



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 24, 2012

NOTICE OF INTENT TO DENY LICENSE

David Timothy Johnston
1652 Ashland Avenue, Apt. 3
St. Paul, MN 55104

RE: Taxicab Driver (Provisional) license application submitted by David Timothy Johnston d/b/a David Timothy Johnston for the City of Saint Paul
License ID #: 20120001714

Dear Mr. Johnston:

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

On April 2, 2009, you were convicted and sentenced for Felony Criminal Damage to Property-1st Degree-Value Reduced over \$1,000.00 and Felony Check Forgery-Offer/Possess w/Intent to Defraud and. Your probations for these convictions expired January 23, 2010 and February 6, 2011 respectively.

Saint Paul Legislative Code § 376.16 (e) (4) (a) states: "The licensee shall not be under sentence or have discharged from sentence for any felony conviction within the five (5) years immediately preceding application for a license....." Your application for a Taxicab Driver (Provisional) license was submitted within five (5) years after the discharge of your probation.

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 June 4, 2012**. 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.

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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). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **Monday, June 4, 2012**. 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 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, June 4, 2012**. 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, June 4, 2012, 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,



Meghan Kisch
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
David Timothy Johnston, 470 Goodrich Avenue, St. Paul, MN 55102
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 25th day of May she served the attached the **NOTICE OF INTENT TO DENY LICENSE** and correct copy thereof in an envelope addressed as follows:

David Timothy Johnston
1652 Ashland Avenue, Apt. 3
St. Paul, MN 55104

David Timothy Johnston
470 Goodrich Avenue
St. Paul, MN 55102

(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 25th day of May, 2012

Karen M. Doumany
Notary Public

