

OFFICE OF THE CITY ATTORNEY
Sara Grewing, City Attorney



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

August 12, 2011

NOTICE OF INTENT TO DENY LICENSE

Lester Owens
475 St. Clair Avenue, Apt. 2
St. Paul, MN 55102

RE: Taxicab Driver (Provisional) license application submitted by Lester Owens for the City of Saint Paul
License ID #: 20110002777

Dear Mr. Owens:

The Department of Safety and Inspections (DSI) has recommended denial of the Taxicab Driver (Provisional) license application submitted by Lester Owens for the City of Saint Paul. The basis for the recommendation is as follows:

On May 19, 2011, you plead guilty and was convicted of Felony Drugs-1st Degree Posses 25 Grams or More-Cocaine/Heroin/Meth in Ramsey County District Court (Minn. Stat. § 152.021.2(1)). You were then placed on supervised probation for a term of thirty (30) years.

Saint Paul Legislative Code §376.16 (e) (4) states: "Shall not be under sentence or have been discharged from a sentence for a felony conviction within the ten (10) years immediately preceding application for a license for the following offenses:....any violation of the controlled substance law (§ 152 et al) which is punishable by a maximum sentence of fifteen (15) years or more; as allowed under Minn. Stat. § 364.09."

In addition, Saint Paul Legislative code §376.16 (e) (4) (a) states: "The licensee shall not be under sentence or have been discharged from sentence for any felony conviction within five (5) years immediately preceding application for a license..."

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At this time, you have three options on how to proceed:

1. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter by **Monday, August 22, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
2. If you dispute the facts outlined above, or wish to present evidence that the conviction is not related to your license as a taxicab driver, or that you have been rehabilitated pursuant to Minn. Stat. §364.01 et seq, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing by **Monday, August 22, 2011**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.
3. You may withdraw your license application. Send a written statement to that effect to the Department of Safety and Inspections (DSI), 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, August 22, 2011**. Information should be directed to the attention of Christine Rozek. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me by Monday, August 22, 2011, I will assume that you do not contest the denial of your license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI

STATE OF MINNESOTA)
) ss.

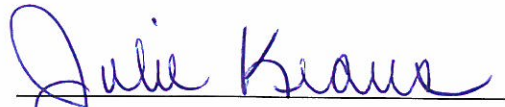
AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)


Julie Kraus, being first duly sworn, deposes and says that on the 12th day of August, she served the attached the **NOTICE OF INTENT TO DENY LICENSE** and correct copy thereof in an envelope addressed as follows:

Lester Owens
475 St. Clair Avenue, Apt. 2
St. Paul, MN 55102

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
this 12th day of August, 2011


Notary Public

