



**To:** MAYOR AND COUNCIL

**Agenda Item #:** VIII.A

**From:** Jeff Long  
Chief of Police

**Date:** June 4, 2013

**Subject:** Appeal From License Denial: Curtiss Delane Smith, Resolution No. 2013-49

**Action**   
**Discussion**  
**Information**

**Action Requested:**

**Information / Background:**

**ACTION REQUESTED:**

Affirm the denial of the Peddler and Solicitor Permit requested by Curtiss Delane Smith.

**INFORMATION/BACKGROUND:**

On April 15, 2013 Curtiss Smith applied for a Peddler and Solicitor Permit to promote "Twin City Contracting".

As part of the application process, the applicants are supplied with an overview copy of Edina Ordinance #1311, which covers Peddlers and Solicitors. In addition they are provided with a sheet titled "Checklist and Procedures for Peddler and Solicitor Applicants".

On the previously mentioned checklist it is explained that they are giving consent to have a background check completed. It also indicates that "Any falsification of answers on the application or if the application is not completed in its entirety the application will be denied".

On page two of the application the following "yes or no" check box question is asked, "Have you ever been convicted of a crime, or violation of any municipal ordinance, other than a petty misdemeanor traffic offense?" The question is then followed by the statement of, "If yes, answer the following questions".

Mr. Smith selected the box that said “no” to being convicted of a crime. He then wrote the exact words “I never been convicted of a major crime small traffic stuff/no felonies”. (Spaces inserted where he left large spaces)

Upon completion of the background check it was discovered that the applicant had several misdemeanor convictions involving theft, traffic offenses as well as a gross misdemeanor conviction for “False Information to a Court Official”.

Edina City Ordinance 1311.05 reads: **Denial of Permit Application or Registration Application.** In addition to the provisions of Section 160 of this code, the following shall constitute grounds for denial of the permit application or registration application:

**(A)** Past fraud, misrepresentation or misstatement made in the course of carrying on business as a peddler or solicitor.

**(B)** Conviction of any crime or crimes directly related to carrying on business as a peddler or solicitor, as provided in M.S.364.03, Subd.2, where the applicant has not shown competent evidence or sufficient rehabilitation and present fitness to perform the duties and responsibilities, as provided in M.S.364.03, Subd.3. Crimes that are considered to be directly related to the business of peddling and soliciting include but are not limited to crimes involving assault, criminal sexual conduct, burglary, robbery, fraud, theft or moral turpitude.

**(C)** Revocation of a past permit issued under this Section.

**(D)** Past violations of any provision of this Section.

The applicant has prior theft convictions, which he did not disclose. Theft is listed in 1311.05 (B) as a ground for denial.

In addition, Edina City Ordinance #160 referred to in the above listed ordinance (1311.05), addresses additional reasons for denial. Specifically, Ordinance 160.04 (B), states that “Misstatements in the application” are cause for denial. The applicant clearly failed to note his criminal convictions.

On April 16<sup>th</sup> 2013, Curtiss Smith was mailed a letter informing him that his application had been denied due to misrepresentations on the application.

I recommend that the City Council affirm the denial of this Peddler and Solicitor Permit.

**RESOLUTION NO. 2013-49**  
**DENYING APPEAL OF PEDDLER AND**  
**SOLICITORS PERMIT**

Section 1.        **BACKGROUND.**

- 1.01    On April 15, 2013, Curtiss Smith applied for a Peddler and Solicitors Permit.
- 1.02    The application asks if the applicant has ever been convicted of a crime, or violation of any municipal ordinance, other than a petty misdemeanor traffic offense. Mr. Smith answered the question with the “No” box. He hand wrote the following words underneath the box, “I never been convicted of a major crime   small traffic stuff/no felonies”.
- 1.03    A criminal background check showed that Curtiss Smith had convictions of misdemeanor Theft and gross misdemeanor False Information to a Court Official.
- 1.04    Edina City Ordinance #160.04 (B) states that “Misstatements in the application” are cause for denial.
- 1.05    Edina City Ordinance #1311.05 (B) indicates that a theft conviction is also a cause for denial.
- 1.06    On April 16<sup>th</sup>, 2013 a letter was mailed informing Mr. Smith that his application had been denied due to misrepresentations on the application.

Section 2.        **FINDINGS**

- 2.01    Curtiss Smith failed to disclose his criminal convictions on the Peddler and Solicitor Application.
- 2.02    Edina City Ordinance #160.04 (B) states that “Misstatements in the application” are cause for denial.
- 2.03    Edina City Ordinance #1311.05 (B) indicates that a theft conviction is also a cause for denial.
- 2.04    A criminal background check revealed that Mr. Smith had previous convictions for “Theft” and “False Information to a Court Official”.
- 2.05    Based on the misstatements by Curtiss Smith and his Theft conviction, the Peddler and Solicitor Application was denied.

Section 3.        **DENIAL**

NOW THEREFORE, it is hereby resolved that the City Council of the City of Edina, denies the Appeal of the Peddler and Solicitor Application.

Adopted by the City Council of the City of Edina, Minnesota, on June 4, 2013.

ATTEST: \_\_\_\_\_

\_\_\_\_\_

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

STATE OF MINNESOTA            )

COUNTY OF HENNEPIN         )SS

CITY OF EDINA                 )

CERTIFICATE OF CITY CLERK

I, the undersigned duly appointed and acting City Clerk for the City of Edina do hereby certify that the attached and foregoing Resolution was duly adopted by the Edina City Council at its Regular Meeting of June 4, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_

# Memo

To: Sergeant Tim Olson  
From: Lynn Olson  
Date: 04/15/13  
Subject: Solicitor Applications/ Curtiss Smith / Twin Cities Contracting

---

We received the attached application for solicitation on 04/15/13.  
The following systems have been checked for this applicant:

**Statewide Supervision:**

**Odyssey:** See attached

**Portal (QDP, KQ):** See Attached

**Pistol:**

**Crimes:**

**Hennepin Warrants:**

**Ramsey Warrants:**

**DENIED**

*Tim Olson  
4/15/13*

On the attached application for solicitation Mr. Smith failed to accurately answer the question in regards to any convictions he might have. He failed to disclose several misdemeanor convictions involving theft convictions, traffic offense as well as a gross misdemeanor conviction for FALSE INFORMATION TO COURT OFFICIAL.

At this time I have not looked any further into the applicants background as these should be grounds for a denial.

Based on the information gathered, I submit the attached application for your consideration.

Thank you.

Attachments



City of Edina

Curtiss Delane Smith  
910 Portland Ave #325  
Minneapolis, MN 55404

April 16, 2013

RE: Application for Solicitation/Curtiss Smith/Twin Cities Contracting

Dear Mr. Smith:

This letter is to inform you that your application for solicitation in The City of Edina has been denied due to misrepresentations on the application as stated in the following city code.

\* Edina City Code 160.04, Section B

According to the Edina City Code, applicants who have been denied may appeal the denial to the City Council. To appeal, an applicant should file a written request appealing the denial with the City Clerk. The City Council would hear the appeal within thirty days of receiving it.

Enclosed is a copy of Edina Code Section 160.04, 160.05 and 160.06 for your review.

Sincerely,

Chief Jeff Long  
Edina Police Department

Enclosure

Cc: City Clerk

NM/lo

5-13-13

Attention... City Clerk my name is Curtiss Smith  
And About a few wk ago I was Denied  
A permit to hand out flyers for twin cities  
Contracting Because off misrepresentation on the Application.  
I figured Because I've never spent time in  
Jail OR convicted off any Felony's that was  
was Required But I had a gross misdemeanor  
charge For False Info to Police About 10 yrs  
ago OR more when I had a ~~small bench~~  
Small Bench warrant from Traffic stuff and  
forgot my court date so I gave a buddy  
NAME to Police to avoid going to jail for  
The wkend!! And I believe theirs a  
Theft charge on their as well were  
A Ring was missing out of a store  
were A friend wk and was returned  
Back coz she was lettin guys try a

Bunch OFF Ring's And forgot TO  
Get ONE BACK And when she  
Realized IT she Reported IT  
And Since I went to school with  
her she said I was with the  
people so they contacted me And  
The Ring WAS giving BK And no  
one was convicted By police.. So  
I just thought All That stuff wld  
had been OFF my Record since  
so long Ago..



*Andrew S. [Signature]*