



Legislation Text

File #: RES 11-753, **Version:** 1

Memorializing City Council action taken April 6, 2011 imposing adverse licensing action against Mary Fasching, d/b/a M F Automotive.

WHEREAS, Mary Fasching d/b/a M F Automotive (License ID # 0014762) (hereinafter "licensee") located at 1728 Selby Avenue in Saint Paul received an Notice of Violation dated January 6, 2011; and

WHEREAS, the Notice alleged violation on November 29, 2010 of license condition numbers 1 and 8 and on December 20, 2010 violation of license condition numbers 2 and 10; and

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

WHEREAS, a hearing was held before an Administrative Law Judge on January 28, 2011, at which each party presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on February 24, 2011, 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 violations of license conditions numbers 1, 2 and 11; and

WHEREAS, the Administrative Law Judge also found that a fine of \$1,000.00 is an appropriate sanction under the circumstances; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on April 6, 2011 at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee did not file any exceptions to the report of the Administrative Law Judge; and

WHEREAS, at a public hearing on April 6, 2011, Council File # 11-5, 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, and Recommendations; 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 and Recommendation as referenced above, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that a fine of \$1,000.00 is imposed against all licenses held by licensee; and be it

FURTHER RESOLVED, that this is a deviation from the presumptive penalty based on the substantial and

compelling reason that this one action involves three separate violations; and be it

FURTHER RESOLVED, that in addition to the fine, licensee is ordered to comply with all laws and license conditions no later than May 20, 2011; and be it

FURTHER RESOLVED that the \$1,000.00 fine be paid within 30 days of the passage and approval of this resolution; and be it

FINALLY RESOLVED, that the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge in this matter are hereby adopted as the Findings and Conclusions of the City Council in this matter.

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