



Legislation Text

File #: RES 13-1334, **Version:** 1

Memorializing City Council action taken August 21, 2013 sustaining adverse licensing action against all licenses held by Mahad Hussein Jama.

WHEREAS, Mahad Hussein Jama (License ID # 20100002987) received a Notice of Intent to Revoke License ("Notice") dated January 9, 2013, and

WHEREAS, the Notice alleged that the licensee possessed and smoked marijuana while driving a taxicab, in violation of St. Paul Legislative Code 310.06(b) (6) (a) and 310.06(b) (6) (b); 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, during which the licensee appeared; and

WHEREAS, the Administrative Law Judge issued a Report on July 17, 2013, 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 Notice; and

WHEREAS, the Administrative Law Judge recommended that the Council impose a \$500.00 penalty on licensee; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on August 21, 2013, at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee failed to appear at the public hearing on August 21, 2013; and

WHEREAS, at a public hearing on August 21, 2013, Council File # PH 13-14, 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

FINALLY RESOLVED, that licensee violated state controlled substance laws, City licensing ordinances, and the basic rules of his taxi driver's license. The entire license is based on safe driving for hire. Licensee is charged with the knowledge that he cannot use illegal substances behind the wheel of a licensed taxicab. Licensee knowingly failed to meet this most basic standard and requirement. Because licensee's conduct violates state law, City licensing ordinances, and the foundational characteristics, qualifications, and conditions of licensure, the Council finds that there are substantial and compelling reasons to make an upward departure from the recommended adverse action. Accordingly, the license held by Mahad Hussein Jama (License ID # 20100002987) is hereby revoked.

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