



City of Saint Paul

Signature Copy

Resolution: RES 12-2164

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES 12-2164

Memorializing City Council action taken on November 7, 2012 sustaining adverse licensing action against all licenses held by Abdishakur Adbi Hassan, d/b/a Capitol Tobaccos, 152 University Avenue West.

WHEREAS, Abdishakur Adbi Hassan d/b/a Capitol Tobaccos (License ID # 20100002036) located at 152 University Avenue West in Saint Paul received a Notice of Violation dated July 25, 2012; and

WHEREAS, the Notice alleged that the licensee exceeded the occupancy limit of 67 persons for his establishment on June 30, 2012, in violation of St. Paul Legislative Code 55.06; and

WHEREAS, licensee denied all the allegations and requested a hearing before an Administrative Law Judge; and

WHEREAS, a hearing was held before an Administrative Law Judge on October 2, 2012, during which the licensee stipulated and admitted to the facts and allegations in the Notice; and

WHEREAS, the Administrative Law Judge issued a Report on October 19, 2012, in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge found that there was sufficient proof that licensee had committed the violation alleged in the July 25, 2012, Notice; and

WHEREAS, the Administrative Law Judge recommended that the Council impose a \$1,000 penalty on licensee for failing to maintain the approved capacity for his establishment; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on November 7, 2012, at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee appeared at the public hearing on November 7, 2012, and presented oral argument; and

WHEREAS, at a public hearing on November 7, 2012, Council File # PH 12-21, the Council of the City of Saint Paul considered all the evidence contained in the record, the arguments of licensee at the public hearing, the Administrative Law Judge's Findings of Fact, Conclusions of Law, Recommendations and Memorandum; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul issues this decision based upon consideration of the record of the entire proceedings herein, including the hearing before the Administrative Law Judge, all the documents and exhibits introduced therein, the Findings of Fact,

Conclusions of Law, Recommendation and Memorandum as referenced above, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that the Findings of Fact and Conclusions of Law of the Administrative Law Judge in this matter are hereby adopted as the Findings and Conclusions of the City Council in this matter and are incorporated herein by reference; and be it

FURTHER RESOLVED, that the license held by Abdishakur Adbi Hassan d/b/a Capitol Tobaccos (License ID # 20100002036)) is hereby fined \$1,000; and

FURTHER RESOLVED, that on October 19, 2012, the licensee paid the \$1,000.00 matrix penalty to the Department of Safety and Inspections before the Administrative Law Judge's report was issued; and

FURTHER RESOLVED, that the City's administrative hearing costs in the amount of \$229.50 are also imposed on the license;

FINALLY RESOLVED, that said administrative hearing costs are due and payable take effect at 12:01 a.m. on January 5, 2013.

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the license holder.

At a meeting of the City Council on 12/5/2012, this Resolution was Passed.

Yea: 7 Councilmember Bostrom, Councilmember Brendmoen, Councilmember Carter III, City Council President Lantry, Councilmember Stark, Councilmember Thune, and Councilmember Tolbert

Nay: 0

Vote Attested by
Council Secretary



Trudy Moloney

Date 12/5/2012

Approved by the Mayor



Chris Coleman

Date 12/11/2012