

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY AND REGULATORY SERVICE COMMITTEE**

In the Matter of the Vehicle
Immobilization Service Company
License, Held by C.P.E.S.
(Clampdown Parking Enforcement)

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATIONS**

This matter came on for a Technical Advisory Committee (“TAC”) meeting on Friday, January 6, 2006, at 10:30 a.m. in Room 1-C of City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415. Additional meetings were held on Tuesday, January 17, 2006 and Thursday, January 26, 2006. The TAC meeting was held to discuss issues related to the operation of C.P.E.S. (Clampdown Parking Enforcement), pursuant to a Notice to Appear, dated December 27, 2005. Present at the TAC meeting were the following representatives of C.P.E.S. (Clampdown Parking Enforcement): Alex Oman, Zev Oman and their counsel Thomas F. DeVincke of Bonner & Borhart, LLP. Also present were the following representatives of the City of Minneapolis: Grant Wilson and Richard Tuffs of the Licenses and Consumer Services Division of the Department of Regulatory Services, as well as Assistant Minneapolis City Attorney Steven Heng.

Based upon the parties’ discussion at the TAC meeting, the parties have agreed to settle this matter in an effort to avoid the unnecessary time and expense associated with litigating the issues raised in the Notice to Appear. Based upon the agreement between the parties and all of the files and records contained herein, it is hereby recommended that the Committee make the following Findings of Fact, Conclusions and Recommendations:

FINDINGS OF FACT

1. On October 6, 2005, License Inspector Richard Tuffs issued an administrative citation to the licensee for seven violations of Minneapolis City Ordinances Chapter 320 (Vehicle Immobilization Service). Specifically those violations involved an employee not wearing a required uniform, an employee not carrying a business card, an employee who had not been through the required conflict management training, the failure to include a proper phone number listed on a receipt, the failure to include on the receipt that an individual who has been immobilized can contact the City to file a complaint, the failure to have the required 18 x 18 inch sign stating that the lot was being monitored, and the failure of the individual monitoring the lot to remain visible. On October 6, 2005, Tuffs further informed the licensee that Minneapolis City Ordinance § 320.50 (o) requires that a licensee not immobilize vehicles unless they are in compliance with Chapter 320.

2. On November 22, 2005, License Inspector Richard Tuffs issued two administrative citations to the licensee because employees of the licensee had not had the required conflict management training.
3. On December 1, 2005, License Inspector Richard Tuffs issued two additional citations to the licensee because employees of the licensee had not had the required conflict management training. Also on December 1, 2005, Tuffs issued an administrative citation to the licensee because the licensee was immobilizing vehicles in a parking lot which did not have the proper signage in place.
4. On December 9, 2005, License Inspector Richard Tuffs issued five additional citations to the licensee because the licensee did not include the required city contact information on the receipt, did not include a proper phone number listed on the receipt and because the licensee was immobilizing vehicles in a parking lot which did not have the proper signage in place.
5. The licensee has appealed the three administrative citations that were issued on December 1, 2005. The licensee did not appeal the other administrative citations that were issued by Inspector Tuffs. The time period for appealing those other administrative citations has passed and the fines on those violations (representing an amount of \$4600.00) are due and owing.

CONCLUSIONS

During the period between October 6, 2005 and January 6, 2005, the licensee, C.P.E.S. (Clampdown Parking Enforcement), has violated provisions of Vehicle Immobilization Service Company regulations set forth in Minneapolis City Ordinance Chapter 320.

RECOMMENDATION

That C.P.E.S. (Clampdown Parking Enforcement) be allowed to continue to operate pursuant to its Vehicle Immobilization Service Company License, subject to compliance with the following:

1. The licensee will make refunds to all persons whose vehicles were immobilized at the parking lots of MacNicol, Stub & Herbs, Milio's, Bona, Papa John's and Enrica Fish from October 1, 2005 to the present date. Refunds must be made within 30 days of the date of this agreement and proof of payment will be sent to the Licensing and Consumer Services Division.
2. The licensee shall pay all administrative citation fines which are due (\$4600). In addition, the licensee shall pay to the City of Minneapolis \$2,000 as reimbursement for the administrative and investigative costs involved with the TAC process. Said payments shall be made within 30 days of the date of this

agreement. The Licenses and Consumer Services Division will dismiss Administrative Citation Numbers A05-030047, A05-030048 and A05-030049.

3. The licensee shall ensure that the entrance signs for the MacNicol, Stub & Herbs, Milio's, Bona and Papa John's parking lot state "You must park in designated parking area of business you will patronize". Signs shall be clearly visible at all lot entrances.
4. The licensee shall ensure that the entrance signs for Enrica Fish off Washington Ave SE are moved off the building and placed under the parking fee sign.
5. The licensee shall ensure that each individual parking spot in the MacNicol, Stub & Herbs, Milio's, Bona and Papa John's parking lot have a color coded sign designating parking for that business.
6. The licensee shall ensure that the parking area that extends from the back of Milio's have sufficient approved signs identifying the parking area for that business.
7. The licensee shall ensure that the 18 x 18 inch signs will be in compliance and will be visible at all lot entrances when the licensee's employees are actively monitoring the lot.
8. The licensee shall ensure that immobilization activities will not be continued until all signs are in place, all ordinance violations have been corrected and the signage and corrections have been verified by this department.
9. The licensee will comply with all other applicable City Ordinances dealing with the operation of a vehicle immobilization service.
10. The licensee will ensure that the persons monitoring the lot will remain visible in the lot when it is being monitored.

11. The licensee understands that any additional violations of the Minneapolis City Ordinances, involving the operation of C.P.E.S. (Clampdown) will result in revocation of its Vehicle Immobilization Service Company license.

I have read the conditions listed above. I agree with the conditions and understand that failure on my part as owner of the licensed business to adhere to these conditions may be cause for further action to suspend, revoke or deny renewal of my vehicle immobilization license.

The parties have read the foregoing Findings of Fact, Conclusions, and Recommendation, and agree to the terms outlined above. The parties understand that the foregoing Findings of Fact, Conclusions, and Recommendation must be accepted by the City Council and signed by the Mayor.

C.P.E.S. (Clampdown Parking Enforcement)

Date

Grant Wilson, Witness
Licensing and Consumer Services Division

Date