



Request for City Council Committee Action from the Department of Regulatory Services

Date: June 18, 2010

To: Council Member Elizabeth Glidden, Chair
Referral to: Regulatory, Energy and Environment Committee

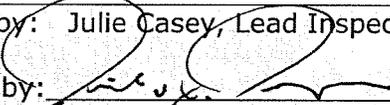
Subject: Findings of Fact, Conclusions and Recommendations from the Office of Administrative Hearings on Roberts Appliance Services, Inc, d/b/a Dave's Heating, Air Conditioning & Electric.

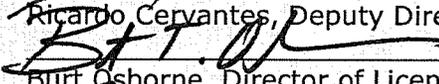
Recommendation: Adopt Findings of Fact, Conclusions and Recommendations from the Office of Administrative Hearings on Roberts Appliance Services, Inc, d/b/a Dave's Heating, Air Conditioning & Electric, maintain the conditions approved by the City Council in November 2008 and impose a sanction of \$3000 for non-compliance with city ordinances and applicable license conditions.

Department Information

Prepared by: Julie Casey, Lead Inspector and Ricardo Cervantes, Deputy Director.

Approved by:


Ricardo Cervantes, Deputy Director


Burt Osborne, Director of Licenses


Rocco Forte, Assistant City Coordinator

Presenters in Committee: Ricardo Cervantes, Deputy Director of Licenses and Joel Fussy, Assistant City Attorney.

Financial Impact

- No financial impact

Supporting Information

In January 2010, the Division of Licenses and Consumer Services and the City Attorney's Office filed a Notice and Order for Hearing with the Minnesota Office of Administrative Hearings to determine if good cause existed to take adverse license action against Roberts Appliance Services, Inc, d/b/a Dave's Heating, Air Conditioning & Electric, for noncompliance with previously-imposed business license operating conditions. Detailed information on the violations is included in the attached Findings of Fact, Conclusions and Recommendation issued on June 4, 2010 by Administrative Law Judge (ALJ) Robert C. Luis, following a May 7, 2010 evidentiary hearing.

ALJ Luis found that the licensee violated several provisions of its earlier License Settlement Agreement (adopted by the City Council in November 2008) and provided the following recommendations to the City Council, including:

- 1) The licensee shall pay a fine totaling \$3,000.00,
- 2) The licensee's operation shall continue to be conditioned upon compliance with the 2008 License Settlement Agreement, and
- 3) The licensee shall remain in compliance with all applicable laws, ordinances, and regulations respecting its licenses.

The Staff requests the City Council adopt the Findings of Fact, Conclusions, and Recommendations of Administrative Law Judge Robert C. Luis of the Office of Administrative hearings, maintain the business license operating conditions from November 2008, impose a \$3,000 fine and require the licensee to remain in compliance with all applicable laws, ordinances, and regulations respecting its licenses.