

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
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April 17, 2018

NOTICE OF INTENT TO REVOKE LICENSE

Muhammed Ali Mohamud, Owner
Dollar Plus
560 University Avenue West
St. Paul, MN 55106

RE: Cigarette/Tobacco license held by Dollar Plus, Inc. d/b/a Dollar Plus for the premises located at 560 University Avenue West in Saint Paul
License ID #: 20080000589

Dear Licensee:

The Department of Safety and Inspections will recommend revocation of the Cigarette/Tobacco license held by Dollar Plus, Inc. d/b/a Dollar Plus for the premises located at 560 University Avenue West in Saint Paul. The recommendation is based on the following information:

On September 20, 2017 officers from the Saint Paul Police Department began investigating citizen complaints that the Dollar Plus Store, located at 560 University was selling synthetic marijuana. Complainants had reported that multiple overdoses and medical related problems were attributed to these illegal sales.

The investigation included an attempt to buy synthetic marijuana from the Licensee and owner of Dollar Plus, later identified as Muhammed Ali ("Licensee") on November 17, 2017. On this date, Narcotics Unit Officer Sahaal went into the store undercover and asked the Licensee for "K" (which is a term for synthetic marijuana). The Licensee told him "that's the other dude". Officer Sahaal asked the Licensee if this other person was in the store and the Licensee told Officer Sahaal to check in the morning. The Licensee told him that the other individual is at the store every morning except the weekends. The Licensee further volunteered that the other individual "doesn't even know that I know. I didn't even know that he does that. I heard from a customer. That's his own privacy." The Licensee also identified this other individual as "Jay".

Additional attempts at controlled buys by a confidential reliable informant ("CRI") were made. Officers and the CRI were able to purchase a substance that was later confirmed by a forensic scientist from the Minnesota Bureau of Criminal Apprehension ("BCA") as synthetic marijuana on September 20, 2017, September 25, 2017, October 3, 2017 and November 6, 2017. A store employee named Jalal Mouine was identified as the individual who sold the CRI the synthetic marijuana during each of the controlled buys. Each of the controlled buys took place inside of the Dollar Plus Store. Officers were also able to confirm that Jalal Mouine uses the name "Jay". Jalal Mouine was subsequently arrested and charged with 3 counts of felony sale of synthetic marijuana under file Minnesota State Court File 62-CR-18-130.

Following the controlled buys Officers were able to obtain a search warrant for the Dollar Plus Store. On November 21, 2017 at approximately 9:50 a.m., Saint Paul Police executed their search warrant (CN #17-270-565). During the search, officers found, photographed and recovered a 9 MM hand gun, a full magazine of ammunition, a black gun case for the hand gun, a ballistic vest, bullet proof vest inserts, 3 black 7.62x39 MM empty magazines, 2 black 7.62X39 MM full magazines, 2 live 7.62 ammunition rounds, an AK47 rifle, 37boxes of live 7.62x39 MM TulAmmo rounds, a large knife, 1 black magazine full of live 9MM rounds and a rifle case for an AK47. Photographs show that these items were unsecured.

Saint Paul Legislative Code Section 310.05 (m) contains a matrix with presumptive penalties for certain violations. The presumptive penalty for 310.05 (m) (6) commission of a felony on the property is \$2,000 for the first offense and revocation for the second.

Saint Paul Legislative Code Section 310.06 also provides that adverse action may be taken against your license based on any one or more of the following grounds:

Section 310.06 (b) (6) (a): *"The license or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provision of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;"*

Section 310.06 (b) (6) (c): *"The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn."*

Section 310.06 (b) (7): *“The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.”*

Section 310.06 (b) (8): *“The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.”*

Due to the seriousness nature of the illegal activity you allowed at the licensed premises, the licensing office will recommend revocation of your Cigarette/Tobacco license.

At this time, you have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Friday, April 27, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the next available City Council Agenda for approval of the proposed remedy.
2. If you wish to admit the facts but contest the penalty, you may have a public hearing before the Saint Paul City Council, you will need to send me a letter with a statement admitting the facts and requesting a public hearing no later than **Friday, April 27, 2018**. The matter will then be scheduled before the City Council to determine whether to revoke your Cigarette/Tobacco license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **Friday, April 27, 2018**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

4. If you no longer wish to do business in the City of Saint Paul, you will need to complete and return the enclosed REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, April 27, 2018**.

If you have not contacted me by Friday, April 27, 2018, I will assume that you do not contest the revocation of your Cigarette/Tobacco license. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these four (4) options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

Cc: Muhammed Ali Mohamud, 1615-4th Street, Minneapolis, MN 55454
Muhammed Ali Mohamud, 1472-66th Avenue NE, Fridley, MN 55432
Jens Werner, Executive Director, Summit-University Planning Council
627A Selby Avenue, St. Paul, MN 55104
State of Minnesota/Department of Transportation, 1500 County Road B2 West
Roseville, MN 55113-3174

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 17th day of April she served the attached **NOTICE OF INTENT TO REVOKE LICENSE** and a correct copy thereof in an envelope addressed as follows:

Muhammed Ali Mohamud, Owner
Dollar Plus
560 University Avenue West
St. Paul, MN 55106

Muhammed Ali Mohamud
1615-4th Street
Minneapolis, MN 55454

Muhammed Ali Mohamud
1472-66th Avenue NE
Fridley, MN 55432

Jens Werner, Executive Director
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St. Paul, MN 55104

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1500 County Road B2 West
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(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
this 17th day of April, 2018


Notary Public

