



Legislation Text

File #: RES 18-1219, **Version:** 1

Sustaining adverse action against the Auto Repair Garage, Second Hand Dealer, Second Hand Dealer-Motor Vehicle, Tow Truck/Wrecker (Operator), and Tow Truck/Wrecker (Vehicle) licenses held by Budget Towing Inc. of St. Paul, d/b/a Budget Towing, Inc. of St. Paul at 560 Randolph Avenue.

WHEREAS, the Auto Repair Garage, Second Hand Dealer, Second Hand Dealer-Motor Vehicle, Tow Truck/Wrecker (Operator) and Tow Truck/Wrecker (Vehicle) licenses held by Budget Towing Inc. of St. Paul d/b/a Budget Towing Inc. of St Paul (License ID #20120005762) for the premises located at 560 Randolph Avenue in Saint Paul were the subject of a Notice of Violation sent February 27, 2018; and

WHEREAS, the Notice alleged that on October 30, 2017 an inspector from the Department of Safety and Inspections (DSI) visited the licensed premises and observed and documented violations of license conditions one (1), four (4) and six (6); 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 June 7, 2018, at which each party presented testimony and offered exhibits; and

WHEREAS, a Report was issued on June 20, 2018, in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge concluded that DSI had shown by a preponderance of the evidence that Licensee violated conditions one (1) and four (4) of the license; and

WHEREAS, the Administrative Law Judge also found that the presumptive penalty of \$500 requested by the City may be imposed for Licensee's violations of the conditions of its license; and

WHEREAS, at a public hearing on July 11, 2018 the Council of the City of Saint Paul considered all the evidence contained in the record, the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations, and the oral arguments of the City presented before the Council, and licensee did not appear; 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 hearings before the Administrative Law Judge on June 7, 2018, 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, Conclusions of Law, Recommendation and Memorandum of the Administrative Law Judge in this matter are hereby adopted as the Findings and Conclusions of the City Council in this matter; and be it

FURTHER RESOLVED, that the penalty matrix in St. Paul Leg. Code § 310.05 (m)(1) is appropriate; and be it

FINALLY RESOLVED, that a \$500 matrix penalty is imposed against all licenses held by the Auto Repair Garage, Second Hand Dealer, Second Hand Dealer-Motor Vehicle, Tow Truck/Wrecker (Operator) and Tow Truck/Wrecker (Vehicle) licenses held by Budget Towing Inc. of St. Paul d/b/a Budget Towing Inc. of St Paul effective upon passage and signature of this resolution pursuant to Chapter 6 of the Saint Paul City Charter for the reasons set forth above and contained in the record.

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