



Catherine Pugh
Mayor

BALTIMORE POLICE DEPARTMENT



Gary Tuggle
Interim Police
Commissioner

December 10, 2018

Baltimore RE Investments LLC
Resident Agent: Mr. Ahmad Suhwiell
1910 Towne Centre Boulevard
Annapolis, MD 21401

Mr. Mohsen J. Naji
1016 Light Street
Baltimore, MD 21230

Re: **NOTICE OF PUBLIC NUISANCE HEARING** for "Park Heights 5 Star Tobacco-Grocery"
5140 Park Heights Ave., Baltimore, Maryland 21215

TO: Baltimore RE Investments LLC and Mohsen J. Naji

As owner of the property at 5136-5140 Park Heights Ave. (Baltimore RE Investments LLC) and operator/tenant of the "Park Heights 5 Star Tobacco-Grocery" (Mohsen J. Naji), you are hereby notified that on **Thursday January 17, 2019** a hearing shall be held before the Police Commissioner for Baltimore City, or the Commissioner's designee, to determine if the property at 5140 Park Heights Ave. ("the Property") is a "public nuisance," as defined under Baltimore City Code, Article 19, Subtitle 43, and whether the Property should be closed. Under Baltimore City Code, Article 19, § 43-3, the Commissioner has the right to order that the Property be closed, more commonly referred to as "padlocked." The business at the Property is being considered for closing because, over the past three months, there have been at least three (3) incidents involving crimes of violence or the illegal distribution of controlled dangerous substances ("CDS") at or near the Property. Baltimore City Code, Article 19, § 43-1(L) defines a "public nuisance" as any premises that, on two or more separate occasions within a twenty-four month period, were used for such criminal activity.

In September, 2018, the police conducted a "controlled buy" of illegal CDS from the Property ("Controlled Buy #1"). While under direct supervision and observation by the police, a confidential informant entered the Property, exited a short time later, met with the police, and gave the police a bag of marijuana that the confidential informant verified had just been purchased inside the Property from an employee of Park Heights 5 Star Tobacco-Grocery, who was later identified as Omar M. Abbas. Such activity, in conjunction with any other violation set forth in this notice, constitutes a "public nuisance" pursuant to Baltimore City Code, Art. 19, § 43-1(L)(1).

In September, 2018, the police conducted another “controlled buy” of illegal CDS from the Property (“Controlled Buy#2”). While under direct supervision and observation by the police, a confidential informant entered the Property, exited a short time later, met with the police, and gave the police a bag of marijuana and a package of cocaine that the confidential informant verified had just been purchased inside the Property from Park Heights 5 Star Tobacco-Grocery employee Omar M. Abbas. Such activity, in conjunction with any other violation set forth in this notice, constitutes a “public nuisance” pursuant to Baltimore City Code, Art. 19, § 43-1(L)(1).

On September 28, 2018, the police executed a CDS search and seizure warrant at the Property. Upon arrival at the Property, the police located Omar M. Abbas in the Property. The police recovered the following items from behind the front counter of the Property: a large amount (approximately five thousand pieces) of material commonly used to package illegal CDS for street-level distribution, one digital scale, five pink zip-lock bags with CDS residue, one container of marijuana, and nine Tramadol pills for which Mr. Abbas did not have a prescription. The police also recovered a Del-Ton DTI-15 Automatic Rifle, loaded with a magazine containing nine live 5.56 rounds and an additional 230 live 5.56 rounds. Such activity, in conjunction with any other violation set forth in this notice, constitutes a “public nuisance” pursuant to Baltimore City Code, Art. 19, § 43-1(L)(1).

You have the right to be heard and represented at the hearing. Failure to appear at the hearing will not prevent the Police Commissioner or the Commissioner’s designee from issuing a default order to close all or a portion of the property. In closing all or a portion of the property, neither the Police Commissioner, the Baltimore Police Department, nor the City of Baltimore is taking possession, ownership or control of the property. Enclosed please find copies of Baltimore City Code, Art. 19, Subtitle 43-1 (the “Padlock” law) and “The Rules and Regulations for Padlock Hearings.”

The hearing will be held at 601 E. Fayette Street on the 5th floor in the Chief of Patrol’s Conference Room. The hearing will begin at 9:00 A.M.

Any request for a postponement must be made five business days prior to the hearing. The request shall be sent to the Baltimore Police Department, Office of Legal Affairs, c/o 242 W. 29th Street, Baltimore, MD 21211 and the Baltimore Housing Code Enforcement Legal Section, Property Based Crime Solutions Program, 417 E. Fayette Street, Room 355, Baltimore, Maryland 21202. The postponement request shall state the reason(s) for the postponement request and shall be signed by the party requesting the postponement.

Upon receipt of this notice, please contact the Property Based Crime Solutions Program at (410) 396-4140, with any questions about this process and to confirm your attendance at the hearing on **January 17, 2019**.



Gary Tuggle, Interim Commissioner
Baltimore City Police Department

December 10, 2018

Date

Enclosures