

Legislation Text

File #: ID# 17-279, **Version:** 1

Agenda Date: 10/11/2017

Subject:

Stipulation, Agreement, and Order process for determining date(s) of violations for use in determining fine-in-lieu if any

Presented By: Colleen L. Norton, Deputy City Clerk and Lena McClelland, Assistant City Attorney
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INFORMATION

Stipulation, Agreement, and Orders are negotiated by the City Prosecutor's office with licensees when the Authority has determined that there is probable cause that a violation may have occurred and subsequent meetings, preliminary and show cause, are scheduled.

The Authority currently sets dates of suspension and determines dates for any fine-in-lieu at the preliminary hearing after the prosecutor has reached a Stipulation, Agreement, and Order.

It is the opinion of staff that this process, while effective to date, might be more cumbersome than necessary. Based on an example received from State LED, the dates of suspension (future dates) are set as part of the agreement *and* the number of days for fine-in-lieu, if any, are pulled by reviewing receipts for the month the violation occurred in and determining a daily profit and then multiplying.

Staff feels that this is a more fair representation of what should be owed for a fine-in-lieu. The licensee would have the option not to petition for a fine-in-lieu and to serve the dates as set forth by the prosecutor. The role of the Authority to accept, deny, or suggest modifications to any Stipulation, Agreement, and Order would not be affected.