



Legislation Text

File #: RES 14-1535, **Version:** 1

Memorializing City Council action taken on August 6, 2014 sustaining adverse licensing action against the Taxicab Driver's license held by Patrick Emmet Murphy.

WHEREAS, Patrick Emmet Murphy (License ID # 0048592) (hereinafter "licensee"), received a Notice of Intent to Revoke License dated May 9, 2014 (hereinafter "Notice"); and

WHEREAS, the Notice alleged that grounds for adverse action against the license existed, and recommended that the license be revoked; and

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

WHEREAS, a hearing was held before an Administrative Law Judge on June 26, 2014, at which each party appeared and presented oral argument; and

WHEREAS, at the hearing, licensee declined to either admit or deny that the allegations contained in the Notice were in fact true, and refused to present any evidence; and

WHEREAS, the Administrative Law Judge issued a Report on July 3, 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 revoke the Taxicab Driver license held by licensee; and

WHEREAS, the Administrative Law Judge recommended that the City of Saint Paul revoke the Taxicab Driver license held by licensee; and

WHEREAS, the Administrative Law Judge further recommended that the City of Saint Paul consider imposing the costs of the hearing upon licensee due to his failure to contest the allegations at the hearing; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on August 6, 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 August 6, 2014, Council File PH #14-9, licensee failed to appear; and

WHEREAS, at the public hearing, the Council of the City of Saint Paul considered all the evidence contained in the record 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 July 3, 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 July, 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, revoking the Taxicab Driver's license held by licensee; and be it

FINALLY RESOLOVED, that, due to the frivolous nature of licensee's defense at the June 26, 2014 hearing before the Administrative Law Judge, the City Council further imposes a \$1,045 penalty against licensee to defray the costs incurred by the city in holding the June 26, 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.