

**In the Matter of the Tobacco
and Confectionery Licenses
Held by Edman Inc.
d/b/a Downtown Tobacco
428 Hennepin Ave S.,
Minneapolis, MN 55403
L022-50390, L153-50106**

**Findings of Fact,
Conclusions and
Recommendations**

This matter came before the Department at a License Settlement Conference on Thursday, August 26, 2010 at 10:30 a.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee were Dennis B. Johnson, Esq., Attorney at Law, and Abdelsalam Elazab, licensee. Appearing for the City were: Joel M. Fussy, Assistant City Attorney; Inspector Kristine Arneson, Minneapolis Police First Precinct Commander; Ricardo Cervantes, Deputy Director of Licenses and Consumer Services; Linda Roberts, Supervisor, Licenses and Consumer Services; and Leanne Selander, Inspector, Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. The License Settlement Conference (LSC) was convened to consider whether the licensee failed to comply with conditions placed on his Tobacco and Confectionery licenses, which were stipulated to in Minneapolis City Council resolution 2008R-466, and adopted on 10/24/2008.
2. Following the adoption of the abovementioned resolution, Licenses and Consumer Services issued eleven citations to the licensee for violating the agreed upon conditions. The licensee appealed the citations and an Administrative hearing was held on May 11, 2010.
3. Three citations were paid prior to the commencement of the hearing, one citation was dismissed, and in a June 9, 2010 Findings of Fact, Hearing Officer Fabian Hoffner upheld the remaining seven citations. Four of those citations were found to be continuing violations which "constitute(d) a threat of harm to the public health, safety and welfare of citizens and visitors to the downtown Minneapolis area."
4. The licensee paid \$4,600 in fines.
5. The licensee acknowledged at the LSC that he failed to comply with conditions of his license and wished to embark on a new business venture at the same location.

CONCLUSIONS

1. The licensee failed to comply with MCO 259.250 governing business license management responsibilities, which states, "The following minimum standards and conditions shall be met in order to hold a license, provisional license or license permit under Titles 10, 11, 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or license permit.
 - (2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes.
 - (9) It shall be the responsibility of the licensee to fully comply with all conditions of license or other operational specific requirements duly imposed by the licensing authority or agreed to by the licensee.

RECOMMENDATIONS

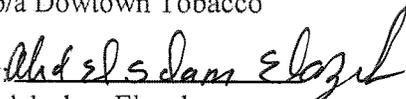
The Department acknowledges the licensee's interest in resolving the issues at its licensed establishment. Due to the expressed willingness of all parties to bring the property into compliance with all applicable ordinances, statutes and regulations, the Department makes the following recommendations:

1. The licensee agrees to freely and voluntarily relinquish his Tobacco and Confectionery Licenses by March 31, 2011.
2. All prior license conditions are still in place and enforceable.

I, on behalf of Edman, Inc., 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 adverse license action, including imposition of any stayed penalties. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

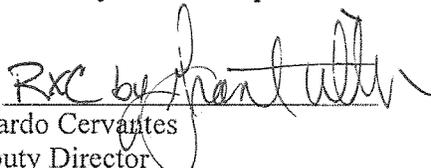
Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For Edman Inc.:
d/b/a Downtown Tobacco

By: 
Abdelsalam Elazab
Owner

Date: 10-18-10

For the City of Minneapolis:

By: 
Ricardo Cervantes
Deputy Director
Licenses & Consumer Services

Date: 10/18/10