



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

December 26, 2012

NOTICE OF INTENT TO DENY LICENSE

David Charles Laverty
50 West 93rd Street, #301B
Bloomington, MN 55420

RE: Taxicab Driver (Provisional) license application submitted by David Charles Laverty for the City of Saint Paul
License ID #: 20120005108

Dear Mr. Laverty:

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

On October 24, 2012, you submitted an application for a Taxi Driver (Provisional) license. During a required criminal history check, the Department of Safety and Inspections (DSI) discovered that on June 29, 2011, you were convicted of Misdemeanor Domestic Abuse – Violate Order for Protection in Chisago County. You were then placed on Supervised Probation for a term of two (2) years from June 29, 2011 to June 29, 2013.

Saint Paul Legislative Code § 376.16 (e) (4) (a) requires that “.....the licensee shall not be under sentence or have been discharged from sentence for any non-traffic gross misdemeanor or non-traffic misdemeanor conviction within three (3) years immediately preceding application for a license.” Therefore, the earliest you would be eligible to apply for a Taxicab Driver (Provisional) license would be June 30, 2016.

In addition, on November 20, 2012, you were sent a Letter of Inquiry from this office requesting an explanation of the circumstances surrounding your misdemeanor conviction before DSI would be able to continue processing your application. As of today, we have not received a response to that letter.

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 no later than **Monday, January 7, 2013**. 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.

David Charles Laverty
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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, January 7, 2013**. 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).

3. You may withdraw your license renewal 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, January 7, 2013**. 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, January 7, 2013, 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,



Daphne Landstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Tom Ferrara, DSI

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)


Julie Kraus, being first duly sworn, deposes and says that on the 26th day of December she served the attached **NOTICE OF INTENT TO DENY LICENSE** and correct copy thereof in an envelope addressed as follows:

David Charles Laverty
50 West 93rd Street, #301B
Bloomington, MN 55420

(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 26th day of December, 2012


Notary Public

