

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

In the Matter of the Civil Penalty
Assessed Against:

**1472 Lincoln Avenue
St. Paul, MN 55105**

Issued to:

Deborah K. McDonald,

Respondent.

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

The above entitled matter came on for hearing before Administrative Law Judge Manuel J. Cervantes on Thursday, July 16, 2009, at 9:30 a.m. at 600 North Robert Street, St. Paul, Minnesota. The City of West St. Paul was represented by Korine L. Land, attorney for West St. Paul. The Respondent was represented by Nick Hay, Myslajek, Ltd., Suite 620, 1000 Shelard Parkway, St. Louis Park, Minnesota.

FINDINGS OF FACT

The Respondent has been issued the following charge for which she received proper notice by citation number 20090010-01, on June 18, 2009 for violation of West St. Paul City Code 435. Unlicensed Rental Property. Renting the property at 885 Oakdale Avenue without a rental license.

After a hearing on this matter, the Administrative Law Judge adopts the facts as submitted by the City, as set forth in the allegations in the Notice and Order for Hearing issued on June 24, 2009.

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

CONCLUSIONS OF LAW

1. The City and the Office of Administrative Hearings have subject matter jurisdiction pursuant to West St. Paul City Code § 120.13.

2. The City has complied with all relevant substantive and procedural requirements of Minnesota Statutes, rules and West St. Paul City Code.

3. The Respondent was given timely and proper notice of the hearing in this matter.

The City has demonstrated by a preponderance of evidence that Respondent has violated the alleged violation(s), to wit, the Respondent stipulated that she did not possess a rental license for 855 Oakdale Avenue, West St. Paul, on June 18, 2009. The City of West St. Paul gave Respondent due and proper notice that a rental license was required in order to let property in West St. Paul and that Respondent did not submit a complete application because the rental unit had existing hazardous conditions that were not corrected by June 18, 2009.

4. The Administrative Law Judge has considered the duration, frequency of reoccurrence, seriousness, and history of the violation; Respondent's conduct after the issuance of the Notice and Order for Hearing and good faith efforts to comply; the impact of the violation on the community; the Respondent's record of prior City Code violation(s) and other factors appropriate to a just and fair result and;

5. An Order is in the public interest.

Based on the foregoing, the Administrative Law Judge makes the following:

ORDER

Respondent shall pay to the City of West St. Paul a civil penalty of 400.00, plus costs of \$100.00 payable within 30 days of this Order. The Administrative Law Judge has reduced the civil penalty requested by the City of West St. Paul by \$100.00 in light of the fact that the hazardous conditions were corrected prior to the hearing.

NOTICE

Pursuant to West St. Paul City Code § 120.15 and Minn. Stat. ch. 14, this Order is the final decision in this case. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69.

Dated: July 16, 2009

s/Manuel J. Cervantes

MANUEL J. CERVANTES
Administrative Law Judge

Reported: Digitally Recorded