

BEFORE THE CITY COUNCIL OF THE CITY OF MOORHEAD

In the Matter of the Decision of the)
Moorhead City Council)
Regarding the Appeal of the Denial)
Of a Used Car Dealer License)
For Amedy Auto)

FINDINGS OF FACT

(1) Amedy Auto was previously granted a Used Car Dealer License (“License”) by the City of Moorhead (the “City”) in January 2022.

(2) Amedy Auto previously applied for and was initially denied a License by the City Clerk’s office on January 24, 2023 (the “first denial”), due to pending criminal charges related to the collection of sales tax on vehicles sold by Amedy Auto.

(3) Amedy Auto’s owner appealed the first denial and presented his appeal to the City Council of the City of Moorhead (the “City Council”) on February 13, 2023.

(4) At the City Council meeting held on February 13, 2023, the decision to deny the 2023 License was tabled until additional information from the Clay County Attorney’s Office relating to the pending criminal charges was obtained and could be presented to the City Council.

(5) For the remainder of 2023, Amedy Auto was permitted to continue to conduct business as a Used Car Dealer in the City.

(6) The City Clerk’s office contacted Amedy Auto owner Nashwan Amedy on February 16, 2024, due to not receiving renewal paperwork for the 2024 license period, which was required to be submitted by or before December 31, 2023.

(7) On February 16, 2024, the City Clerk’s office received an application for a User Car Dealer License from Amedy Auto.

(8) A background check for Amedy Auto and its owner Nashwan Amedy was completed on February 16, 2024. The background check confirmed that Nashwan Amedy was convicted of Minnesota Statute § 297B.10(b): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G* and Penalty Statute § 297B.10(a): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G*. Upon receiving the completed background check, the City Clerk's office forwarded the findings to City Attorney, John Shockley, for review; Mr. Shockley agreed with the City Clerk’s decision to deny the license based upon Moorhead City Code 2-1-10(A)(2), which allows for denial based on a conviction.

(9) On February 21, 2024, City Clerk, Christina Rust, sent Amedy Auto an email explaining the reasons for denial, along with information on how to appeal the decision, and followed up by sending a certified letter to the owner. A copy of the letter is attached hereto as Exhibit A.

(10) Nashawan Amedy appealed the decision of the City Clerk to the City Council; on February 21, 2024 a formal request to appeal the decision was received from Mr. Amedy via email.

(11) On February 26, 2024, the City Council heard Nashawan Amedy's appeal.

(12) During the appeal hearing it was confirmed that Nashawan Amedy had been convicted of Minnesota Statute § 297B.10(b): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G* and Penalty Statute § 297B.10(a): *Motor vehicle excise tax-prepare, submit false or fraudulent certificate-G*. Nashawan Amedy did not dispute the conviction.

(13) The hearing was closed.

(14) The misdemeanor conviction is directly related to the business license for which Mr. Nashawan Amedy filed an application with the City Clerk's office. Because the conviction is related to the proposed business for which a license is sought, Moorhead City Code 2-1-10(A)(2) allows the license to be denied.

(15) Because the conviction is an official Minnesota Court Record, the City Council can take "Judicial Notice" of such conviction.

(16) The City Council hereby finds that sufficient evidence exists that supports the City Clerk's decision to deny the license.

(17) The City Council hereby finds that Nashawan Amedy did not meet his burden of proof in this matter.

(18) A motion was made to uphold the denial of the User Car Dealer License renewal by Matthew Gilbertson and seconded by Ryan Nelson, with all members voting in favor of the motion.

(19) Pursuant to Moorhead City Code 2-1-10(B), the action taken by the City Council after the hearing held on February 26, 2024, shall be final.

(20) Effective February 27, 2024, Nashawan Amedy is not permitted to engage in the sale of used cars within the City of Moorhead, Minnesota.

Dated: _____, 2024

Michelle (Shelly) A. Carlson, Mayor

ATTEST:

Christina Rust, City Clerk