



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 23, 2016

NOTICE OF INTENT TO DENY LICENSE

Matthew D. Mariani
1570 Wheelock Lane, Unit 103
St. Paul, MN 55117

RE: Taxicab Driver (Provisional) license application submitted by Matthew D. Mariani for the City of Saint Paul
License ID #: 20160003471

Dear Mr. Mariani:

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

On October 7, 2016, 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 on March 12, 2012, you were convicted of Felony Drugs – 1st Degree – Sale – 10 grams or More – Cocaine/Heroin/Meth w/in 90-day period (Minn. Stat. § 152.021.1(1) in Dakota - Hastings District Court. You were placed on Supervised Probation for a period of five (5) years and according to court records your probation is not scheduled to expire until March 12, 2017.

Saint Paul Legislative Code § 376.16 (e) (4) states basis for adverse action: “Not be under sentence or have been discharged from sentence for a felony conviction within the ten (10) years preceding application for license for the following offenses.....; or any violation of the controlled substance law (§ 152 et al) which is punishable by a maximum of fifteen (15) years or more; as allowed under Minn. Stat. § 364.09.”

Saint Paul Legislative Code § 310.06 (b) (10) also states the basis for adverse action: “The licensee or applicant has shown a past misconduct or unfair actions or dealings:...; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or others drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.”

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, December 5, 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 no later than **Monday, December 5, 2016**. 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.
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, December 5, 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.

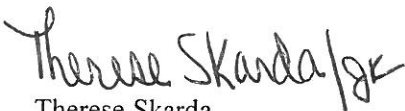
Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

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, December 5, 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 by Monday, December 5, 2016, 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,



Therese Skarda
Assistant City Attorney

cc: Ross Haddow, DSI

STATE OF MINNESOTA)
) ss.

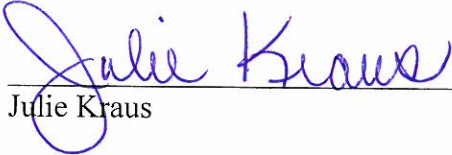
AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 23rd day of November she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

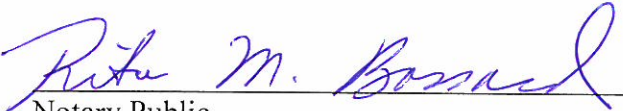
Matthew D. Mariani
1570 Wheelock Lane, Unit 103
St. Paul, MN 55117

(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 23rd day of November, 2016



Notary Public

