



Legislation Details (With Text)

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In control: City Council
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Title: Sustaining adverse licensing action against the Peddler license held by Jason L. Gabbert, d/b/a Metro Tickets.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
6/3/2016	1	Mayor's Office	Signed	
6/1/2016	1	City Council	Adopted	Pass

Sustaining adverse licensing action against the Peddler license held by Jason L. Gabbert, d/b/a Metro Tickets.

WHEREAS, Jason L. Gabbert d/b/a Metro Tickets (License ID #20020000789) (hereinafter "licensee"), received a Notice of Violation dated October 9, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged on September 7, 2015, the licensee allowed three (3) unlicensed people to serve as agents for him and sell tickets at the Minnesota State Fair; and

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

WHEREAS, the licensee submitted a letter on October 15, 2015, to deny the allegations and request a hearing before an Administrative Law Judge; and

WHEREAS, a Notice of Pre-Hearing Conference was sent to all parties on November 3, 2015, scheduling the pre-hearing on December 3, 2015, before an Administrative Law Judge; and

WHEREAS, on December 4, 2015, the administrative law judge sent a First Pre-Hearing Order scheduling the administrative hearing for June 1, 2016; and

WHEREAS, during the interim, it was discovered the licensee had been convicted on January 23, 2015, of

Felony Theft By Swindle in Ramsey County District Court in violation of Minn. Stat. §609.52.2 (a) (4); and

WHEREAS, the licensee appealed his conviction to the Minnesota Court of Appeals (A15-0663) who issued an opinion on January 19, 2016 affirming the conviction; and

WHEREAS, on January 20, 2016, an Amended Notice of Administrative Hearing was sent to all parties which included the Felony conviction as a new allegation and recommended revocation of licensee's Peddler's license; and

WHEREAS, on April 1, 2016, Geoffrey S. Karls, Assistant City Attorney submitted a Notice of Motion and Motion for Partial Summary Disposition, a Memorandum of Law in Support of City's Motion for Partial Summary Disposition and an Affidavit with Exhibits A-J to the Office of Administrative Hearings; and

WHEREAS, the Department of Safety and Inspections requested that the administrative law judge issue an order for Partial Summary Disposition and recommend revocation of the Peddler's license on the basis that he was convicted of Felony Theft By Swindle in violation of Saint Paul Legislative Code § 310.06 (b) (6) (a) and (c); and

WHEREAS, on April 26, 2016, the Administrative Law Judge issued his Order Granting Partial Summary Disposition, concluding that "There are no genuine issues of material fact regarding Respondent's conviction of felony theft by swindle, and the City is entitled, as a matter of law, to the entry of partial summary disposition with a recommendation to the City Council that Respondent's peddler license be revoked."; and

WHEREAS, on April 28, 2016, a Notice of Council Hearing was sent to all parties, stating a public hearing would be held before the City Council on May 18, 2016; and

WHEREAS, City Council reviewed the Administrative Law Judge's Order Granting Partial Summary Disposition and found the report to be without error and the penalty appropriate, now therefore be it

RESOLVED, the facts of the Notice of Violation and Amended Notice of Administrative Hearing are hereby adopted as the Findings of Fact of the City Council in this matter and be incorporated herein by reference; and be it

FURTHER RESOLVED, the Conclusion made by the Administrative Law Judge on April 26, 2016, is hereby adopted as the Conclusion of the City Council in this matter and be incorporated herein by reference; and be it

FINALLY RESOLVED, the Recommendation of the Administrative Law Judge is adopted by the City Council,

and the Peddler's license held by Jason L. Gabbert d/b/a Metro Tickets 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.