



Legislation Text

File #: RES 16-64, **Version:** 1

Sustaining adverse licensing action against the Auto Repair Garage license held by Superior Auto Repair d/b/a Superior Auto Repair for the premises located at 1324 Arcade Street.

WHEREAS, Superior Auto Repair d/b/a Superior Auto Repair (License ID #20120000708) (hereinafter "licensee"), received a Notice of Violation and Notice of Intent to Suspend License dated May 14, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged on April 24, 2015, a DSI Inspector came to the licensed establishment and documented numerous license condition violations; and

WHEREAS, the Notice stated that this was the third incident of violations to their license conditions in the past eighteen (18) months; therefore, the licensing office recommended a \$2,000.00 matrix penalty and ten (10) day suspension of the Auto Repair Garage license; and

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

WHEREAS, a Notice of Administrative Hearing was sent to all parties on June 3, 2015, scheduling the hearing before an Administrative Law Judge; and

WHEREAS, after several continuances by both parties, the administrative hearing was finally scheduled for November 5, 2015;

WHEREAS, prior the beginning of the administrative hearing the parties reached a settlement wherein the licensee stipulated to the facts of the Notice of Violation and Notice of Intent to Suspend License and agreed to pay a \$1,000.00 matrix penalty and serve a five (5) day suspension of his Auto Repair Garage license; and

WHEREAS, the Administrative Law Judge issued his Report and Recommendation on November 6, 2015, concluding that "the stipulated penalty of \$1,000.00 and a five-day suspension of the business operations is an appropriate licensing sanction and is well-grounded in the hearing record."

WHEREAS, the Administrative Law Judge then recommended the City Council impose the \$1,000.00 matrix

penalty and five (5) day license suspension; and

WHEREAS, the Department of Safety and Inspections agrees with the Report and Recommendation submitted by the Administrative Law Judge; and

WHEREAS, the licensee was sent a Notice of Council Hearing on November 10, 2015, stating a public hearing would be held before the City Council on December 16, 2015; and

WHEREAS, City Council reviewed the Administrative Law Judge's Report and Recommendation and found the report to be without error and the penalty appropriate, now therefore be it

RESOLVED, the facts of the Notice of Violation and Notice of Intent to Suspend License are hereby adopted as the Findings of Fact of the City Council in this matter and be incorporated herein by reference; and be it

FURTHER RESOLVED, the Conclusions of Law made by the Administrative Law Judge on November 6, 2015, are hereby adopted as the Conclusions of Law of the City Council in this matter and be incorporated herein by reference; and be it

FURTHER RESOLVED, the Auto Repair Garage license held by Superior Auto Repair d/b/a Superior Auto Repair is hereby suspended for a period of five (5) days. Said suspension will begin at 12:00 midnight on Wednesday, February 3, 2016 and run through 11:59 p.m. on Sunday, February 7, 2016; and be it

FINALLY RESOLVED, Superior Auto Repair d/b/a Superior Auto Repair is hereby ordered to pay a \$1,000.00 matrix penalty. Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

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