

**In the Matter of License # L155-50033,
L149-50027, L022-50052
Grocery, Food Man. and Tobacco Licenses
License Held by Hammad and Carlson Food, Inc.
DBA: More Valu II
2747 Bloomington Avenue South
Minneapolis, MN 55407**

**Findings of Fact,
Conclusions and
Recommendations**

Ward 8

This matter came before the Department at a Technical Advisory Committee (TAC) hearing on **Monday, March 20, 2006 at 10:00 a.m.** in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Michael Ojile, Attorney, Mr. and Mrs. Randy Hammand, **owner**. Appearing for the City were Don Greeley, Crime Prevention Specialist Minneapolis Police Department; **Phil Schliesman, License Inspector; and Grant Wilson, Manager of Licenses and Consumer Services**. Also present were Sgt. Don Smulski and Sgt. Warren Wittman Minneapolis Police Department. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. That on or about March 1, 2006, the licensee's representative entered into a verbal agreement with Don Greeley of the Minneapolis Police Department to remove items commonly known to be used as drug paraphernalia. The items were eventually removed but later than agreed upon.
2. That on or about March 17, 2006, the Zoning Enforcement Office conducted an inspection of the property and found that the site was not in compliance with properly permitted exterior signage.

CONCLUSIONS

1. That the licensee agreed to remove items commonly know to be used as drug paraphernalia but after the timeframe initially agreed upon.
2. That the licensee failed to obtain the proper permits for exterior signage, in violation of City Ordinance 543.40, but has agreed to remove those signs until they are properly permitted.
3. Sgt. Don Smulski and Sgt. Warren Wittman from the 3rd Precinct testified that this store is very well managed. Their testimony stated that this store is in no way contributing to problems in the area relating to street crime or loitering. The store owner and Manager do not permit persons other than legitimate customers to enter the business. It was also

stated that the store Managers frequently call 911 to report criminal activity in the area. They further stated that the owner is cooperative with the Police in all investigations and that the store has a state of the art surveillance camera system covering both the interior and exterior of the business. The officers recommended that no adverse license action be taken.

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 owner shall reimburse the City of Minneapolis a total of \$300.00, reflective of actual staff costs expended since the initiation of the investigation for this TAC hearing. This amount is due upon the signing of this agreement and is in lieu of the Administrative Fine that could be issued for the violation of Minneapolis Ordinance 543.30. This agreement does not preclude the City from taking additional adverse action after the signing of this agreement should the owner fail to comply, with this agreement or City Ordinances, regarding the exterior signage.
2. The following conditions are placed upon the renewal of the aforementioned licenses:
 - 1) "No Trespassing" signs will be posted. Staff will immediately ask people loitering to leave. If they refuse, staff will call 9-1-1 and cooperate with police once they arrive. Mpls Ord. 259.250(1) (I)
 - 2) The business will ensure that a minimum of (2) staff are working to ensure monitoring of the exterior and to reduce negative behaviors. Mpls Ord. 259.250(1)(i), (3) and (4)
 - 3) The business agrees to actively address security concerns to include loitering, drug activity, trespassing and management of the trespassing program. The business agrees to cooperate fully in the prosecution of criminal activity.
 - 4) The business agrees not to sell single cigarettes.
 - 5) The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy, small zip lock bags also known as jewelry bags, dice, single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 6) The business agrees to keep all lights adequate and functioning properly. Mpls Ord. 259.250 (8)
 - 7) All windows will be free of signs and other items that block the view in and out. Mpls Ord. 543.350.
 - 8) Owner shall comply with the Surveillance Camera Ordinance. Mpls Ord. 259.250
 - 9) The business agrees not to install pay phones either inside or outside the store. Mpls Ord. 259.250(1), (3) and (4)

- 10) The business agrees to clean property of litter and trash daily including the area within 100 feet of the property line. Mpls Ord. 536.20
- 11) The business agrees to remove the signs on the exterior of the building which are not properly permitted within 10 days of the signing of this agreement. The business shall obtain the proper permits for exterior signs before placement of those signs.

Hammad and Carlson Food, Inc. (Randy Hammad) 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. 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 Hammad and Carlson Food, Inc.

For the City of Minneapolis:

By: _____
(signature)

Ricardo Cervantes
Deputy Director of Licenses

Its: _____
(title)

Dated: _____, 2006.

Dated: _____, 2006.