

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICES COMMITTEE**

In the Matter of the Tobacco Dealer's License
held by MADI, Inc. and Mesud Didovic
d/b/a Venus Grocery

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION FOR
ADVERSE LICENSE ACTION**

This matter came on for a license hearing on Wednesday October 10, 2007 at the regularly-scheduled meeting of the Public Safety & Regulatory Services Committee of the Minneapolis City Council. The license hearing was called pursuant to a Notice of Hearing properly served upon the license holder, Mesud Didovic, at 1101 44 ½ Avenue NE, Columbia Heights, MN 55421, relating to the operation of his licensed Tobacco Dealer's establishment known as the Venus Grocery at 3751 Portland Avenue in Minneapolis, MN 55407. The License Holder, Mesud Didovic, was present at the hearing and represented himself although he was advised of his right to counsel. License Inspector Julie Casey represented the Business Licensing Division.

Based upon the record admitted at the hearing as well as the testimony and admissions adduced, the Committee hereby makes the following:

FINDINGS OF FACT

1. Mesud Didovic holds several business licenses for his establishment doing business as the Venus Grocery at 3751 Portland Avenue in the City of Minneapolis. These business licenses include a grocery license, a 3.2% off-sale beer license, a food manufacturer's license and a tobacco dealer's license. This hearing was called to consider the imposition of adverse action against the tobacco dealer's license.

2. Based on the uncontested testimony of Inspector Casey, the documentation and reports entered into evidence at hearing and the specific admissions of the License Holder in his testimony, the following business license violations occurred at the Venus Grocery:

- June 29, 2006: The license holder himself, Mesud Didovic, illegally sold cigarettes to a minor during a standard compliance check in violation of M.C.O. § 281.60 and Minn. Stat. § 609.685. The License Holder admitted to the violation by paying the requisite administrative citation and further admitted to the violation in his testimony at hearing in this matter.
- April 4, 2007: The license holder himself, Mesud Didovic, illegally sold cigarettes to a minor during a standard compliance check in violation of M.C.O. § 281.60 and Minn. Stat. § 609.685. The License Holder admitted to the violation by paying the requisite administrative citation and further admitted to the violation in his testimony at hearing in this matter.
- August 16, 2007: The license holder himself, Mesud Didovic, illegally sold cigarettes to a minor during a standard compliance check in violation of M.C.O. § 281.60 and Minn. Stat. § 609.685. The License Holder admitted to the violation in his testimony at hearing in this matter.

3. The License Holder, in his testimony at hearing, stated that he had difficulty seeing and interpreting the age information on identification cards including drivers' licenses and further testified that some customers became upset when he asked for proper age identification. The License Holder did not contest the testimony or evidence introduced by the Business Licensing Division and Inspector Casey and, in fact, conceded that the violations had taken place.

4. The License Holder was advised prior to the commencement of the hearing of his right to submit evidence and to call witnesses, his right to be represented by counsel, and his right to cross-examine any witnesses presented by the Business Licensing Division.

CONCLUSIONS

1. The License Holder personally and repeatedly violated M.C.O. § 281.60 and Minn. Stat. § 609.685 by selling tobacco to minors on the three occasions referenced in Finding #2, above.

2. M.C.O. § 281.65 provides that the *presumptive* penalty for a third such violation within a two-year period is a “Thirty-day suspension of license and six hundred dollar fine” with license revocation for a minimum of one year as the *presumptive* penalty for a fourth violation.

3. In this case, aggravating factors dictate that license revocation be imposed as the most appropriate sanction for the three uncontested violations which occurred. Chapter 4, Section 16 of the Charter empowers the council to revoke a business license at any time “upon proper notice and hearing for good cause.” Additionally, in each violation the License Holder himself personally committed the violation and not an employee. Furthermore, the violations all occurred in a period of time just in excess of one year and the License Holder’s explanations of why the illegal tobacco sales to minors occurred blamed the conduct on inability and unwillingness to comply with proper and simple age identification procedures. For these reasons, an upward departure from the presumptive penalty of a 30-day suspension is justified and necessary to protect the public and ensure compliance with important city ordinances and state laws.

RECOMMENDATION

That the Minneapolis City Council REVOKE the tobacco dealer’s license held by MADI, Inc. and Mesud Didovic d/b/a Venus Grocery and that the License Holder be deemed ineligible to reapply for licensure for a minimum period of one year.