



Legislation Text

File #: RES 15-203, **Version:** 1

Memorializing City Council action taken on January 7, 2015 sustaining adverse licensing action against all licenses held by Pet Enterprises Motortech, Inc., d/b/a Pet Auto Repair.

WHEREAS, Pet Enterprises Motortech, Inc. d/b/a Pet Auto Repair (License ID #20130001816) (hereinafter "licensee"), received a Notice of Intent to Impose Penalty and License Suspension dated September 26, 2014 (hereinafter "Notice"); and

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

WHEREAS, a hearing was held before an Administrative Law Judge on November 7, 2014; and

WHEREAS, the Administrative Law Judge issued a Report on December 8, 2014; in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law and 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 the City had proven by a preponderance of the evidence that between May 27 and September 13, 2014, the licensee failed to abide by the conditions of his licensure; and

WHEREAS, the Administrative Law Judge concluded that these grounds represented substantial and compelling reason to impose the \$2,000.00 matrix penalty and ten (10) day suspension of all licenses; and

WHEREAS, the Administrative Law Judge recommended that the City of Saint Paul impose a \$2,000.00 matrix penalty and ten (10) day suspension of all licenses; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on December 17, 2014, at which time the 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, the public hearing scheduled for December 17, 2014, was continued to January 7, 2015; and

WHEREAS, at the public hearing on January 7, 2015, Council File PH #14-25, 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 December 8, 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 December 8, 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 \$2,000.00 matrix penalty against all licenses held by licensee; and be it

FURTHER RESOLVED, that the City Council adopts the Administrative Law Judge's Recommendation, imposing a ten (10) day suspension against all licenses held by licensee. Said suspension will begin at 12:00 midnight on Wednesday, February 25, 2015 and end at 11:59 p.m. on Friday, March 6, 2015; and be it

FINALLY RESOLVED, that due to the egregious nature of licensee's license condition violations, and the frivolous nature of the licensee's defense at the November 7, 2014 administrative hearing before the Administrative Law Judge, the City Council further imposes a \$2,400.00 penalty against all licenses held by the licensee to defray the costs incurred by the city in the hold of the November 7, 2014 hearing. Payment of all penalties shall be made within thirty (30) days of the date of the adoption 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.