



Legislation Text

File #: RES 12-561, **Version:** 2

Memorializing City Council action taken on March 7, 2012 sustaining adverse licensing action against all licenses held by Abdishakur Adbi Hassan, d/b/a Capitol Tobaccos, 152 University Avenue West.

WHEREAS, Abdishakur Adbi Hassan d/b/a Capitol Tobaccos (License ID # 20100002036) located at 152 University Avenue West in Saint Paul received a Notice of Violation dated November 7, 2011; and WHEREAS, the Notice alleged that the licensee failed to maintain the approved capacity of his establishment on October 15, 2011 in violation of St. Paul Legislative Code 55.06; and

WHEREAS, licensee is permitted to have a maximum of 67 persons on its premises at any one time; 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 December 23, 2011, at which each party presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on January 31, 2012, 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 in the November 7, 2011 Notice of Violation; and

WHEREAS, the Administrative Law Judge also found that the recommendation by the Department of Safety and Inspections of a \$500 fine against the license held by licensee was consistent with the penalty matrix in Chapter 310 of the Legislative Code; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on March 7, 2012 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 7, 2012 nor did licensee file any exceptions to the report of the Administrative Law Judge; and

WHEREAS, at a public hearing on March 7, 2012, Council File # PH 12-8, 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 amended as the Findings and Conclusions of the City Council in this matter and are incorporated herein by reference; and be it

FURTHER RESOLVED, that Abdishakur Adbi Hassan d/b/a Capitol Tobaccos (License ID # 20100002036) is hereby fined \$500.00; and

FINALLY RESOLVED, that said fine shall be paid within 30 days of the passage and approval 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.