



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

April 8, 2015

NOTICE OF INTENT TO DENY LICENSE

Douglas A. Prokop
400 Marshall Avenue, Apt. 5
Saint Paul, MN 55102

RE: Taxicab Driver (Provisional) license application submitted by Douglas A. Prokop for the City of Saint Paul
License ID #: 20150000779

Dear Mr. Prokop:

The Department of Safety and Inspections will recommend denial of the Taxicab Driver (Provisional) license application submitted by Douglas A. Prokop for the City of Saint Paul. The recommendation is based on the following information:

On March 23, 2015, you submitted a Taxicab Driver (Provisional) license application to the Department of Safety and Inspections (DSI). As part of the application process, a report was run from the Minnesota Department of Vehicle Services to check your driving record. That report showed the following violations concerning your Minnesota Driver's License:

You were convicted on April 12, 2012 of Speed Over 100 MPH and your driver's license was revoked for 180 days. It was then reinstated as of October 9, 2012.

You were convicted on February 23, 2012; April 25, 2012; May 10, 2012; and again on February 8, 2013 of Driving After Withdrawal. Your driver's license was suspended for 365 days as a result of the fourth (4th) conviction. It was then reinstated as of February 7, 2014.

Records show your driver's license was cancelled on August 2, 2013 because your insurance was denied. It was not reinstated until March 6, 2015.

Saint Paul Legislative Code Chapter 376 provides that adverse action may be taken against your license application based on the following grounds: Saint Paul Legislative Code § 376.16 (e) (5) (c): "Must have a driving record meeting the following standards: For original licensure: No more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year."

In addition, Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your license application based on the following grounds:

Section 310.06 (b) (6) (a): *“the license or applicant (or any person whose conduct may by law be imputed to the licensee of applicant) has violated, or performed any act which is a violation of, any of the provision of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith...”*

Section 310.06 (b) (6) (c): *“the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.”*

At this time, you have three (3) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, April 20, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council agenda for approval of the proposed remedy.
2. 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 no later than **Monday, April 20, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Taxicab Driver (Provisional) license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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). I will need to receive your letter no later than **Monday, April 20, 2015**. 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.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me or DSI by Monday, April 20, 2015, I will assume that you do not contest the denial of your Taxicab Driver (Provisional) 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,



Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, DSI Deputy Director
Ross Haddow, DSI

STATE OF MINNESOTA)
) ss.

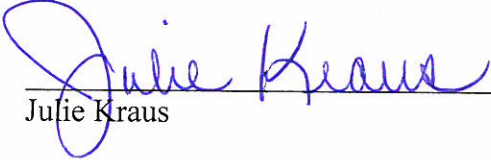
AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)


Julie Kraus, being first duly sworn, deposes and says that on the 8th day of April she served the attached **NOTICE OF INTENT TO DENY LICENSE** and correct copy thereof in an envelope addressed as follows:

Douglas A. Prokop
400 Marshall Avenue, Apt. 5
Saint 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 8th day of April, 2015


Notary Public

