

In the Matter of the
Valet License for
Tradition Valet, Inc.
5270 West 84th Street
Bloomington, MN 55437

Findings of Fact,
Conclusions and
Recommendations

This matter came before the Department at a Technical Advisory Committee (TAC) hearing on Wednesday, October 19, 2005 at 1:00 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Robert Bernier, President; Erik Voge, Vice president; and Michael Doll, Chief Financial Officer; and Nick Alexander, General Manager. Appearing for the City were Leanne Selander, License Inspector; Steven Daniels, Traffic Control agent; Paul Staszewsky, Traffic Control agent; and Ricardo Cervantes, Deputy Director of Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of facts:

FINDINGS OF FACT

1. That on October 16, 2005, Minneapolis License Inspector Leanne Selander observed Tradition Valet, Inc. employees violate five City of Minneapolis ordinances governing Valet Parking. Those violations were:
 - Providing the service of valet parking before or after the time of day specified in the valet loading zone authorization issued by the city council;
 - Parking patrons' vehicles on a public street;
 - Placing two signs in a traffic lane;
 - Allowing vehicles to remain in the authorized valet loading zone in excess of fifteen (15) minutes; and
 - Violating traffic laws by proceeding to valet vehicles from the traffic lane, instead of at the curb.
2. That on June 10, 2005, a Tradition Valet employee failed to comply with an order issued by a Traffic Control Agent to not "feed meters" at 801 Hennepin Ave. S., in violation of Minneapolis Code of Ordinances Chapter 478.
3. That between May 15, 2003 and September 16, 2005, the City has documented and enforced numerous violations committed by the licensee including: operating the valet zone before the approved time; violating traffic laws; unsafe operation; parking patrons' vehicles in the valet zone for over 15 minutes; and parking patrons' vehicles on the public street, which resulted in eight administrative citations encompassing seventeen violations totaling \$3500.00 in fines.
4. That the licensee failed to manage the business appropriately to ensure that the conditions stipulated to in the Business Operating Conditions, dated November 19, 2004, and approved by the City Council, would be adhered to by staff, specifically item 4 regarding the importance of employees complying with city ordinances.

CONCLUSIONS

1. The licensees' employees violated Minneapolis Code of Ordinances § 307.120(2), (3), (4), (5), and (6) governing Valet Parking.
2. The licensees' employees violated Minneapolis Code of Ordinances Ch. 478 governing parking meter enforcement by "feeding" meters; however, the City concedes that employees may not have realized their actions were in violation of the law. Employees, though, failed to cease their actions when ordered to do so by a Traffic Control Agent.
3. The licensee violated Minneapolis Code of Ordinances § 259.250 governing business license management responsibilities on the above-referenced dates in that they failed to comply with all applicable laws and ordinances.
4. The licensee failed to correct the illegal behaviors of employees after being informed by the City through numerous verbal and written orders, citations, a previous TAC hearing and a Conditions letter to take corrective action.

RECOMMENDATIONS

The Department acknowledges the licensee's interest to resolve the issues surrounding their valet operation. Due to the willingness of all parties to bring the business into compliance with applicable ordinances and regulations, the Department makes the following recommendations:

1. The licensee shall be assessed a civil penalty of a \$5000 fine, \$3000 of which shall be paid by the licensee upon Council approval of this agreement, and \$2000 of which shall be stayed for one year from the effective date of this agreement (the effective date shall be construed as the date upon which council approval of this action becomes final via publication) on the condition there will be no same or similar type violations.
2. Tradition Valet, Inc. shall pay enforcement costs in the amount of \$855.02 within seven (7) days of the effective date of this agreement.
3. Tradition Valet, Inc. shall comply with the Minneapolis Code of Ordinances, specifically Chapter 307 governing Valet Parking.
4. Tradition Valet, Inc. shall comply with the Minneapolis Code of Ordinances, specifically § 259.250(2) governing business management responsibilities, in that it shall maintain and operate its business in compliance with all applicable laws and ordinances.
5. Tradition Valet, Inc. shall comply with the Minneapolis Code of Ordinances, specifically § 259.250(3) governing business management responsibilities, in that it shall be directly and vicariously responsible for violations committed by its employees while they are employed providing the service of valet parking.

6. Tradition Valet, Inc. shall comply with the Minneapolis Code of Ordinances, specifically Ch. 478 governing parking meters, in that its employees shall not “feed” meters to extend the parking time of any vehicle beyond the legal parking time for themselves or others, including the employees of the business they are contracted to valet for.

7. Employees or management of Tradition Valet, Inc. shall not park their personal vehicles on the public street while they are providing the service of valet parking.

8. If, during a period of one year from the effective date of this agreement, the licensee fails to comply with items 3 through 7 listed above or fails to timely remit the fine and costs amounts due herein the licensee shall serve a five day license suspension to take place at the location where the violation occurred, the dates of such suspension to be selected by Licensing staff.

Tradition Valet, Inc. understands that the holding of a 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 and payment of any agreed upon or stayed fines or penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a Valet Parking license, that the above Recommendations shall constitute business operating conditions, and that failure to comply with any of these Conditions may result in additional adverse license action.

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

For:

For the City of Minneapolis:

By: _____
(signature)

Ricardo Cervantes
Deputy Director of Licenses

Its: _____
(title)

Dated: _____, 2005.

Dated: _____, 2005.