

In the Matter of the
Valet License for
Cities Valet, Inc.
4730 Carlow Rd
Mound, MN 55364

Findings of Fact,
Conclusions and
Recommendations

This matter came before the Department at a Technical Advisory Committee (TAC) hearing on Tuesday, February 28, 2006, at 2:00 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Cities Valet, Inc. owner, Chris Clipper. Accompanying him was prospective partner, Benjamin J. Menth. Appearing for the City were Minneapolis Police Officer Patrick Windus; Leanne Selander, License Inspector; 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 December 23, 2005, Minneapolis Police Officer Patrick Windus observed Cities Valet, Inc. employees violate the following three City of Minneapolis ordinances governing Valet Parking:
 - Violating the traffic law by not stopping on a red light, thereby tripping the REDFLEX camera;
 - Violating the traffic law by using an alley for through traffic; and
 - Parking a patron's vehicle on the public street.
2. That on December 31, 2005, Minneapolis Police Officer Patrick Windus twice observed Cities Valet, Inc. employees violate the following City of Minneapolis ordinance governing Valet Parking:
 - Violating the traffic law by driving the wrong way on a one-way.
3. That the scheduled fine for offenses committed on December 23, 2005, and December 31, 2005, totals \$6800.
4. That between April 3, 2001, and December 31, 2005, the City documented and enforced numerous violations committed by the licensee including: operating without a license; operating the valet zone before the approved time; operating without a supervisor on duty; placing signs in the street; parking patrons' vehicles in the valet zone for over 15 minutes; parking patrons' vehicles on the public street; violating traffic laws; unsafe operation; and obstructing the legal process. These past violations resulted in a 2001 TAC agreement, six violation orders, and ten administrative citations encompassing twenty-eight violations and a total of \$3300.00 in administrative licensing fines.
5. That the licensee failed to manage the business and his employees appropriately to ensure that all applicable laws and ordinances were complied with.

CONCLUSIONS

1. The licensee violated Minneapolis Code of Ordinances § 307.120(3) and (6); and § 307.130(2) governing Valet Parking.
2. The licensee violated Minneapolis Code of Ordinances § 259.250(2) and (3) governing business license management responsibilities in that they failed to comply with all applicable laws and ordinances.
3. The licensee failed to correct the illegal behaviors of employees after being informed by the City through numerous verbal and written orders and citations 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 \$6800 fine, \$5000 of which shall be paid by the licensee within seven (7) days of Council approval of this agreement, and \$1800 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. Cities Valet, Inc. shall comply with the Minneapolis Code of Ordinances, specifically § 307. governing Valet Parking.
3. Cities 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.
4. Cities 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.
5. If, during a period of one year from the effective date of this agreement, the licensee fails to comply with Minneapolis Code of Ordinances § 307.120(6) or § 307.130(2) governing Valet Parking, or fails to timely remit the fine amounts due herein, the licensee shall serve a five day license suspension, the dates of such suspension to be selected by Licensing staff.
6. Within thirty (30) days of Council approval of this agreement, the licensee shall present to each employee and manager a formal training program which will include a Department-approved training manual comprising, at a minimum, the following:

- A copy of the Minneapolis Code of Ordinances Chapter 307 governing valet conduct and Chapter 259.250 (1),(2) and (3) governing the responsibilities of licensed businesses, plus an interpretation, if needed,
- A guide showing the intended routes to be taken by each driver from the valet zone to the off-street parking location,
- A written code of conduct for employees when interacting with City staff,
- A guide to identifying the typical pitfalls drivers may encounter and the safeguards they can use to protect themselves,
- A prerequisite of employment that valet drivers must sign off on the training manual agreeing to abide by its requirements and before being allowed to drive patrons' cars.

Cities 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: _____, 2006.

Dated: _____, 2006.