



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

January 20, 2016

NOTICE OF INTENT TO DENY LICENSE

David Martin Arth
1021 SE 18th Avenue
Forest Lake, MN 55025

RE: Taxicab Driver license application submitted by David M. Arth for the City of Saint Paul
License ID #: 19980008852

Dear Mr. Arth:

The Department of Safety and Inspections will recommend adverse action against the Taxicab Driver license application submitted by David M. Arth for the City of Saint Paul. The recommendation is based on the following information:

On December 26, 2014, you submitted a Taxicab Driver (Provisional) license application to the Department of Safety and Inspections (DSI). During a routine criminal history check as part of the application process DSI discovered that your previous convictions for Felony Possession of Pornographic Work-Computer Disk/Electronic/Magnetic/Optical Image w/Porn had been vacated on December 15, 2014 and a new trial was ordered to be scheduled.

A jury trial was held the week of November 3, 2015 and on November 5, 2015, you were found guilty of fourteen (14) counts of Felony Possession of Pornographic Work – Computer Disk/Electronic/Magnetic/Optical Image w/Porn in Ramsey County District Court (Minn. Stat. § 617.247.4(a). You were sentenced for these convictions on January 15, 2016 and placed on Supervised Release for a period of five (5) years from January 15, 2016 to January 15, 2021.

Saint Paul Legislative Code § 310.06 (b)(6)(c) states the basis for adverse action: “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 license activity or from which an inference of lack of fitness or good character may be drawn.”

As a result these convictions, the licensing office will recommend denial of your Taxicab Driver license.

At this time, you have four (4) 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, February 1, 2016**. 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, February 1, 2016**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Taxicab Driver 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, February 1, 2016**. 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).

4. 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, February 1, 2016**. Information should be directed to the attention of Eric Hudak. 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 or DSI by Monday, February 1, 2016, I will assume that you do not contest the denial of your Taxicab Driver 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: Eric Hudak, DSI Licensing Manager
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 20th day of January she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:


David Martin Arth
1021 SE 18th Avenue
Forest Lake, MN 55025

(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 20th day of January, 2016



Notary Public

