

## Kraus, Julie (CI-StPaul)

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**From:** Kraus, Julie (CI-StPaul)  
**Sent:** Tuesday, April 16, 2013 2:22 PM  
**To:** ismailhusseinlaw@gmail.com  
**Cc:** Lundstrom, Daphne (CI-StPaul); Rozek, Christine (CI-StPaul)  
**Subject:** Second Amended Notice of Intent to Revoke Licenses  
**Attachments:** 2nd Amended Notice of Intent to Revoke Licenses.pdf

Mr. Hussein:

Attached is the Second Amended Notice of Intent to Revoke Licenses you discussed with Daphne Lundstrom this afternoon. She will need a response from you regarding this letter no later than 4:30 p.m. this afternoon.

In the email response please include "***the licensee admits to the facts outlined in the Second Amended Notice of Intent to Revoke Licenses and requests a public hearing before City Council to contest the penalty.***"

A public hearing will then be scheduled.

*Julie Kraus  
City Attorney's Office  
15 W. Kellogg Boulevard, Ste. 400  
St. Paul, MN 55102  
Phone: (651) 266-8776  
Fax: (651) 298-5619*



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division  
400 City Hall  
15 West Kellogg Blvd.  
Saint Paul, Minnesota 55102

Telephone: 651 266-8710  
Facsimile: 651 298-5619

April 16, 2013

SECOND AMENDED NOTICE OF INTENT TO REVOKE LICENSES

Ismail Hussein, Esq.  
Law Office of Ismail Hussein  
2113 Central Avenue NE  
Minneapolis, MN 55418

RE: All licenses held by Kadi Brothers, Inc. d/b/a VAS Market for the premises located at 169 Victoria Street North in St. Paul  
License ID #20110004084

Dear Rashad Badae:

The Department of Safety and Inspections (DSI) has recommended revocation of all licenses held by Kadi Brothers, Inc. d/b/a VAS Market for the premises located at 169 Victoria Street North in Saint Paul. The basis for the recommendation is as follows:

**On June 6, 2012, Saint Paul Police began an investigation of VAS Market based on information they received that the establishment was involved in illegal purchasing and storage/possession of stolen merchandise such as Similac Advance Powder Baby Formula and Tide Liquid Laundry Detergent (CN #12-127-706). Based on information and belief, VAS Market purchased stolen merchandise on June 6, 7, 11, and 19, 2012.**

**On June 19, 2012, Saint Paul Police, executed a search warrant based on their investigation and photographed numerous stolen items found on the premises such as Walmart brand food items, expired food items, Similac Advance Powder baby formula and Gain liquid laundry detergent.**

**Other items recovered during the investigation included drug paraphernalia, a black trash bag containing fourteen (14) unopened "Newport Box" menthol cigarettes, baby formula, liquid detergent, men's razors, and necklaces.**

**A pink box containing single cigarettes and a three-pack of opened cigarettes were also recovered, indicating the sale of single cigarettes in violation of Saint Paul Legislative Code § 324.07 (a).**

During the course of the investigation, an individual approached a searching officer and offered to sell the officer stolen merchandise. When the officer inquired as to the source of the offered merchandise, the individual replied, "I stole them M\*\*\*\*\*f\*\*\*\*\*," and confirmed shoplifting the items. Several other individuals approached officers during the search and, when asked, told officers that they came to the store to purchase narcotics.

Effective August 22, 2012, VAS Market was permanently disqualified from participating in the Supplemental Nutrition Assistance Program (SNAP) based on the USDA's charge that VAS Market exchanged nutrition benefits for cash, commonly called trafficking.

On December 10, 2012, Ammar Abdulhusein Chanyour, a co-owner, was convicted of Misdemeanor Receiving Stolen Property (Attempt to Commit) in Ramsey County District Court in violation of Minn. Stat. § 609.53.1 (Case No. 62-CR-12-7401).

On February 7, 2013, Farhan Abbodi Hwish Almudor, an employee, was convicted of Misdemeanor Theft-Intent to Exercise Temporary Control in Ramsey County District Court in violation of Minn. Stat. § 609.52.2(5) (Case No. 62-CR-12-7396).

Based on evidence of guns and drugs on the premises, receipt of stolen goods, and disruptive operation and conduct, Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your licenses 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 of 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) (6) (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 and extent of these offenses, which are considered directly related to the license activity at your establishment, per Saint Paul Legislative Code § 310.05 (m) (5) the licensing office will recommend revocation of your licenses.

At this time, you have two (2) options on how to proceed:

1. 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. We will need to receive your letter by **Friday, March 1, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to revoke all of your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
2. If you dispute that the above facts that constitute a violation of your license condition, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine each other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please advise me no later than **Friday, March 1, 2013**, and I

will take the necessary steps to schedule the administrative hearing.

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).

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Daphne Lundstrom  
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI