

**In the Matter of the
Valet License
Held by First Class Valet, Co.
d/b/a First Class Valet
7458 Vinewood Lane N
Maple Grove, MN 55311**

**Findings of Fact,
Conclusions and
Recommendations**

This matter came before the Department at a License Settlement Conference on Thursday, January 17, 2008 at 3:00 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was James Allen Engle, President. Appearing for the City were Officer Patrick Windus, Minneapolis Police, Traffic Division; Leanne Selander, License Inspector; and Grant Wilson, Manager, Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. First Class Valet was issued a Valet Parking license in February 2005.
2. Since February 2005, First Class Valet has paid assessed fines to Business Licensing in the amount of \$2050 for violating various valet licensing ordinances. Those violations included: operating without a license; parking patrons' vehicles on the street; parking vehicles in the zone for over 15 minutes; violating traffic laws; failure to operate vehicles safely; no supervisor on duty; and noncompliance with zone requirements.
3. Since February 2005, Minneapolis Traffic Control and the MPD have also issued numerous tags to First Class Valet for violating traffic and valet ordinances.
4. On November 25, 2007, a First Class Valet supervisor was tagged in lieu of arrest by an MPD officer for Unauthorized Use of a Handicap Placard and for Valeting Patrons' Vehicles on the Public Street at the valet zone at 600 Hennepin Ave. S. As documented in Minneapolis police arrest report 07-3886952, during this incident, officers warned the supervisor to cease conducting himself in a disorderly manner or he would be arrested. The documented disorderly conduct stated the following: the supervisor yelled extremely profane, derogatory and abusive language in an angry tone at officers in earshot of groups of onlookers; snatched the tickets from an officer and crumpling them in a ball; threw them into the valet desk; and slammed the desktop down.
5. On Dec. 9, 2007, at the valet zone at 615 Hennepin Ave. S., the same supervisor was booked for obstructing the legal process for interfering with an MPD officer who was tagging illegally parked vehicles in the zone. The supervisor physically blocked the roadway, yelled, argued and swore at officers, and, after refusing to comply with orders to cease his disorderly conduct, was arrested with the help of backup and the use of force.

6. When contacted regarding the November 25th and December 9th incidents, First Class Valet advised Licensing that they had terminated the valet supervisor prior to being contacted.
7. Prior to being contacted by Licensing, First Class Valet and the establishments at both 600 and 615 Hennepin Ave. S. mutually agreed to end their valet parking agreements.

CONCLUSIONS

1. Per Minneapolis Code of Ordinances (MCO) 259.250 governing business license management requirements, the licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.
2. On both November 25 and December 9, 2007, while operating as a supervisor for First Class Valet, an employee violated multiple sections of the MCO 307.120 governing valet parking rules.
3. On December 9, 2007, while operating as a valet supervisor for First Class Valet, an employee violated Minnesota State Statute 609.50, Obstructing the Legal Process.
4. On November 25 and December 9, 2007, the licensee failed to meet the minimum requirements of the MCO 259.250 governing business license management requirements; specifically, it failed to maintain and operate its business in compliance with all applicable laws and ordinances.

RECOMMENDATIONS

The Department acknowledges the licensee's interest in resolving the issues at its licensed establishment. Due to the expressed willingness of all parties to bring the business into compliance with all applicable ordinances, statutes and regulations, the Department makes the following recommendations:

1. That the licensee shall be assessed a civil penalty in the amount of \$2000.00 to be paid on or before City Council approval of this agreement
2. The licensee shall submit to Licensing a detailed business plan which will include an employee training manual which will specifically address business responsibilities and complying with all laws relevant to valet parking.
3. The licensee shall conduct training for new and current employees, and all employees shall be provided their own training manual. The manual will include a copy of the valet code with portions of MCO 307.120 and 307.130 highlighted. The manual will specifically state that First Class Valet does not condone, encourage or tolerate employees violating the valet code, and will specify the consequences of violating it. It will also stress that employees are to be respectful and courteous to all city staff, including MPD,

Traffic Control, or Licensing. And the training manual shall have a provision for twice yearly continuous education.

4. Effective the date of this agreement, the licensee shall employ a reliable, accurate system to check the driving records of all new and current employees. Driving record checks shall occur on all new employees prior to hire, and yearly thereafter on all current employees. Valet drivers shall meet and maintain the minimum driving record standards required for taxi drivers outlined in the MCO, Chap. 341.360(g)(1), of the taxi code. That standard is:
 - (1) No convictions in the last five years for any of the following offenses involving injury or death; no convictions in the last three years for any of the following offenses not involving injury or death:
 - a. Hit and run;
 - b. Driving under the influence of an alcoholic beverage or drug;
 - c. Reckless or careless driving.
 - (2) For new hires: No more than three moving violations within the last three years, and no more than two moving violations in the last year. For current employees: No more than four moving violations within the last three years and no more than two moving violations in the last year.
5. The licensee shall comply with the MCO, specifically, Chapter 307 governing valet parking; Chap. 259.250 governing business management responsibilities; and Minnesota State Statutes, specifically, Chap. 169 governing traffic regulations. The licensee agrees to require future and current employees sign a condition of employment agreeing to not violate the law while on the job.
6. The licensee agrees to terminate employees who refuse to comply with orders from City regulators; including Police, Traffic Control, Public Works and Licensing.
7. The licensee shall instruct employees to immediately report to management any negative encounter with city staff. After learning of a negative encounter, the licensee shall promptly inform Licensing of the incident.
8. First Class Valet agrees to direct their employees that, while on-duty, they shall not park their personal vehicles at a public meter to the extent that such parking is in violation of Chap. 478.370, governing the "feeding" of meters.
9. First Class Valet Co agrees to a 1-week, site-specific, suspension if found guilty of committing a substantial violation of the valet parking ordinance. This specific provision shall be in force for a period of 365 days from the date of the City Council's approval of this agreement.

First Class Valet Co. understands that the holding of a business license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that

any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For First Class Valet Co.

By: 
(signature)

Its: PRESIDENT
(title)

Dated: April 16, 2008.

For the City of Minneapolis:


Ricardo Cervantes
Deputy Director of Licenses

Dated: April 16, 2008.