



## Legislation Details (With Text)

**File #:** RES 15-1789 **Version:** 1

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 10/14/2015

**Title:** Sustaining adverse licensing action against the Second Hand Dealer - Motor Vehicle license held by Fleetwood Motors, LLC d/b/a Fleetwood Motors for the premises located at 550 Como Avenue in Saint Paul.

**Sponsors:** Dai Thao

**Indexes:**

**Code sections:**

**Attachments:** 1. Fleetwood Motors LLC ALJ Report dated August 31st 2015(1).pdf, 2. Faxed letter from licensee agreeing to \$500.00 penalty dated October 5th 2015.pdf

Date	Ver.	Action By	Action	Result
10/15/2015	1	Mayor's Office	Signed	
10/14/2015	1	City Council	Adopted	Pass

Sustaining adverse licensing action against the Second Hand Dealer - Motor Vehicle license held by Fleetwood Motors, LLC d/b/a Fleetwood Motors for the premises located at 550 Como Avenue in Saint Paul.

WHEREAS, Fleetwood Motors, LLC d/b/a Fleetwood Motors (License ID #20150000001) (hereinafter "licensee"), received a Notice of Violation dated May 20, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged that an inspector from the Department of Safety and Inspections came to the licensed premises for an inspection on April 22, 2015 and again on May 4, 2015 and found violations to license conditions 1, 4 and 7; and

WHEREAS, the Notice stated that the licensing office recommended a \$500.00 matrix penalty; and

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

WHEREAS, a Notice of Administrative Hearing was sent to all parties on July 2, 2015, scheduling the hearing before an Administrative Law Judge on August 3, 2015; and

WHEREAS, the Administrative Law Judge issued her Findings of Fact, Conclusions of Law and Recommendation on August 31, 2015, stating that on April 22, 2015 the licensee violated license conditions 1, 4 and 7 by: 1) having nine vehicles, rather than eight parked in the vehicle display area and partially occupying the adjacent area that the site plan indicates be kept clear; 2) by having four vehicles parked in the customer parking area and 3) parking one for-sale vehicle in the public right-of-way; and

WHEREAS, the Administrative Law Judge also stated that on May 4, 2014, the licensee violated license conditions 1 and 4 by having nine vehicles parked in the vehicle display area and partially obstructing the adjacent drive lane; and

WHEREAS, the Administrative Law Judge recommended that the Saint Paul City Council impose a \$500.00 matrix penalty for the license condition violations; and

WHEREAS, the licensee was sent a Notice of Council Hearing on September 3, 2015; stating a public hearing would be held before the City Council on October 21, 2015, at which time licensee would have an opportunity to present oral or written arguments to the Council; and

WHEREAS, the licensee submitted a letter in which he stated that did not wish to contest the Administrative Law Judge's report or the recommended imposition of a \$500.00 matrix penalty; and

WHEREAS, the Department of Safety and Inspections agrees with the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge and the imposition of a \$500.00 matrix penalty; and

WHEREAS, City Council has reviewed the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommendation and finds the report to be without error and the penalty appropriate, now therefore be it

RESOLVED, the Findings of Fact Conclusions of Law and Recommendation issued by the Administrative Law Judge on August 31, 2015, are hereby adopted as the Findings and Conclusions of the City Council in this matter and be incorporated herein by reference.

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