



## Legislation Text

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**File #:** RES 11-824, **Version:** 1

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Memorializing City Council action taken April 20, 2011 imposing adverse licensing action against Icon Recovery Corp. d/b/a Icon Auto Corp., and Icon Recovery Corp. d/b/a Icon Recovery Corp.

WHEREAS, Icon Recovery Corp. d/b/a Icon Auto Corp. and Icon Recovery Corp. d/b/a Icon Recovery Corp. (License ID #s 20050000436 and 20060003756) (hereinafter "licensee") located at 871 Vandalia in Saint Paul received an Notice of Violation dated January 7, 2011; and

WHEREAS, the Notice alleged violation on December 28, 2010 of license condition number 21; 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 February 24, 2011, at which each party presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on March 23, 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 violation of license condition number 21; 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 20, 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 20, 2011, Council File # 11-9, 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 \$500.00 of the fine is suspended for eighteen (18) months on the condition the licensee have no violations during that time; and be it

FURTHER RESOLVED that the \$500.00 be paid within thirty (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.