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**STATE OF MINNESOTA
IN COURT OF APPEALS
A12-0549**

Fathi Omar Sheikh,
Relator,

vs.

Minneapolis Department of Regulatory Services,
Respondent.

**Filed April 22, 2013
Affirmed
Peterson, Judge**

Minneapolis Department of Regulatory Services
File No. RFS 11-0872306

Fathi Omar Sheikh, Minneapolis, Minnesota (pro se relator)

Susan L. Segal, Minneapolis City Attorney, Joel Michael Fussy, Assistant City Attorney,
Minneapolis, Minnesota (for respondent)

Considered and decided by Peterson, Presiding Judge; Ross, Judge; and Chutich,
Judge.

UNPUBLISHED OPINION

PETERSON, Judge

Relator challenges the sufficiency of the evidence to support a hearing officer's decision to fine relator for violating Minneapolis city ordinances that regulate taxicab drivers. Because the hearing officer's decision is supported by the evidence, we affirm.

FACTS

On September 25, 2010, relator Fathi Omar Sheikh was driving his licensed taxicab in the city of Minneapolis. According to the complainant, who contacted the Minneapolis taxicab inspector, she was driving on a two-way street behind relator's taxicab when he abruptly stopped in the traffic lane, which forced her to slam on her brakes. The complainant was unable to go around relator's taxi because of oncoming traffic. When the oncoming traffic cleared, the complainant pulled up next to relator and asked why he had not pulled to the curb. Relator responded, "Get the f---k out of here b---h." The complainant filed an incident report with the licensing agency. The complainant's husband, who was driving behind her in another car, confirmed that she had to stop suddenly. The city issued an administrative citation for violating two Minneapolis ordinances that prohibit a taxicab driver from (1) threatening, abusing, insulting, impeding, or obstructing another driver while operating a licensed taxicab, and (2) blocking the normal flow of traffic. Minneapolis, Minn., Code of Ordinances (MCO) § 341.250 (c), (g) (2010).

At the hearing on the citation, relator accused complainant of making derogatory remarks to him. He testified that he stopped because he intended to make a U-turn once traffic cleared. Relator admitted swearing at the complainant. The hearing officer issued findings and an order imposing an administrative fine.

DECISION

Municipal ordinances are presumed valid. *Press v. City of Minneapolis*, 553 N.W.2d 80, 84 (Minn. App. 1996). An administrative hearing on an ordinance violation

is a quasi-judicial act, “which is an act of a public officer or board that is presumably the product or result of investigation, consideration and deliberate human judgment based upon evidentiary facts of some sort commanding the exercise of . . . discretionary power.” *Id.* at 83 (quotation omitted). An appellate court’s review of such a proceeding is limited to determining questions of jurisdiction and regularity of the proceedings, and whether the decision was arbitrary, oppressive, unreasonable, fraudulent, an error of law, or lacking in evidentiary support. *Dietz v. Dodge Cnty.*, 487 N.W.2d 237, 239 (Minn. 1992). We will not substitute our judgment, retry the facts, or decide issues of credibility, and must affirm if there is “any legal and substantial basis for the action taken.” *Senior v. City of Edina*, 547 N.W.2d 411, 416 (Minn. App. 1996).

MCO § 341.250(c) states that “[n]o taxicab driver shall . . . [t]hreaten abuse, insult, provoke, interfere with, impede or obstruct any other licensed driver . . . in connection with operations under this chapter.” MCO § 341.250(g) states that “[n]o taxicab driver shall . . . [b]lock the normal flow of traffic, except while parallel parking.” At the hearing, relator admitted that he swore at the complainant; he also admitted that he stopped in the lane of traffic in order to make a U-turn, thus preventing cars behind him from proceeding. This provides sufficient evidentiary support for the hearing officer’s decision. *Senior*, 547 N.W.2d at 416.

Relator challenges the hearing officer’s credibility determinations and argues that the complainant was rude to him. Credibility determinations are the province of the hearing officer and we will not disturb them. *Id.* (stating that upon review of a quasi-

judicial decision, “[t]he reviewing court is not to retry the facts or make credibility determinations.”).

Affirmed.