



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

AMENDED NOTICE OF ADMINISTRATIVE HEARING

Jason L. Gabbert
1450 E. Bethany Home Road, Apt. #17
Phoenix, AZ 85014

RE: Peddler license held by Jason L. Gabbert d/b/a Metro Tickets for the City of Saint Paul
License ID #: 20020000789
OAH Docket #: 14-6020-32961

Dear Licensee:

Please take notice that an administrative hearing has been scheduled for the following date and time concerning the Peddler license held by Jason L. Gabbert d/b/a Metro Tickets for the City of Saint Paul:

Date: Wednesday, June 1, 2016
Time: 9:30 a.m.

The administrative hearing will be presided over by an Administrative Law Judge from the State of Minnesota Office of Administrative Hearings at the following location:

Name: Stephen D. Swanson
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101

Telephone: (651) 361-7881

The Council of the City of Saint Paul has the authority to provide for hearings concerning adverse action against such licenses, under Chapter 310, including sections 310.05 and 310.06, of the Saint Paul Legislative Code. Adverse action may include revocation, suspension, denial, fines and other penalties or conditions.

Evidence will be presented to the administrative law judge that may lead to adverse action against the Peddler license held by Jason L. Gabbert d/b/a Metro Tickets for the City of Saint Paul:

On September 7, 2015 at approximately 1:00 p.m., an officer from the Saint Paul Police Department was at the southeast corner of Midway Parkway and Snelling when he was approached by a man. The man pointed to another man at the northeast corner of Midway Parkway and Snelling and said he had hired three (3) men, wearing counterfeit peddler's licenses, to help him sell advance State Fair tickets.

The officer called you over and observed you had a city-issued peddler's photo permit attached to your shirt (License ID# 20020000789). When the officer inquired about the other three (3) men selling tickets, you told him that you went on Craig's List to put in an ad for people to help sell tickets and the three (3) men down the block were the ones you hired.

The officer asked if they had a city-issued peddler's license and you told him that they had ID's issued to them so people knew who they were and they were legitimate people selling real tickets. The officer asked you why these men did not have a city-issued peddler's license. You told him that the DSI office was closed last weekend and you had purchased so many advanced tickets that you would lose a lot of money if you didn't hire people to help sell tickets.

You admitted to the officer that you made three (3) counterfeit photo ID cards one for each man. You stated that as long as they were selling on private property did not need a license. You denied knowing about the requirements for the Peddler's license for each person who is selling. Finally, you admitted that you made up the counterfeit ID's, a big large sign and lanyards so they appeared to be licensed to sell in the city.

All three (3) men were found on public property near Midway Parkway and Snelling Avenue selling tickets on the sidewalk, street area and boulevard. You admitted to the officer that you were wrong making up the counterfeit ID's, signs and lanyards and telling the three (3) men it was okay for them to sell.

Saint Paul Legislative Code § 345.02 states: *"It is unlawful for any peddler, transient merchant or solicitor, other than a solicitor doing business by appointment, to engage in any such business within the City of Saint Paul without first obtaining a license therefor in compliance with the provisions of the chapter...."*

Saint Paul Legislative Code § 345.07 states: *"Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued."*

In addition, it has recently come to the attention of the Department of Safety and Inspections that you were convicted on January 23, 2015 of Felony Theft-By-Swindle (Minn. Stat. § 609.52.2(a)(4) in Ramsey County District Court. You were placed on Supervised Release for a period of three (3) years from January 23, 2015 through January 23, 2018.

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your license based on any one or more of 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.”*

In light of this new information, the licensing office will now recommend revocation of your Peddler’s license.

The licensee has the right to be represented by an attorney before and during the hearing or can represent him/herself. The licensee may also have a person of his/her choice representing his/her interests, to the extent not prohibited as unauthorized practice of law.

The hearing will be conducted in accordance with the requirements of Minnesota Statutes sections 14.57 to 14.62 and such parts of the procedures under section 310.05 of the Saint Paul Legislative Code as may be applicable.

At the hearing, the Administrative Law Judge will have all parties identify themselves for the record. The City will then present its witnesses and evidence, each of whom the licensee or attorney may cross-examine. The licensee may then offer in rebuttal any witnesses or evidence it may wish to present, each of whom the City's attorney may cross-examine. The Administrative Law Judge may in addition hear relevant and material testimony from persons not presented as witnesses by either party who have a substantial interest in the outcome of the proceeding; for example, the owners or occupants of property located in close proximity to the licensed premises may have substantial interest in the outcome of the proceeding. Concluding arguments may be made by the parties. Following the hearing, the Judge will prepare Findings of Fact, Conclusions of Law, and a specific recommendation for action to be taken by the City Council.

The licensee should bring to the hearing all documents, records and witnesses which may be needed to support its position. Subpoenas may be available to compel the attendance of witnesses or the production of documents in conformity with Minnesota Rules, part 1400.7000.

If you think that this matter can be resolved or settled without a formal hearing, please contact the undersigned. If a stipulation or agreement can be reached as to the facts, that stipulation will be presented to the Administrative Law Judge for incorporation into his or her recommendation for Council action.

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true. If non-public data is received into evidence at the hearing, it may become public unless objection is made and relief requested under Minnesota Statutes, Section 14.60, subdivision 2.

If you have any questions, you can call me at 266-8710.

Sincerely,



Geoffrey Karls
Assistant City Attorney

Cc: Eric Hudak, DSI Licensing Manager
Jason L. Gabbert, 2410 Upland Lane North, Unit H, Plymouth, MN 55447-1973
Stephen Swanson, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620
St. Paul, MN 55164-0620

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 **AMENDED NOTICE OF ADMINISTRATIVE HEARING** and a correct copy thereof in an envelope addressed as follows:

Jason L. Gabbert
1450 E. Bethany Home Road, #17
Phoenix, AZ 85014

Jason L. Gabbert
2410 Upland Lane North
Plymouth, MN 55447-1973

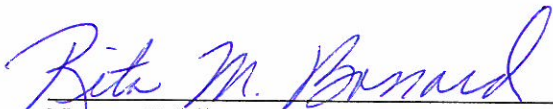
Stephen Swanson
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

(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

