



Legislation Text

File #: RES 11-1346, **Version:** 1

Memorializing City Council action taken on July 6, 2011 sustaining adverse licensing action against all licenses held by Brothers Auto Sales, Inc., 1161 University Avenue West.

WHEREAS, Brothers Sales, Inc. d/b/a Brothers Auto Sales, Inc. (License ID # 20060002226) (hereinafter "licensee") located at 1161 University Avenue West in Saint Paul received a Notice of Violation dated April 18, 2011; and

WHEREAS, the Notice alleged that on April 12, 2011 licensee allowed a visitor to park a vehicle on the public sidewalk outside their auto sales lot in violation of license condition number seven which requires that:

"At no time shall vehicles be parked in the driveway or in the public right-of-way";

and

WHEREAS, licensee denied all the allegations and requested a hearing before an Administrative Law Judge; and

WHEREAS, a hearing was held before an Administrative Law Judge on May 18, 2011, at which each party presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on June 2, 2011, in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge found that there was sufficient proof that licensee had committed the violation in the Notice of Violation; and

WHEREAS, the Administrative Law Judge also found that the recommendation by the Department of Safety and Inspections of a \$2,000 fine and a ten-day suspension of license was consistent with the penalty matrix in Chapter 310 of the Legislative Code; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on July 6, 2011 at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee did not file any exceptions to the report of the Administrative Law Judge; and

WHEREAS, at a public hearing on July 6, 2011, Council File # PH 11-15, the Council of the City of Saint Paul considered all the evidence contained in the record, the arguments of licensee at the public hearing, the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul issues this decision based upon consideration of the record of the entire proceedings herein, including the hearing before the Administrative Law Judge, all the documents and exhibits introduced therein, the Findings of Fact, Conclusions of Law and Recommendation as referenced above, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that a fine of \$2,000.00 is imposed against all licenses held by Brothers Auto Sales, Inc.; and be it

FURTHER RESOLVED, that all licenses held by Brothers Auto Sales, Inc. shall be suspended for ten days; but be it

FURTHER RESOLVED, that the license suspension and \$1,800 of the fine are suspended for the period of eighteen months on the condition that licensee have no same or similar offenses; and be it

FURTHER RESOLVED that the \$200.00 imposed portion of the fine be paid within 30 days of the passage and approval of this resolution; and be it

FINALLY RESOLVED, that the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge in this matter are hereby adopted as amended as the Findings and Conclusions of the City Council in this matter.

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the license holder.