

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

In the Matter of the Taxicab Vehicle
License for Cab #3289 Held by 2389, Inc.,
d/b/a Rainbow Taxi

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND RECOMMENDATION**

This matter came on for a hearing before Administrative Law Judge Barbara J. Case on January 28, 2014.

Geoffrey Karls, Assistant City Attorney, appeared on behalf of the City of St. Paul. There was no appearance by, or on behalf of Respondent, Samuel Williams (Respondent).

STATEMENT OF THE ISSUE

Whether the Respondent violated Saint Paul Legislative Code § 376.10(b)(2), which states that the service company must maintain a minimum of five licensed vehicles, by affiliating with a service company that failed to maintain a minimum of five licensed vehicles.

Based upon relevant authority and all of the files, records and proceedings in this matter, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On January 10, 2014, a Notice of Administrative Hearing in this matter was mailed to Respondent at the Respondent's last known address.¹
2. The Notice and Order for Hearing indicated that a hearing would be held in this matter on January 28, 2014, at 9:30 a.m., at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, MN 55101.²
3. In conformity with Minn. R. 1400.6000 and the Notice of Administrative Hearing in this matter also includes the following statements:

¹ Testimony of Geoffrey Karls.

² Notice of Hearing, at p. 1 (Attachment A).

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true.³

4. Respondent did not file a Notice of Appearance with the undersigned.

5. No one appeared at the January 28, 2014, hearing on behalf of Respondent. No request was made for a continuance, nor was any communication received by the undersigned from Respondent, prior to the January 28, 2014, hearing.

6. The Notice of Administrative Hearing sets forth specific factual allegations, all of which are set forth on page two of Attachment A and are hereby expressly adopted and incorporated by reference, except as specifically exempted from incorporation as noted immediately below:

Allegations specifically exempted: None

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

CONCLUSIONS OF LAW

1. The City of St. Paul and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. § 14.50 and Saint Paul Legislative Code §§ 310.05 and 310.06.

2. The Respondent received timely and proper notice of the hearing in this matter when the City of St. Paul sent the Notice of Administrative Hearing to the Respondent's last known address.

3. The City of St. Paul has complied with all relevant procedural requirements of statute and rule.

4. Under Minn. R. 1400.6000, the Respondent is in default as a result of his failure to appear at the scheduled Prehearing Conference.

5. Under Minn. R. 1400.6000, when a party defaults by failing to appear at a prehearing conference without the prior consent of the judge, the allegations and the issues set out in the Notice and Order for Hearing may be taken as true and deemed proved. The Administrative Law Judge therefore deems the allegations to be true except as specifically exempted in the Findings above.

6. Saint Paul Legislative Code §§ 310.05 and 310.06 provides that the City of St. Paul may revoke a taxicab license because of the Respondent's failure to comply with Saint Paul Legislative Code § 376.10 (b) (2) by affiliating with a service company that maintains a minimum of five licensed vehicles.

³ *Id.* p. 3.

7. The City of St. Paul has sufficient factual and legal grounds to revoke taxicab license #3289, or impose other appropriate sanctions, because of the Respondent's failure to comply with Saint Paul Legislative Code § 376.10 (b) (2) by affiliating with a service company that maintains a minimum of five licensed vehicles.

8. An order by the St. Paul City Council taking disciplinary action against the Respondent's license is in the public interest.

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

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that the St. Paul City Council take disciplinary action against taxicab license #3289 of Samuel Williams.

Dated: January 29, 2014

s/Barbara J. Case

BARBARA J. CASE
Administrative Law Judge

NOTICE

This report is a recommendation, not a final decision. The Saint Paul City Council will make a final decision after a review of the record and may adopt, reject, or modify these Findings of Fact, Conclusions, and Recommendation. Pursuant to Saint Paul Legislative Code § 310.05 (c-1), the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. Parties should contact Shari Moore, City Clerk, City of Saint Paul, 170 City Hall, 15 W. Kellogg Blvd., Saint Paul, Minnesota 55102, to ascertain the procedure for filing exceptions or presenting arguments.