

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COUNCIL OF THE
CITY OF ST. PAUL

In the Matter of All Licenses held by
Todd Erickson, d/b/a Summit
Amusement for the Premises located
at 2274 University Avenue West in St.
Paul.
License ID No. 0095076

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

This matter came on for hearing before Administrative Law Judge Beverly Jones Heydinger at 9:30 a.m. on Tuesday, September 28, 1999, Room 41, Saint Paul City Hall, 15 West Kellogg Boulevard, Saint Paul, Minnesota.

Virginia D. Palmer, Assistant City Attorney, 400 City Hall, 15 West Kellogg Boulevard, Saint Paul, Minnesota, appeared for the Office of License, Inspections & Environmental Protection. Todd Erickson, the licensee, did not appear in person or by counsel. The record closed on the date of the hearing.

NOTICE

This report is a recommendation, not a final decision. The Saint Paul City Council will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. 14.61 (1998), the City Council shall not make a final decision until this Report has been made available to the parties for at least ten days. The parties may file exceptions to this Report and the City Council must consider the exceptions in making a final decision. Parties should contact the Saint Paul City Council, 310 City Hall, 15 West Kellogg Boulevard, Saint Paul, Minnesota 55102, to learn the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

Did the Licensee, Todd Erickson d/b/a/ Summit Amusement, pay the license fees owing for the 1997-1998 and 1998-1999 license periods?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On August 17, 1999, the Notice of Hearing in this matter was served upon Todd Erickson at his place of business, Summit Amusement, 2274 University Avenue West, St. Paul, MN 55105. It notified the Licensee that the hearing was scheduled for September 28, 1999. It was not returned as undelivered.

2. The Licensee failed to appear at the hearing and no one appeared on his behalf.

3. Because the Licensee failed to appear, he is in default.

4. Pursuant to Minn. Rules part 1400.6000, the allegations contained in the Notice of Hearing are taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Administrative Law Judge and the Saint Paul City Council have jurisdiction in this case.¹

2. The Licensee received timely and proper notice of the hearing and the City has complied with all relevant substantive and procedural requirements of statute and rule.²

3. The City Council has authority to suspend or revoke a license and to impose penalties for violation of applicable statutes and rules.³

4. The facts set out in the Notice of Hearing constitute violations of Section 318 of the Saint Paul Legislative Code, which governs Mechanical Amusement Devices.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

¹ Saint Paul Legislative Code § 310.06.

² Saint Paul Legislative Code § 310.05.

³ Saint Paul Legislative Code § 310.06.

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the City Council take appropriate action against the Licensee, Todd Erickson.

Dated this 13th day of October, 1999.

BEVERLY JONES HEYDINGER
Administrative Law Judge

Reported: Tape Recorded.

NOTICE

Pursuant to Minn. Stat. Sect. 14.62, subd. 1 (1998), the City Council is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.