

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

In the Matter of the Civil Penalty
Assessed Against:

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

**200 Haskell Ave. E.
West St. Paul, MN 55118**

Issued to:

George Younes,

Respondent.

The above entitled matter came on for hearing before Administrative Law Judge Manuel J. Cervantes on Thursday, November 15, 2012, at 600 North Robert Street, St. Paul, Minnesota. The City of West St. Paul was represented by Susanna Wilson, Community Development Specialist. The Respondent was represented by Self.

FINDINGS OF FACT

The Respondent has been issued the following charge(s) for which he received proper notice: citation number 12-00097 issued September 18, 2012, for violation of West St. Paul City Code Section 435-Rental Dwellings. *"No Person, partnership, business entity, or corporation shall Operate a Rental Dwelling or Rental Dwelling Unit in the City without a license for each building pursuant to City Code Section 1005..."* 435.05, Subd. 1.

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 filed on October 26, 2012. The City has agreed to reduce the civil penalty to \$400.00 and will waive court costs in an effort to resolve the matter amicably. Respondent has agreed to this resolution and further agrees to dismiss his appeal.

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.
4. The parties have agreed to resolve this matter without a hearing.
5. 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;
6. 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 within 30 days of this Order.
- The condition be abated to the satisfaction of the City on or before _____ specifically, the Respondent shall do the following:

- A civil penalty of \$_____.00 is stayed for a period of one year on the condition there be no same or similar violations.

It is further ordered that _____

The matter is dismissed.

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: November 15, 2012

/s/ Manuel J. Cervantes

MANUEL J. CERVANTES
Administrative Law Judge

Reported: Digitally Recorded