



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

November 6, 2014

NOTICE OF INTENT TO REVOKE LICENSE

Shane R. Swanson
112 North Street, Unit #5
Hudson, WI 54016

RE: Taxicab Driver license held by Shane R. Swanson for the City of Saint Paul
License ID #: 20010000810

Dear Mr. Swanson:

The Department of Safety and Inspections will recommend revocation of the Taxicab Driver license held by Shane R. Swanson for the City of Saint Paul. The recommendation is based on the following information:

On October 20, 2014, the Department of Safety and Inspections (DSI) received information from the City Attorney's Office – Criminal Division that you had been involved in a traffic accident on October 16, 2014 while driving a cab for Diamond Cab (CN #14-225-452).

While an officer was speaking to you about the accident, he smelled a strong odor of an alcoholic beverage. The officer asked if you had been drinking today and you told him no, but you drank some screwdrivers around 7:00 p.m. the previous day. The officer asked you to take a PBT test where you blew .108 BAC. You were taken into custody and transported to the Law Enforcement Center and booked for Driving Under the Influence.

Ramsey County court records (Case No. 62-CR-14-7907) show on October 22, 2014, you pled guilty under a plea agreement and were then convicted of Misdemeanor Traffic –DWI – Operate a Motor Vehicle Under the Influence of Alcohol (Minn. Stat. § 169A.20.1 (1)).

Saint Paul Legislative Code § 376.16 (e) (5) (a) (2) states the basis for adverse action: "No convictions in the last ten (10) years for any of the following offenses not involving injury or death: Driving while impaired under Minn. Stat. 169A.20, subd. 1, or similar law of another state or Minnesota law as amended."

At this time, you have three (3) options how 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, November 17, 2014**, 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, November 17, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to revoke your Taxicab Driver 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). I will need to receive your letter no later than **Monday, November 17, 2014**. 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, November 17, 2014, I will assume that you do not contest the revocation 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: Dan Niziolek, DSI Deputy Director
Tom Ferrara, 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 6th day of November she served the attached **NOTICE OF INTENT TO REVOKE LICENSE** and correct copy thereof in an envelope addressed as follows:

Shane R. Swanson
112 North Street, Unit #5
Hudson, WI 54016

(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
Julie Kraus

Subscribed and sworn to before me
this 6th day of November, 2014

Rita M. Bossard
Notary Public

