



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

October 9, 2015

NOTICE OF VIOLATION

Jason L. Gabbert
Metro Tickets
1450 E. Bethany Home Road, Apt. #17
Phoenix, AZ 85014

RE: Peddler license held by Jason L. Gabbert d/b/a Metro Tickets for the City of Saint Paul
License ID #: 20020000789

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Peddler license held by Jason L. Gabbert d/b/a Metro Tickets for the City of Saint Paul. The basis for the recommendation is as follows:

On September 7, 2015 at approximately 1:00 p.m., an officer from the Saint Paul Police Department was at the southeast corner of Midway Parkway and Snelling when he was approached by a man. The man pointed to another man at the northeast corner of Midway Parkway and Snelling and said he had hired three (3) men, wearing counterfeit peddler's licenses, to help him sell advance State Fair tickets.

The officer called you over and observed you had a city-issued peddler's photo permit attached to your shirt (License ID# 20020000789). When the officer inquired about the other three (3) men selling tickets, you told him that you went on Craig's List to put in an ad for people to help sell tickets and the three (3) men down the block were the ones you hired.

The officer asked if they had a city-issued peddler's license and you told him that they had ID's issued to them so people knew who they were and the they were legitimate people selling real tickets. The officer asked you why these men did not have a city-issued peddler's license. You told him that the DSI office was closed last weekend and you had purchased so many advanced tickets that you would lose a lot of money if you didn't hire people to help sell tickets.

You admitted to the officer that you made three (3) counterfeit photo ID cards one for each man. You stated that as long as they were selling on private property did not need a license. You denied knowing about the requirements for the Peddler's license for each person who is selling. Finally, you admitted that you made up the counterfeit ID's, a big large sign and lanyards so they appeared to be licensed to sell in the city.

All three (3) men were found on public property near Midway Parkway and Snelling Avenue selling tickets on the sidewalk, street area and boulevard. You admitted to the officer that you were wrong making up the counterfeit ID's, signs and lanyards and telling the three (3) men it was okay for them to sell.

Saint Paul Legislative Code § 345.02 states: “It is unlawful for any peddler, transient merchant or solicitor, other than a solicitor doing business by appointment, to engage in any such business within the City of Saint Paul without first obtaining a license therefor in compliance with the provisions of the chapter....”

Saint Paul Legislative Code § 345.07 states: “Each peddler, solicitor or transient merchant must secure a personal license. No license shall be used at any time by any person other than the one to whom it is issued.”

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your license based on any one or more of the following grounds:

Section 310.06 (b) (6) (a): “the license or applicant (or any person whose conduct may by law be imputed to the licensee of applicant) has violated, or performed any act which is a violation of, any of the provision 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...”

Section 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.”

You allowed three (3) unlicensed people to serve as agents for you to sell tickets which is directly related to the licensed activity, so per Saint Paul Legislative Code § 310.05 (m) (2) the licensing department will recommend a \$500.00 matrix penalty.

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, October 19, 2015**, 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. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, October 19, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
3. 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 by **Monday, October 19, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, 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, October 19, 2015**. 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 or DSI by Monday, October 19, 2015, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. 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,


Geoffrey Karls
Assistant City Attorney

Cc: Dan Niziolek, DSI Deputy Director
Jason L. Gabbert, 16535 Tsanguility Court SE, Apt. 216, Prior Lake, MN 55372
Jason L. Gabbert, 2410 Upland Lane North, Plymouth, MN 55447-1973

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 9th day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Jason L. Gabbert
Metro Tickets
1450 E. Bethany Home Road, Apt. #17
Phoenix, AZ 85014

Jason L. Gabbert
16535 Tsanguility Court SE, Apt. #216
Prior Lake, MN 55372

Jason L. Gabbert
2410 Upland Lane North
Plymouth, MN 55447-1973

(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 9th day of October, 2015

Rita M. Bossard
Notary Public

