

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 13-CM-_____

MOHAMMAD ABDUL QADEER SIDDIQUI,
6313 WEST MADISON STREET,
WEST ALLIS, WI 53214,
DOB: 09/29/1972,

Defendant.

CRIMINAL COMPLAINT

I, Georgeann M. King, being first duly sworn, state upon information and belief that:

COUNT 1: DISTRIBUTING TOBACCO PRODUCTS WITHOUT A PERMIT

That the defendant did for the period from January 1, 2012, through August 31, 2012, in the village of West Milwaukee, Milwaukee County, Wisconsin, act as the distributor of tobacco products without having applied for or obtained a tobacco products permit from the Department of Revenue in violation of Wis. Stat. §§ 139.79(1) and 139.44(5) and (7). This count relates to purchases from Supply2Store.

Upon conviction of the same, shall be fined not less than \$100 nor more than \$1000 or imprisoned not less than ten days or more than ninety days or receive both said fine and imprisonment. In addition, the defendant shall have all tobacco permits revoked for a period of two years from the date of conviction.

COUNT 2: DISTRIBUTING TOBACCO PRODUCTS WITHOUT A PERMIT

That the defendant did for the period from January 1, 2012, through October 31, 2012, in the village of West Milwaukee, Milwaukee County, Wisconsin, act as the distributor of tobacco products without having applied for or obtained a tobacco products permit from the Department of Revenue in violation of Wis. Stat. §§ 139.79(1) and 139.44(5) and (7). This count relates to purchases from Arango Cigar Co.

Upon conviction of the same, shall be fined not less than \$100 nor more than \$1000 or imprisoned not less than ten days or more than ninety days or receive both said fine and imprisonment. In addition, the defendant shall have all tobacco permits revoked for a period of two years from the date of conviction.

COUNT 3: FAILURE TO MAINTAIN

That the defendant did on February 19, 2013, in the village of West Milwaukee, Milwaukee County, Wisconsin, as the holder of a license to sell tobacco products and having purchased tobacco products did not maintain evidence of said purchases for a period of at least two years in violation of Wis. Stat. § 134.65(4) and (5).

Upon conviction of the same shall be fined not less than \$25 nor more than \$100.

COUNT 4: EVASION OF TOBACCO TAX

That the defendant did for the period between January 1, 2012, and August 31, 2012, possess tobacco products with the intent to sell the same after having caused those products to be brought into the state, he did attempt to evade the paying of the tax on said products in violation of Wis. Stat. §§ 139.76(1) and 139.44(2) and (9). This count relates to purchases from Supply2Store.

Upon conviction of the same, he may be fined not more than \$100,000 and imprisoned not more than nine months or receive both such fine and imprisonment and all unpaid taxes that should have been paid pursuant to § 139.76(1) shall accrue interest at the rate of 12 percent per year.

COUNT 5: EVASION OF TOBACCO TAX

That the defendant did for the period between January 1, 2012, and October 31, 2012, possess tobacco products with the intent to sell the same after having caused those products to be brought into the state, he did attempt to evade the paying of the tax on said products in violation of Wis. Stat. §§ 139.76(1) and 139.44(2) and (9). This count relates to purchases from Arango Cigar Co.

Upon conviction of the same, he may be fined not more than \$100,000 and imprisoned not more than nine months or receive both such fine and imprisonment and all unpaid taxes that should have been paid pursuant to § 139.76(1) shall accrue interest at the rate of 12 percent per year.

COUNT 6: RESISTING OR OBSTRUCTING AN OFFICER

That the defendant did on February 19, 2013, in the village of West Milwaukee, Milwaukee County, Wisconsin, obstruct an officer, while said officer was acting in his official capacity and with lawful authority in violation of Wis. Stat. § 946.41(1), a Class A misdemeanor, punishable by fine not to exceed \$10,000, or imprisonment not to exceed nine months or by both such fine and imprisonment.

STATEMENT OF PROBABLE CAUSE

This is based upon the reports of Special Agent Georgeann King of the Wisconsin Department of Revenue as follows:

1. Special Agent King indicates that on February 19, 2013, she did do an inspection of two businesses owned by the defendant. The first business is a business known as the Smokers Hub located at 1148 Miller Park Way in the village of West Milwaukee, Milwaukee County, Wisconsin. Prior to going to the business, Special Agent King had obtained from the Illinois Department of Revenue invoices for the period between January 1, 2012, and August 31, 2012, showing tobacco products purchased by the Smokers Hub and supplied by Supply2Store. Supply2Store is a tobacco wholesaler located in Illinois. As of 2012, Supply2Store did not hold a valid Wisconsin tobacco products distributor permit and neither did the Smokers Hub or the Siddiqui Group, Inc., which is the entity owned by the defendant, and which owns the Smokers Hub. Those invoices showed a total of \$40,306 worth of tobacco products as well as possibly other items which were purchased from Supply2Store by the defendant for his business, Smokers Hub.

2. Special Agent King had also obtained from the Illinois Department of Revenue invoices showing that purchases were made of tobacco products and possibly other items from the Arango Cigar Co. for the period of time starting on January 1, 2012, and ending on October 31, 2012. Said purchases were also made by the defendant for his business known as the Smokers Hub located in the village of West Milwaukee, Milwaukee County, Wisconsin. Said purchases totaled \$117,541.

3. When Special Agent King went to the Smokers Hub, she observed the defendant behind the counter. Special Agent King at that point in time asked for the invoices for the Arango Cigar Co. and Supply2Store. The defendant stated he did not have any and Special Agent King was able to only find two invoices from Arango Cigar Co. showing a total of \$4,786.86 despite having records showing over \$117,000 in purchases from Arango Cigar Co.

In 2012, Smokers Hub possessed a retail cigarette and tobacco product seller's license issued by the village of West Milwaukee. Possessors of retail seller's licenses are required by Wis. Stat. § 134.65(4) to maintain invoices and other proofs of purchase of tobacco products for a period of at least two years. The defendant did not have invoices or other proofs of purchase for the vast majority of the purchases from the Arango Cigar Co. and had no proofs of purchases from Supply2Store at all. The defendant, in a statement against interest, did admit to having purchased items from Arango Cigar Co. and Supply2Store.

4. Special Agent King in doing an inspection of the premises was able to find numerous items for sale that were not shown on any legitimate invoices from distributors that held permits to distribute tobacco products in the state of Wisconsin. Many of the items found were items listed on various invoices from Arango Cigar Co. and for Supply2Store. The records of the Department of Revenue show that none of the following held a permit to act as a distributor in the state of Wisconsin in 2012: Arango Cigar Co., Supply2Store, or Siddiqui Group, Inc. d/b/a Smokers Hub. The records of the Department of Revenue further show that no excise tax was paid on any of the tobacco products purchased from Arango Cigar Co. or Supply2Store. They show that none of the following paid the excise tax that was due on said tobacco products: Arango Cigar Co., Supply2Store, or Siddiqui Group, Inc., d/b/a Smokers Hub. Pursuant to Wis. Stat. § 139.76(1), an excise tax of 71 percent of the manufacturer's established list price is due on all tobacco products except snuff for which the rate is 100 percent of the manufacturer's established list price. In addition, the excise tax on cigars is an amount not to exceed 50 cents per cigar. The total of the purchases from Supply2Store and Arango Cigar Co. totals approximately \$157,847 from which none of the excise tax was paid. Both Arango Cigar

Co. and Supply2Store are located in the state of Illinois and the shipments came from the state of Illinois into the state of Wisconsin.

5. While at the Smokers Hub location, Special Agent King did ask the defendant about his other store located in Milwaukee County, that being Smokers Puff, located on Oklahoma Avenue. Special Agent King noted that that location had only been opened and owned by the Siddiqui Group for a short period of time and inquired of the defendant if any product had been transferred from the previous owner, Mohammed Ali, to the defendant at the time he took over control of that store. The defendant specifically denied that any product had in fact been transferred from Ali to Siddiqui.

6. Later that same day, Special Agent King did go to the Smokers Puff store to also do an inventory. At that point in time, Special Agent King was able to observe items and product for which there were no invoices and did ask the clerk at that store, Juhan Ara Noorani, where the items came from. Ms. Noorani is the mother of the defendant. Ms. Noorani stated that many of the items found at the Smokers Puff store were in fact items that had been transferred from the prior owner, Ali, to the defendant when the defendant took over control of the store. Special Agent King then talked to the defendant and the defendant, in a statement against interest, did admit that he had in fact received product from the prior owner and that he had instructed his mother to try to hide the product in the rear room and lock the door. He specifically acknowledged that he had previously told Special Agent King that there was no product transferred from Ali.

7. At all times material, Special Agent King was acting as a law enforcement officer in that Department of Revenue agents are given full police powers pursuant to Wis. Stat.

§ 139.832 All of the above occurred in the village of West Milwaukee, Milwaukee County,
Wisconsin.

GEORGEANN M. KING
Special Agent, Wisconsin Department of Revenue

Subscribed and sworn to before me,
and approved for filing,
this _____ day of _____, 2013.

RICHARD J. DUFOUR
Assistant Attorney General and
Special Prosecutor for Milwaukee County
State Bar # 1014811
My commission is permanent.

Wisconsin Department of Justice
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