



## Legislation Text

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**File #:** RES 14-1289, **Version:** 1

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Memorializing City Council action taken on July 9, 2014 sustaining adverse licensing action against all licenses held by More 4 A Buck, Inc. at 1176 Dale Street North.

WHEREAS, More 4 A Buck, Inc. (License ID #20100001573) (hereinafter "licensee"), located at 1176 Dale Street North in the City of Saint Paul received a Notice of Violation dated February 20, 2014 (hereinafter "Notice"); and

WHEREAS, the Notice alleged that grounds for adverse action against the license existed, and recommended a \$500 penalty; and

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

WHEREAS, a hearing was held before an Administrative Law Judge on May 2, 2014, at which each party appeared and presented oral argument; and

WHEREAS, at the hearing, licensee admitted that the allegations contained in the Notice were in fact true, but argued that he should not be subject to a \$500 penalty, notwithstanding the fact that the Notice clearly indicated that a hearing before an administrative law judge was solely for the purpose of disputing factual allegations, and that arguments relative to penalties could be made directly to the City Council; and

WHEREAS, the Administrative Law Judge issued a Report on June 17, 2014, 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 of the grounds for adverse action set forth in the Notice; and

WHEREAS, the Administrative Law Judge concluded that these grounds represented substantial and compelling reasons to impose a \$500 penalty against all licenses held by licensee; and

WHEREAS, the Administrative Law Judge recommended that the City of Saint Paul impose a \$500 penalty against all licenses held by licensee; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on July 9, 2014, 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 July 9, 2014, Council File PH #14-8, the Council of the City of Saint Paul considered all the evidence contained in the record, licensee's arguments 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 June 17, 2014 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 June 17, 2014 are hereby adopted as the Conclusions of the City Council in this matter and be incorporated herein by reference; and be it

FURTHER RESOLVED, that the City Council adopts the Administrative Law Judge's Recommendation, imposing a \$500 penalty against all licenses held by licensee; and be it

FINALLY RESOLVED, that, due to the frivolous nature of licensee's defense at the May 2, 2014 hearing before the Administrative Law Judge, the City Council further imposes a \$1,300.00 penalty against all licenses held by licensee to defray the costs incurred by the city in holding the May 2, 2014 hearing.

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