. On May 17, 2007, Lyndale Express failed a tobacco compliance check. A \$200 fine was assessed and paid by the business owner.
2. On April 3, 2008, Lyndale Express failed a second tobacco compliance check. A \$400 fine was assessed and paid by the business owner.
3. On August 6, 2008, Lyndale Express failed a third tobacco compliance check. The \$600 fine and 30 day suspension was appealed by the business owner. The business owner agrees to pay the \$600 fine but wanted to negotiate the 30 day suspension. His attorney, Mike Moline contacted the City to negotiate the suspension for changes to the business. In return for changes to the business, listed in the Recommendations, the City agreed to suspend the suspension.

## CONCLUSIONS

1. Lyndale Express, Inc. failed a third tobacco compliance check on August 6, 2008.

## RECOMMENDATIONS

1. Lyndale Express, Inc. agrees to establish a written policy concerning employees that fail tobacco compliance checks. Those policies, including disciplinary action, and must be in writing and signed by each employee.
2. Lyndale Express, Inc. agrees to use the electronic identification scanner on all customers that appears to be below the age of 27 years old.
3. Lyndale Express, Inc agrees to establish a training program for all new employees and quarterly review with current employees.
4. Lyndale Express, Inc. agrees to conduct private tobacco compliance checks to ensure employees are following their established policies regarding the conduct of tobacco sales. These checks must take place a minimum of four (4) times per year and be subject to review by the Business License Division.
5. Lyndale Express, Inc. shall post policies in a conspicuous place for employees as a reminder that tobacco sales to minors are not tolerated.
6. Lyndale Express, Inc will pay the \$600 fine after this agreement has been signed.
7. The 60 day suspension, as specified in Minneapolis Code of Ordinances 281.65(c) will be held for a period of two years. If no same or similar violations occur, in the two year period, the 60 day suspension will be dismissed.

Lyndale Express, Inc. understands that the holding of a business or liquor 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 and understand 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:

Business

Lyndale Express, Inc.

By: Mont R. Wachs  
(signature)

Its: Attorney  
(title)

Dated: 1-5, 2009

For the City of Minneapolis:

  
Ricardo Cervantes  
Deputy Director of Licenses

Dated: JAN 7, 2009