



Legislation Details (With Text)

File #: RES 13-451 **Version:** 1

Type: Resolution **Status:** Passed
In control: City Council
Final action: 3/20/2013

Title: Memorializing City Council action taken on March 6, 2013, sustaining adverse licensing action against all licenses held by Fa Khir, Inc., d/b/a Fa Khir at 2430 University Avenue West.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/25/2013	1	Mayor's Office	Signed	
3/20/2013	1	City Council	Adopted	Pass

Memorializing City Council action taken on March 6, 2013, sustaining adverse licensing action against all licenses held by Fa Khir, Inc., d/b/a Fa Khir at 2430 University Avenue West.

WHEREAS, Fa Khir, Inc. d/b/a Fa Khir (License ID # [20090001645](#)) located at 2430 University Avenue West in Saint Paul received a Notice of Violation dated October 11, 2012; and

WHEREAS, the Notice alleged that the licensee exceeded the occupancy limit for his establishment on July 8, 2012, in violation of St. Paul Legislative Code; 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 December 4, 2012, during which the licensee had notice and opportunity to present evidence and witnesses; and

WHEREAS, the Administrative Law Judge issued a Report on January 3, 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 October 11, 2012, Notice; and

WHEREAS, the Administrative Law Judge recommended that the Council impose a \$1,000 penalty on licensee for failing to maintain the approved capacity for his establishment; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on March 6, 2013, at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee did not appear at the public hearing on March 6, 2013; and

WHEREAS, at a public hearing on March 6, 2013, Council File # PH 13-8, the Council of the City of Saint

Paul considered all the evidence contained in the record, presentation on behalf of the Department of Safety and Inspections, and 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

FURTHER RESOLVED, that the license held by Fa Khir, Inc. d/b/a Fa Khir (License ID # [20090001645](#) <tel:20090001645>) is hereby fined \$1,000; and

FINALLY RESOLVED, 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.