

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L130 50001
CEDAR TOWING & AUCTION
for TOWING CLASS A

Held by:
CEDAR TOWING AND AUCTION, INC
359 HOOVER STREET NE
MPLS, MN, MN 55113

RFS # 08-0668877

This matter came on for a License Settlement Conference (LSC) meeting on Monday August 13, 2007 at 2:30 p.m. in Room 1-C of City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415. An earlier meeting was held on Friday April 20, 2007. The LSC was held to discuss issues related administrative citations issued to Cedar Towing and Auction on April 4 & 5, 2007. Present at the LSC meeting were Albert Garcia, Jr. attorney for Cedar Towing and Auction, representatives of the City of Minneapolis were Ricardo X. Cervantes Deputy Director, of Licenses and Consumer Services Division of the Department of Regulatory Services and Richard J. Tuffs License Inspector.

Following the parties' discussion at the LSC meeting, Cedar Towing and Auction retained new counsel and initiated further settlement discussions. Present at those meetings were Michael R. Moline, who substituted for Albert Garcia, Jr. as attorney for Cedar Towing and Auction, Ricardo X. Cervantes Deputy Director, of Licenses and Consumer Services Division of the Department of Regulatory Services and Richard J. Tuffs License Inspector, representing the City of Minneapolis.

Pursuant to these discussions, the parties have agreed to settle this matter in an effort to avoid the unnecessary time and expense associated with an administrative hearing. 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 April 4, 2007, License Inspector Richard J. Tuffs issued 12 administrative citations of \$400 each to licensee for their second violation of Minneapolis City Ordinance Section 349.90 failure to complete order from prior to towing of a vehicle. These citations were issued for violations that occurred on March 24, 2007.
2. On April 5, 2007, License Inspector Richard J. Tuffs issued 12 administrative citations of \$200 each to licensee for violation of Minneapolis City Ordinance

Section 349.140 for temporarily dropping a hooked vehicle at an unsecured location other than the storage lot owned by the licensee. These citations were issued for violations that occurred on March 24, 2007.

CONCLUSIONS

On April 4, 2007 the licensee, Cedar Towing and Auction violated provisions of towing regulations set forth in Minneapolis City Ordinance Chapter 349.

RECOMMENDATIONS

That Cedar Towing and Auction be allowed to continue to operate pursuant to its Class A Motor Vehicle Service License, subject to compliance with the following:

1. The licensee shall pay administrative citation number 07-0557508 issued on April 4, 2007 in the amount of \$400 for violation of MCO Section 349.90 failure to complete order from prior to towing of a vehicle. The remaining eleven (11) citations shall be dismissed.
2. The licensee shall pay administrative citation number 07-0557628 issued on April 5, 2007 in the amount of \$200 for violation of MCO Section 349.140 temporarily dropping a hooked vehicle at a location other than the storage lot owned by the licensee. The remaining eleven (11) citations shall be dismissed.
3. The licensee shall pay to the City of Minneapolis \$741 as reimbursement for the administrative and investigative costs involved with the LSC process. Said payment will be made upon execution of this agreement.
4. The licensee shall ensure that the person signing the towing request as the authorized person shall be one of the following as outlined in MCO Section 349.90: (1) owner of the property; (2) license holder of the parking lot license for the property; (3) a bona fide employee of the owner or parking lot license holder; (4) a duly authorized protective agent, licensed under Minnesota Statutes, Chapter 326, hired by the owner or parking lot license holder, or (5) a bona fide resident of a residential dwelling of four units or less authorized in writing by the owner of this property to authorize towing.
5. The licensee shall ensure that the person authorizing the tow is not an employee of Cedar Towing and Auction in any manner (i.e. temporary, part time, independent contractor, etc.). If requested the licensee will be able to show documentation to verify that the person signing as the authorized agent meets the requirements of MCO 349.90 listed in section 4 listed above.
6. The licensee shall ensure that all the required information and procedures listed in MCO 349.90 are adhered to regarding the Order form and police reports.

7. The licensee will redraft its Order form to include only the information required by MCO 349.90:

- Licensee's business name;
- Address and telephone number of the storage lot;
- Name of the person authorizing the service, printed and signed legibly, together with the business address and telephone number of the person authorizing the service;
- Time the service was requested;
- Description of the vehicle, including the year, manufacturer, model, and license plate number;
- Amount of the tow charge.

The licensee may draft a separate inventory form to include additional information that will assist the efficient handling of the towed vehicle. The licensee will submit the proposed tow order form to City staff for approval within 30 days of this agreement.

8. The licensee will comply with all other applicable City Ordinances dealing with the operation of a Class A Motor Vehicle Service License.

9. The licensee understands that any additional violations of the Minneapolis City Ordinances, involving the operation of Cedar Towing and Auction may result in additional fines and adverse license action.

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 Class A Motor Vehicle Service 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.

Thomas H. Nody
Cedar Towing & Auction

Cedar Towing and Auction

11-24-08

Date Signed

Ricardo X. Cervantes

Ricardo X. Cervantes
Deputy Director, Licenses & Consumer Services

11-24-08

Date Signed