



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

May 30, 2013

**NOTICE OF INTENT TO REVOKE LICENSE**

David M. Arth  
1021-18<sup>th</sup> Avenue SE  
Forest Lake, MN 55025

RE: Taxicab Driver license held 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 held by David M. Arth for the City of Saint Paul. The basis for the recommendation is based on the following information:

**The Department of Safety and Inspections (DSI) was recently informed that on February 20, 2013 you pled guilty in an Amended Plea and Plea to five (5) Felony counts of Possession of Pornographic Work-Computer Dist/Electronic/Magnetic/Optical Image w/Porn in violation of Minn. Stat. § 617.247.4(a) in Ramsey County District Court. Your sentencing is scheduled for June 14, 2013. The licensing office is recommending revocation of your license based on the above findings and the following grounds:**

**Saint Paul Legislative Code § 310.06 (b) (6) (a): *The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions 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; and***

**Saint Paul Legislative Code § 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 two 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, June 10, 2013**. 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, June 10, 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).

**If you have not contacted me by Monday, June 10, 2013, 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,



Daphne Lundstrom  
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI  
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 30<sup>th</sup> day of May she served the attached **NOTICE OF INTENT TO REVOKE LICENSE** and correct copy thereof in an envelope addressed as follows:

David M. Arth  
1021-18<sup>th</sup> Avenue SE  
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  
Julie Kraus

Subscribed and sworn to before me  
this 30<sup>th</sup> day of May, 2013

Rita M. Bossard  
Notary Public

