



Legislation Details (With Text)

File #: RES 13-1985 **Version:** 1

Type: Resolution **Status:** Passed
In control: City Council
Final action: 12/11/2013

Title: Memorializing City Council action taken on November 20, 2013 sustaining adverse licensing action against all licenses held by Jamal & Saed Co., d/b/a St. Paul Grocery Store at 712 West University Avenue.

Sponsors: Dai Thao

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| Date | Ver. | Action By | Action | Result |
|------------|------|----------------|---------|--------|
| 12/16/2013 | 1 | Mayor's Office | Signed | |
| 12/11/2013 | 1 | City Council | Adopted | Pass |

Memorializing City Council action taken on November 20, 2013 sustaining adverse licensing action against all licenses held by Jamal & Saed Co., d/b/a St. Paul Grocery Store at 712 West University Avenue.

WHEREAS, Jamal & Saed Co., d/b/a St. Paul Grocery Store (License ID # 20100004052) (hereinafter "licensee"), located at 712 West University Ave. in the City of Saint Paul received a Notice of Intent to Revoke Licenses dated July 10, 2013 (hereinafter "Notice"); and

WHEREAS, the Notice alleged violations of law related to the licensed activity; 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 on October 2, 2013, at which each party was represented by Counsel and presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on November 7, 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 violations set forth in the Notice; and

WHEREAS, the Administrative Law Judge concluded that these violations represented substantial and compelling reasons to deviate from the penalty matrix and revoke all licenses held by licensee; and

WHEREAS, the Administrative Law Judge recommended that the City of Saint Paul revoke all licenses held by licensee; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on November 20, 2013, at which time licensee would have an opportunity to present oral or written argument to

the Council; and

WHEREAS, neither party filed any exceptions to the report of the Administrative Law Judge; and

WHEREAS, at a public hearing on November 20, 2013, Council File # PH 13-19, the Council of the City of Saint Paul considered all the evidence contained in the record, the arguments of licensee's attorney at the public hearing, and the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation; 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 the Findings of Fact of the Administrative Law Judge issued on November 7, 2013, are hereby adopted as the Findings of the City Council in this matter and be incorporated herein by reference; and be it

FURTHER RESOLVED, that the Conclusions of Law of the Administrative Law Judge issued on November 7, 2013, are hereby adopted as the Conclusions of the City Council in this matter and be incorporated herein by reference; and be it

FINALLY RESOLVED, that, due to the serious nature of the violations, the City Council has determined that a deviation from the penalty matrix is appropriate, and adopts the Administrative Law Judge's Recommendation, revoking all licenses held by licensee.

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