

# City inspectors: For safety, it's time to shutter the Midway BP station at Hamline and University avenue



St. Paul police and city inspectors have labeled the Midway Amoco BP station at 1347 W. University Ave. in St. Paul, seen Thursday, Sept. 19, 2019, as a magnet for trouble as well as an uncooperative partner in dealing with shootings and other crimes. (Jean Pieri / Pioneer Press)

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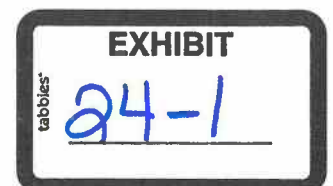
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SIGN UP FOR NEWSLETTERS AND ALERTS

When a St. Paul police sergeant called the Midway BP gas station to ask for their surveillance video, the person on the other end simply hung up the phone. That was in April, and police say they're still waiting for the video.

St. Paul police and city inspectors have labeled the 24-hour gas station and convenience store at 1347 W. University Ave. a magnet for trouble, as well as an uncooperative partner in dealing with shootings and other crimes.

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They're now seeking to strip the business of both its gas station and tobacco license following a series of troubling incidents, including an early-morning shooting this summer that ended in the death of a customer.

Business owner Khaled Aloul of Bloomington is fighting those efforts. Aloul said he had planned a \$1.6 million remodel of the gas station, and had spent \$120,000 on architects and engineers to draw up preliminary plans already approved by the city.

That project is now on hold as a result of his licensing battle, and he worries he'll have to file for bankruptcy if his gas station is shut down. He still owes nearly \$1 million in mortgage loans. If he's shuttered, the business will likely lose its grandfather rights, and no one else will be allowed to operate it as a gas station.

"I am not responsible for crimes that happen outside," said Aloul, who is also an owner or co-owner of convenience stores on Maryland Avenue in St. Paul, in Chanhassen and in Plymouth. "What am I going to do, carry a gun and shoot people? The police, it's their job. ... Now I have to put everything on hold."

Located at University and Hamline avenues, the gas station sits across from the Hamline Station Green Line light-rail stop and the 4-year-old Hamline Station affordable-apartment complex, and near a series of bars, single-family homes and duplexes down the street from the Midway Shopping Center and the new Allianz Field soccer stadium.

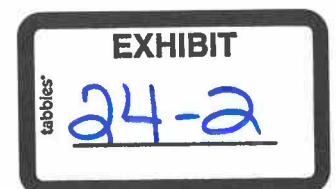
## FULL LICENSE REVOCATION

On July 24, the St. Paul City Council voted 6-0 to impose a \$500 penalty on the store for advertising flavored tobacco products last winter despite a recent city ordinance limiting flavored items to tobacco shops.

The store managers previously contested the proposed fine to an administrative law judge, but they failed to show up for the legal hearing, according to the city attorney's office. The city then added \$600 in administrative costs to the fine.

Ordinarily, a second license violation would garner a \$1,000 fine under the city's penalty rules. Officials with the Department of Safety and Inspections, however, requested an upward departure — a full license revocation — following back-to-back incidents.

"That decision was based on the serious nature and cumulative number of second violations," said Suzanne Donovan, a spokeswoman for DSI.



DSI inspectors reported witnessing — or interviewing customers who had been on the receiving end of — employees selling tobacco products to minors and employees selling cigarettes as singles outside their original packaging. And, according to police, employees packaging and selling glass vial “drug kits” for \$5 and \$6.

More than once, store managers failed to provide inspectors with surveillance video upon request, a condition of their license.

Broken fencing discovered on the ground this summer with nails pointing upward violated license conditions requiring adequate fencing between the store and the nearby alley. Heaps of trash reported to be piled next to a dumpster for two consecutive days violated conditions requiring daily litter pick-up, according to DSI and the city attorney’s office.

Then there’s the recovered shell casings, the reports of shots fired, the parking lot parties that have drawn 20 to 30 cars at a time at 2 a.m. bar close, and a particular incident that turned fatal a few months ago.

Shortly after 4 a.m. June 18, a Tuesday morning, Dajuon Johnson exited the store and walked to the gas pumps, where police believe he was standing when a shot rang out, hitting the 22-year-old St. Paul man in the neck. Johnson was taken to Region’s Hospital, where he died several days later.

No one has been charged in his killing. Even before the shooting, St. Paul police had identified the BP as a “hotbed for criminal activity” in police reports, a sentiment echoed by some nearby residents and city officials.

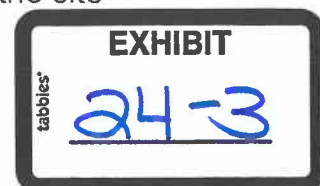
The prospect of a license revocation is now before a state administrative law judge. The judge’s recommendation likely will be heard at a public hearing before the St. Paul City Council in January.

## **DANCE PARTIES AND SHOTS FIRED**

The Hamline-Midway Coalition, a neighborhood district council, has been surveying residents, business owners, commuters and others about their concerns in hopes of presenting the information to the judge on Nov. 13 and 14.

“We’re getting crazy response,” said Kate Mudge, executive director of the Hamline-Midway Coalition. “I think we’ve got over 200 people who have chimed in. That survey is open through the beginning of November.”

Midway resident Dan Buck, a board member with the Hamline-Midway Coalition, said the building is a visible eyesore and the types of sales that occur at the site



draw the wrong type of customer. He's repeatedly called the city about trash overflowing from the dumpster.

"I've been in my house almost 20 years now, and that BP has been a thorn in our side the whole time," Buck said. "Some of it is smaller quality of life issues, such as litter, but you've got a business owner who is complicit. When you've got 20 people hanging out at your parking lot at 2 a.m. beating people — which is on YouTube — they're complicit in this activity. People shouldn't be scared to live in our neighborhood. I love the Midway."

Among the issues raised by police, they said an employee acknowledged selling "drug kits" composed of small glass pipes and vials when questioned by an officer about the items behind the counter.

"We sell incense burners," Aloul said. "I don't know what they're using them for. The employee hardly speaks English. Every tobacco store sells these things. The police officer tried to put words in his mouth and have him say 'drug kit.' "

DSI officials and St. Paul police have logged a series of recent incidents, which were summarized by the city attorney's office in a written notice to Aloul. They include:

- In August 2018, police responded to reports of shots fired in the BP parking lot. When they arrived, they found a man who claimed to be working security for the gas station using a flashlight to look under parked cars with a handful of other people, as if searching for shell casings. He repeatedly denied anything illegal occurred, and then stated he was off the clock and left. A store clerk was unable to produce a video of what had happened upon request.
- After a report that someone had stolen a wallet forgotten at the front counter on April 27, 2019, a St. Paul police sergeant attempted to call the BP station and get a copy of their surveillance video. The sergeant reported that every time she identified herself, the person on the other end hung up the phone.
- On June 1, two people were arrested leaving the store with a firearm. In a police interview, one of the suspects said she preferred to buy tobacco at the shop because they sold her unpackaged cigarettes, or singles. That same day, shots were fired in the direction of cars that had just left the gas station. Police recovered shell casings.
- On June 12, an underage decoy working with DSI successfully bought a package of Marlboro cigarettes.
- On June 15, two men were arrested in the parking lot on suspicion of driving while intoxicated and a weapons violation after being spotted by police with a high-capacity magazine rifle.
- Between 2 a.m. and 3:30 a.m. June 1 and during the same hours June 15 and again on June 22, a St. Paul police sergeant reported between 20 and 30 cars in the BP



parking lot, with as many as 100 people congregating, dancing, drinking alcohol and smoking marijuana. Store security did not ask them to leave.

- On June 18, a DSI official hand-delivered a letter requesting video from June 12, when a previous city inspector had witnessed an employee give a customer two cigarette singles and cigar wraps, though no money was seen changing hands. When DSI officials showed up in person to pick up the video, store managers said it was unavailable because they had already given it to “an individual named Mark who works with the police,” according to the city attorney’s office.
- On June 22, a St. Paul police sergeant captured images on his body camera of menthol cigarettes, berry flavored cigars, rum fusion cigars and other flavored tobacco products that are banned from St. Paul convenience stores.

Aloul said he’s been too preoccupied with an ill family member in recent months to focus on the store as much as he would like.

Nevertheless, he said he should not be held accountable for the city’s crime rate. He recently began closing between 1 a.m. and 4 a.m.

“The police failed to protect the customers,” he said. “They failed to protect us, and to control crime. And they want to shut the place down. Yes, there are some violations. We’re not perfect, you know? But their idea to shut it down completely is really ridiculous.”

