

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. L155 50685 BROADWAY WINNER  
for FOOD GROCERY

Held by:

**ROD PETROLEUM INC  
RODRIGUE AWAD  
626 WEST BROADWAY AVE  
MINNEAPOLIS, MN 55411**

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11-0869581

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This matter came before a License Settlement Conference hearing on Tuesday, September 6, 2011. Appearing for Regulatory Services was Manager of Licenses and Consumer Services Grant Wilson, Manager of Business Licenses Linda Roberts, License Inspector Nicole Anderson, and from the 4<sup>th</sup> Precinct Police Department Lieutenant Bret Lindback. Appearing for Rod Petroleum Incorporated: Doing Business As Broadway Winner was the Licensee, Rodrigue Awad, Main Street Property Management Owner, Elias Yazbeck, Manager of Broadway Winner, Patrick Boutros and Hawthorne Board Member, Jim Wentzell. Based on the evidence presented at the hearing, the department makes the following findings of fact:

**FINDINGS OF FACT**

1. In January 2004 a Conditional Use Permit, a land based permit, was approved by the City Planning Commission for extended hours to 1:00 a.m. daily subject to the provision of off duty Police personnel for security from 10:30 p.m. until 1:30 a.m. (one half hour after closing).
2. Rod Petroleum Incorporated, DBA Broadway Winner, has been continuously licensed by the City of Minneapolis since October 16, 2009. Broadway Winner currently holds licenses to sell tobacco products, to sell off-sale beer, operate a grocery, operate a gasoline filling station, and operate as an ice producer. Upon approval, Business License Operating Conditions were placed on the licenses including the posting of "No Trespassing" signs on the exterior premises; no sale of items commonly used by drug dealers, such as glass pipes, bongos, Brillo Pads or Chore Boys products, tobacco pipes, and small zip lock bags; exterior and interior lights to stay illuminated and functioning; windows to be free of items that block the view in and out; comply with the surveillance

ordinance; clean litter within 100 feet of the property line; and refuse to be stored in a regularly serviced, closed container that is screened.

3. On August 12, 2011 a Violation Notice was hand delivered to Broadway Winner for Rodrigue Awad stating he was in violation of Minneapolis Code of Ordinance 259.250 dealing with licensee responsibilities and that there are numerous police calls and reports everyday on drug activity, loitering, and beggars/panhandlers at the business. Mr. Awad contacted Licensing and a meeting was set up for August 16, 2011.
4. On August 14, 2011 an inspection was conducted with findings of litter and trash all over the property along with inoperable exterior lights in the rear of the business. On Monday, August 15, 2011 all the litter and trash was found to be picked up and the rear exterior lights are in operating condition and was fixed immediately.
5. On August 16, 2011, Fourth Precinct Police Department Lieutenant Bret Lindback, License Inspector Nicole Anderson, and Lead License Inspector Julie Casey met with the Rodrigue Awad and Jim Wentzell to discuss the activity and concerns coming from his business premises. Mr. Awad stated he would do whatever was necessary to control the illegal activity on his premises.
6. An inspection on August 18, 2011 from 12:38pm until 12:58pm, with photographic evidence, indicated loitering and a possible hand to hand drug transaction being conducted on the business premises with no noted response or 911 call by employees.
7. A license settlement conference was called listing 3 violations of the Minneapolis Code of Ordinances.

### **CONCLUSIONS**

1. Broadway Winner violated Minneapolis Code of Ordinance 259.250(1)(i) by allowing criminal activity on the business premises.
2. Broadway Winner violated Minneapolis Code of Ordinance 259.250(4) by failing to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct and drug sales on the business premises.
3. Broadway Winner violated Minneapolis Code of Ordinance 343.20 by allowing unlicensed transient merchants on the business premises.

## RECOMMENDATIONS

Based on the evidence presented at the hearing, The Department makes the following recommendations:

1. "No Trespassing" and "No Loitering" signs will be clearly posted on the exterior of the business. Staff will immediately ask people that are observed loitering any where on the premises to leave. If loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity. Mpls Ord. 259.250(1)(I), and Minnesota Statute 609.605.
2. The business agrees to actively address security concerns to include loitering, drug activity, and trespassing. The business will develop a written policy for trespassing complete with pictures of trespassed people and this policy will be submitted at the time of signing of this agreement.
3. The business agrees to submit a drawing and photos of the exterior premises with details of:
  - security improvements (i.e. where 5 minute limit at pumps signs are located);
  - where all "No Trespassing" and "No Loitering" signs are located; and
  - Beautification efforts.The detailed drawing and photos will be submitted at the time of signing of this agreement.
4. The business agrees to schedule monthly meetings with their off duty Police and the 4<sup>th</sup> Precinct MPD to discuss expectations.
5. The business agrees to provide uniforms for all employees. Description and photo of uniforms will be provided at the time of signing of this agreement.
6. The business understands that any vehicle that parks on their business property and the occupants are not making a purchase, gasoline or otherwise, shall be trespassed. Employee and the owner's vehicles are exempt from this condition.
7. The business agrees not to sell single cigars, also known as blunts.
8. The Conditional Use Permit allows legal operating hours of 4:00 a.m. to 1:00 a.m. daily under the conditions that off duty Police security be provided daily from 10:30 p.m. to 1:30 a.m.; therefore the business agrees that on any day when there is no off duty Police security on site the business will revert back to the operating hours of 6:00 a.m. to 11:00 p.m.
9. The business will comply with the restricted operating hours of the car wash which are from 6:00 a.m. to 10:00 p.m. daily.

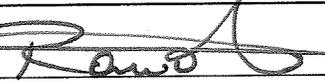
10. The business will have a minimum of (2) employees working from 1:00 p.m. until 9:30 p.m., when off-duty police are to arrive, each day from September through May and (3) employees working from 1:00 p.m. until 9:30 p.m., when off-duty police are to arrive, each day from June through August to ensure monitoring of the business premises and to reduce criminal activity. At least one (1) employee will be devoted to providing service to the exterior premises of the business to include at least, litter collection, pump policy compliance, and greeting of customers.
  
11. The business will develop a written policy for requiring identification to be checked and or scanned for any credit card purchase.

**Rodrigue Awad** understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any 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:

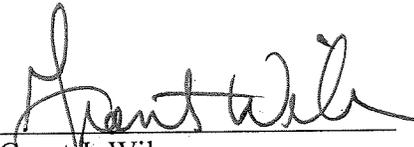
Business  
ROD PETROLEUM Inc.

By:   
(signature)

Its: Owner  
(title)

Dated: 10-7-, 20 11

For the City of Minneapolis:

  
Grant J. Wilson  
Manager

Dated: 10-7, 20 11