MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah
PH (651) 361-7900

January 19, 2023

VIA EFILING ONLY
Shari Moore
City Clerk
City of Saint Paul
310 City Hall
15 W Kellogg Blvd
St. Paul, MN 55102
cityclerk@ci.stpaul.mn.us

Re: ***In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul***
OAH 22-6020-38526

Dear Ms. Shari Moore:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter. The official record, along with a copy of the recording of the hearing, is also enclosed. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7853, majeste.phillip@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

MAJESTE PHILLIP
Legal Specialist

Enclosure

cc: Docket Coordinator
Therese Skarda
Isaac Castillo

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MN 55164-0620

CERTIFICATE OF SERVICE

In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul	OAH Docket No.: 22-6020-38526

On January 19, 2023, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was served by United States mail, unless otherwise indicated below, addressed to the following:

VIA EFILING ONLY
Shari Moore
City Clerk
City of Saint Paul
310 City Hall
15 W Kellogg Blvd
St. Paul, MN 55102
cityclerk@ci.stpaul.mn.us

Isaac Castillo
Castillo Auto Repair
744 Third St E
Saint Paul, MN 55106

VIA EMAIL ONLY
Therese Skarda
Assistant City Attorney
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul	**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION**

This matter came before Administrative Law Judge Christa L. Moseng for an evidentiary hearing on December 8, 2022, and the hearing record closed on that date.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City) Department of Safety and Inspections (Department or DSI). Isaac Castillo appeared on behalf of Castillo Auto Repair (Licensee), without legal counsel.

STATEMENT OF THE ISSUES

1. Has the Department established by a preponderance of the evidence that Licensee violated the St. Paul Legislative Code and the conditions of its licenses by:

   a. Failing to follow the approved site plan in violation of license condition #2;

   b. Exterior storage of vehicle parts in violation of license condition #4;

   c. Failing to maintain maneuvering space on the property in violation of license condition #9; or

   d. Displaying tires outside of the area on the approved site plan in violation of license condition #13?

2. May the City impose a matrix penalty of $1,000?

SUMMARY OF RECOMMENDATION

The Judge concludes that the Department has established by a preponderance of the evidence that Castillo Auto Repair violated conditions 2, 9, and 13 of its Auto Repair Garage license. Because these are the Licensee's second licensing violations within one year, the City may impose a penalty of $1,000 related to this conduct.

Based on the evidence in the hearing record, the Judge makes the following:

FINDINGS OF FACT

1. Isaac Castillo owns Castillo Auto Repair, located at 744 3rd Street East, St. Paul, Minnesota.[1] Castillo Auto Repair holds Auto Repair Garage License #20200001910 (License).[2]

2. The License is subject to 14 conditions, which include:

   a. Condition 2: Customer and employee parking on the licensed premises shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time;

   b. Condition 4: There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator;

   c. Condition 9: Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or onto the street is prohibited; and

   d. Condition 13: The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI Outdoor display of tires for-sale shall only be done when the business is open to the public and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).[3]

3. On or about March 19, 2022, The City assessed a $500 penalty to Castillo Auto Repair for violating license conditions 2, 5, and 7.[4] Castillo Auto Repair did not appeal the violation or the penalty and paid the penalty on April 20, 2022.[5]

4. On June 6, 2022, License Inspector Akbar Muhammad inspected the property after receiving a complaint.[6] During his inspection, Inspector Muhammad observed:

   a. More than two dozen vehicle tires stacked and scattered on the property's exterior;[7]

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[1] Ex. 2; Ex. 3.
[2] Ex. 1.
[3] Ex. 5.
[4] Ex. 6.
[5] *Id*.
[6] Ex. 2.

b. Seven (7) vehicles parked on the property.[8]

c. Vehicles parked in a manner that prevented vehicles from proceeding forward when entering and exiting the site.[9]

d. Tires displayed for sale on a rack that rested, in part, on the public sidewalk.[10]

5. The tires observed by Inspector Muhammed on the exterior of the premises had been delivered that day.[11] They were put inside by that evening.[12]

6. On July 6, 2022, the City issued a Notice of Violation and Request for Imposition of $1,000 Matrix Penalty (Notice).[13] The Notice alleged violations of four license conditions: condition 2 (Violation #1), condition 4 (Violation #2), condition 9 (Violation #3), and condition 13 (Violation #4). The Notice provided a July 21, 2022, deadline for requesting a contested case hearing.

7. Castillo Auto Repair requested a contested case hearing.[14]

Based on these Findings of Fact, the Judge makes the following:

CONCLUSIONS OF LAW

1. The Administrative Law Judge and the City of St. Paul have authority to hear this matter pursuant to St. Paul Legislative Code § 310.05(c), Minn. Stat. § 14.55 (2022).

2. The hearing in this matter was conducted in accordance with St. Paul Legislative Code § 310.05 and the contested case procedures of Minn. Stat. §§ 14.57-.62 (2022).

3. The Department provided proper notice of the hearing and fulfilled all relevant procedural requirements of rule and law.

4. The Department must show by a preponderance of the evidence that Licensee committed the violations alleged.[15]

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[7] Ex. 2; Ex. 10.
[8] Ex. 2; Ex. 10.
[9] Ex. 2; Ex. 10.
[10] Ex. 10.
[11] Testimony (Test.) of Jerry Castillo.
[12] *Id*.
[13] Ex. 1.
[14] *See* Notice of Prehearing Telephone Conference (July 25, 2022).
[15] Minn. R. 1400.7300, subp. 5 (2021).

5. St. Paul Legislative Code § 310.06(a) provides that the City Council may take adverse action against a license or licensee as provided by ordinance, including when a licensee has failed to comply with any condition set forth in the license.[16]

6. The Department established by a preponderance of the evidence that on June 6, 2022:

a. More than six (6) vehicles were parked on the exterior of the premises, violating condition 2 of the License.

b. Unobstructed maneuvering space on the property was not maintained, violating condition 9 of the License.

c. Display of tires was not limited to the area shown on the approved site plan, violating condition 13 of the License.

7. The Department has not established by a preponderance of the evidence a violation of license condition number 4.

8. In accordance with the penalty matrix in Section 310.05(m) of the St. Paul Legislative Code, a penalty of $1,000 may be imposed for a second violation within one year.

9. The Department established that a penalty of $1,000 may be imposed for the conduct alleged in Violations #1, #3, and #4.

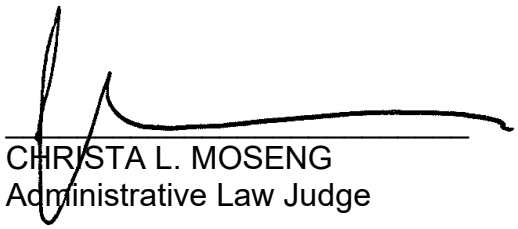
10. Any Finding of Fact or portion of the accompanying Memorandum more properly considered to be a Conclusion of Law is adopted herein.

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMMENDATION

The St. Paul City Council may impose a matrix penalty of $1,000, based on the conduct alleged in Violations #1, #3, and #4 of the Violation Notice.

Dated: January 19, 2023



CHRISTA L. MOSENG
Administrative Law Judge

Reported: Digitally Recorded
No transcript prepared

[16] St. Paul Legislative Code § 310.06(b)(5).

NOTICE

This Report is a recommendation, not a final decision. The St. Paul City Council will make a final decision after a review of the record and may adopt, reject, or modify these Findings of Fact, Conclusions of Law, and Recommendation. Pursuant to Saint Paul Legislative Code § 310.05 (c-1), the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. Parties should contact the St. Paul City Clerk, 310 City Hall, 15 W. Kellogg Blvd., Saint Paul, MN 55102, to ascertain the procedure for filing exceptions or presenting arguments.

MEMORANDUM

I. Introduction

The Department alleges four violations of the St. Paul Legislative Code and the licensing conditions under which Licensee operates. It argues that a matrix penalty of $1,000 is warranted. The Administrative Law Judge determines that the Department established three of the four alleged violations, and that the record supports imposing a penalty in the amount of $1,000.

The City Council may penalize a licensee when a licensee has failed to comply with a license condition. A party proposing that certain action be taken must prove the facts at issue by a preponderance of the evidence.[17] Accordingly, the City has the burden to prove the facts establishing the alleged violations and in support of its proposed penalty.

II. Violations

Violation #1

The City alleges that Castillo Auto Repair violated Condition 2 of its license, which prohibits more than six (6) vehicles parked on the exterior of the premises at any time. Castillo Auto Repair concedes that during the inspector's visit, more than six (6) vehicles were parked on the premises but argues that at least one was parked there for a short time and was later moved. The license condition does not include any exceptions to the six-vehicle limitation, and expressly prohibits exceeding the maximum "at any time." The City has met its burden to establish this violation.

Violation #2

The City alleges that Castillo Auto Repair violated Condition 4 of its license, which prohibits "exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator." In support of its allegation, the City offered evidence of a large number

[17] Minn. R. 1400.7300, subp. 5.

of tires "stacked and scattered," not on an approved display rack, on the exterior of the building. Jerry Castillo credibly testified that the tires observed by the inspector had been delivered that day and had not yet been processed and put away.

"Courts generally strive to construe a term according to its plain and ordinary meaning."[18] While there are senses of the word "storage" that can include temporary placement of an item, the ordinary meaning of the word connotes keeping something over a longer term.[19] The license condition does not prohibit "placement" of vehicle parts or materials outside the building—only storage.

In light of the record evidence, the Department has not established by a preponderance of the evidence that the tires the inspector photographed on the exterior of the building were being stored there. Their presence during the inspector's visit—without evidence that they remained outside the building for long enough to conclude they were being stored there—does not meet the City's burden to show that Castillo Auto Repair violated Condition 4 of the license.

Violation #3

The City alleges that Castillo Auto Repair violated Condition 9 of its license, which requires Castillo Auto Repair to maintain an unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Castillo Auto Repair conceded that the photographs taken by the inspector accurately represent the state of the business during Inspector Muhammad's inspection on June 6, 2022. The photographs establish that forward progress through the designated through-lane on the property was obstructed.

Castillo Auto Repair argued that the vehicle obstructing the through lane was only there for a short time and was later moved. Similar to violation #1, this obstruction nevertheless violated Condition 9 of the license. The City has met its burden to establish this violation.

Violation #4

The City alleges that Castillo Auto Repair violated Condition 13 of its license, which provides that "[n]o tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.)." A photograph taken by Inspector Muhammad shows a tire display rack resting in-part on a public sidewalk. Slight though the encroachment may have been, the tires were placed in the public right-of-way. The City has met its burden to establish this violation.

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[18] *See Frank's Nursery Sales, Inc. v. City of Roseville*, 295 N.W.2d 604, 609 (Minn. 1980) (construing a city ordinance).

[19] *See, e.g.*, https://merriam-webster.com/dictionary/storage, definition 2 ("the act of storing : the state of being stored *especially*: the safekeeping of goods in a depository (such as a warehouse)").

III. Penalty

The presumptive matrix penalty for a second appearance is $1,000,[20] which is the penalty amount the Department selected. The Department did not seek an upward variance of the penalty, and it aggregated the violations alleged into one violation notice, instead of treating them separately. Because this is Castillo Auto Repair's second penalty within one year, imposition of a $1,000 penalty is lawful based on the St. Paul Legislative Code and the record in this case.

IV. Conclusion

The Department established Violations #1, #3, and #4 by a preponderance of the evidence. On these facts, the penalty matrix establishes a $1,000 presumptive penalty. Therefore, a matrix penalty of $1,000 is appropriate.

C. L. M.

[20] St. Paul Legislative Code Section 310.05(m).

RECEIVED
By: OAH on 12/8/2022 4:31 PM

OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COUNCIL OF
THE CITY OF SAINT PAUL

In Re: The Auto Repair Garage License held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul.

CITY'S
EXHIBIT LIST

DATE: December 8, 2022

TO: Judge Christa Moseng - Office of Administrative Hearings, 600 North Robert Street.

The following constitutes a list of the City's exhibits submitted in conjunction with the December 8, 2022, Administrative Hearing:

Exhibit No.	Description
Ex. No. 1-1– 1-6	Notice of Violation and Request for Imposition of $1000 matrix penalty dated 7/6/2022
Ex. No. 2-1	June 6, 2022 Inspectors Report
Ex. No. 3-1	Properties for License
Ex. No. 4-1	STAMP Ownership Information
Ex. No. 5-1	License Group Conditions Text (License Conditions)
Ex. No. 6-1	License Group Comments Text (License History)
Ex. No. 7-1	Adverse Action Comments Text
Ex. No. 8-1	Requirements Comments Text
Ex. No. 9-1	Site Plan
Ex. No. 10-1 – 10-4	Photos from Inspection with Violations noted
Ex. No. 11	Stipulation for Castillo Auto Repair

Also attached please find courtesy copies of applicable City of Saint Paul city ordinances:

Saint Paul Legislative Code § 310.05
Saint Paul Legislative Code § 423.01
Saint Paul Legislative Code § 401.01

Respectfully submitted the 8th day of December 2022

Therese Skarda /s.m.

Therese Skarda, Assistant City Attorney
License No: 240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Exhibit 11 - Stipulation for Castillo Auto Repair

1. The parties do not object to the exhibits (Ex. 1-1 – 11) offered by the City of Saint Paul.
2. The photos shown in Exhibits 10-1 – 10-4 are a true and correct representation of the state of the business on the date of Inspector Muhammad's complaint inspection on ~~June 7, 2022~~. June 6, 2022.
3. The parties do not dispute the Inspector's Report shown in exhibit 2-1.
4. The Parties do not dispute that the license conditions shown in exhibit 5-1 were in effect at the time of Inspector Muhammad's inspection on ~~June 7, 2022~~ June 6, 2022.
5. The License History shown in Exhibit 6-1 shows the history of the license and interactions between the Licensee and his father, Jerry Castillo and representatives of the Department of Safety and Inspections.
6. The Licensee and his father Jerry Castillo wish to testify as to the reason for the tires presence and discuss the other violations observed and photographed by Inspector Muhammad on ~~June 7, 2022~~ June 6, 2022.
7. Licensing Manager Hudak wishes to testify as to the history between the licensee and DSI and as to why DSI believes the items observed in the photos (Ex. 10-1 – 10-4) are violations.

RECEIVED
By: OAH on 10/20/2022 6:06 PM

OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COUNCIL OF
THE CITY OF SAINT PAUL

In Re: The Auto Repair Garage License held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul.

CITY'S
EXHIBIT LIST

DATE: October 20, 2022

TO: Judge Christa Moseng - Office of Administrative Hearings, 600 North Robert Street.

The following constitutes a list of the City's exhibits submitted in conjunction with the November 9, 2022, Administrative Hearing:

Exhibit No.	Description
Ex. No. 1-1– 1-6	Notice of Violation and Request for Imposition of $1000 matrix penalty dated 7/6/2022
Ex. No. 2-1	June 6, 2022 Inspectors Report
Ex. No. 3-1	Properties for License
Ex. No. 4-1	STAMP Ownership Information
Ex. No. 5-1	License Group Conditions Text (License Conditions)
Ex. No. 6-1	License Group Comments Text (License History)
Ex. No. 7-1	Adverse Action Comments Text
Ex. No. 8-1	Requirements Comments Text
Ex. No. 9-1	Site Plan
Ex. No. 10-1 – 10-4	Photos from Inspection with Violations noted

Also attached please find courtesy copies of applicable City of Saint Paul city ordinances:

Saint Paul Legislative Code § 310
Saint Paul Legislative Code § 423.01
Saint Paul Legislative Code § 401.01

Respectfully submitted the 20th day of October 2022

Therese Skarda /S.M.

Therese Skarda, Assistant City Attorney
License No: 240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

July 6, 2022

NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
$1000 MATRIX PENALTY

Castillo Auto Repair
744 3rd Street East
Saint Paul, MN 55106

RE: Auto Repair Garage license held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul.
License ID #: 20200001910

Dear Licensee:

The Department of Safety and Inspections (the "Department") has recommended adverse action against the Auto Repair Garage License held by Castillo Auto Repair (the "Licensee") herein for the premises located at 744 3rd Street East (the "Licensed Premises") based on violations of your license conditions.

Saint Paul Legislative Code section 310.06 sets forth several reasons on which adverse action may be based. Section 310.06(b)(5) provides that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the license conditions on which the Department bases its request for adverse action are license conditions #2, #4, #9 and #13.

Synopsis of Alleged Facts:

On June 6, 2022, Inspector Muhammad from the Department went to the Licensed Premises for a complaint-based inspection. Inspector Muhammad spoke with Issac Castillo, the owner, and informed him that the Department received a complaint and that he was there to conduct an inspection. During the inspection, Muhammad observed and documented with photos violations of license conditions #2, #4, #9 and #13. After the inspection, Muhammad told Castillo that he needed to follow the site plan that was approved by the Department.

EXHIBIT
tabbies
1-1

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Violation #1 - Failure to follow approved site plan in violation of Condition #2:

License condition #2 of the License for the Licensed Premises states that:

"Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time."

Violation #1 Facts: On June 6, 2022, during the complaint inspection, Inspector Muhammad observed seven (7) vehicles parked on the Licensed Premises in an area not approved on the site plan on file with the Department.

Violation #2 – Exterior storage of tires in violation of Condition #4:

License condition #4 of the License for the Licensed Premises states that:

"There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc."

Violation #2 Facts: On June 6, 2022, during the complaint inspection, Inspector Muhammad observed tires stacked in front of the business.

Violation #3 – Failure to maintain maneuvering space on property in violation of Condition #9:

License condition #9 of the License for the Licensed Premises states that:

"Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited."

EXHIBIT
1-2

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Violation #3 Facts: On June 6, 2022, Inspector Muhammad observed that the vehicles parked on the Licensed Premises did not have enough maneuvering space to enter and exit the site.

Violation #4 – Tires placed in public right of way (sidewalk) in violation of Condition #13:

License condition #13 of the License for the Licensed Premises states that:

"The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.)."

Violation #4 Facts: On June 6, 2022, Inspector Muhammad observed a tire cart that extended over onto the public sidewalk.

Under Saint Paul Legislative Code section 310.05, these violations of your license conditions are second-time violations. The penalty matrix laid out in section 310.05 prescribes a $1000 fine for a second-time Violation.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **July 21, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.

2. You can pay the $1000 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **July 21, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the $500 matrix penalty will be considered a waiver of the hearing to which you are entitled.

3. If you wish to admit the facts but you contest the $1000 matrix penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement

EXHIBIT
tabbies
1-3

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

admitting to the facts and requesting a public hearing no later than **July 21, 2022.** The matter will then be scheduled before the City Council to determine whether to impose the $1000 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. If you dispute the facts outlined above, you may request an administrative hearing before an Administrative Law Judge (the "ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **July 21, 2022.** At that hearing, both you and the City will appear and present witnesses and evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that hearing, the City Council will decide whether to adopt, modify, or reject the ALJ's report and recommendation. Please note: If you choose an administrative hearing, the Department reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code section 310.05(k).

If you have not contacted me by July 21, 2022, I will assume that you do not contest the imposition of the $1000 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Shawn McDonald at (651) 266-8729.

Sincerely,

Stephen Earnest /S.M.

Stephen Earnest
Assistant City Attorney
License No. 0402652

EXHIBIT
tabbies
1-4

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Cc: Issac Castillo, 2350 Stillwater Avenue East, Maplewood, MN 55119
Hill Properties Inc., 107 Farrington Street, Saint Paul, MN 55102
Lissa Jones-Lofgren, Executive Director, Dayton's bluff Community Council, East Side Enterprise Center, 804 Margaret Street, Saint Paul, MN 55107

Attachments:
- Inspectors Report from Inspector Akbar Muhammad
- Screenshots from Eclips system
- STAMP Ownership/Zoning Information
- Parking Plan Map
- Photos of Violations

EXHIBIT
tabbies
1-5

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 6th day of July, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF $1000 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Castillo Auto Repair
744 3rd Street East
Saint Paul, MN 55106
Attn: Issac Castillo

Issac Castillo
2350 Stillwater Avenue East
Maplewood, MN 55119

Hill Properties Inc.
107 Farrington Street
Saint Paul, MN 55102

Lissa Jones-Lofgren, Executive Director
Dayton's bluff Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55107

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 6th day of July 2022

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
1-6

SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date & Time: 6/6/2022 - 2:30 pm Staff Member's Name: Isaac Castillo (Owner)

Business/DBA Name: Castillo Auto Repair

Property Address: 744 3rd St. East

Reason for Visit: Complaint Inspection

Observations: Condition violations: #3,#4, & #9

Photos Taken: ☒ Yes ☐No – Area(s) of where the Photo(s) where taken: -

-

Action Taken: ☐Education / warning

☒ Request for Adverse Action

Other: -

-

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival, I spoke with Issac Castillo (owner), I identified myself as a DSI licensing inspector with the City of Saint Paul. I explained to Issac the reason for today's visit was due to DSI receiving a complaint and I was here today for an inspection. Continuing the inspection of the property with Issac, reviewing the compliant and license conditions with him, the following license condition violations were observed.

Immediately I observed vehicle tires staked and scattered throughout the property. Employees were changing tires on vehicles on the exterior of the premises. I reviewed the license condition violations with Isaac. He claims, "That he just received this shipment of tires about an hour ago and didn't have any place to put the tires." I advised him that he is the license holder he is ultimately responsible for the storage of inventory. I also observed vehicles parked on the premises that were in violation of the approved site plan. I explained to Isaac about the parking violation of the site plan, he stated, "I know and the two vehicles aren't always parked there". I advised Isaac, that he needed to follow the approved parking site plan.

EXHIBIT
tabbies
2-1

Properties For License 744 3RD ST E

Pay | Print | Hist | Summ

Licensee: CASTILLO AUTO REPAIR
DBA: CASTILLO AUTO REPAIR

License | Licensee | Lic Types | Insurance | Bond | Requirements

Licensee Name: CASTILLO AUTO REPAIR
DBA: CASTILLO AUTO REPAIR
Sales Tax Id: ******** Non-Profit ☐ Worker's Comp: 00/00/0000
AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
AA Fee Collected: 00/00/0000 Discount Rec'd ☐

Properties

Other Agency Licenses

Other Licensing Agency Name / License Type	License #	Expiration

Financial Hold Reasons

Reason	Active	Date

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
			(763) 528-0440		744 3RD ST
CASTILLO	ISAAC	OWNER	( ) -		2350 STILLWATER AVI

Mail License To: ◉ Mail To Contact ○ License Address
Mail Invoice To: ◉ Mail To Contact ○ License Address

Background Check Required ☐ Contact Properties

License # 200001910 Save Changes to History ☑ OK | Cancel | Help

Properties For License 744 3RD ST E

Pay | Print | Hist | Summ

Licensee: CASTILLO AUTO REPAIR
DBA: CASTILLO AUTO REPAIR

License | Licensee | Lic Types | Insurance | Bond | Requirements

Licensee Name: CASTILLO AUTO REPAIR
DBA: CASTILLO AUTO REPAIR
Sales Tax Id: ******** Non-Profit ☐ Worker's Comp: 00/00/0000
AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
AA Fee Collected: 00/00/0000 Discount Rec'd ☐

Properties

Other Agency Licenses

Other Licensing Agency Name / License Type	License #	Expiration

Financial Hold Reasons

Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Drv
744 3RD ST	ST PAUL	55106	00/00/0000	00/00/0000	
2350 STILLWATER AVE E	MAPLEWOOD	55119	07/26/1998	00/00/0000	H57808

Mail License To: ◉ Mail To Contact ○ License Address
Mail Invoice To: ◉ Mail To Contact ○ License Address

Background Check Required ☐ Contact Properties

License # 200001910 Save Changes to History ☑ OK | Cancel

EXHIBIT 3-1

STAMP - Ownership / Zoning Information

New Search | Help using this report

Run Date: 06/09/22 01:46 PM
House#: 744
Street Name: 3rd

Last updated from Ramsey County data on:

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

744 3rd St E - 55106-5151 - Other Applications

PIN: 322922140214 **Census Track:** 34400 **Census Block:** 2003 **Council Ward:** 7 **District Council:** 4
Year Built: **Foundation Sq Feet:** **Loan Company:** **Land Value:** 34700 **Building Value:** 62300

Existing Primary Use: A-Auto Body **Legality of Use:** **Occupancy Group Type:** S-1 **Units:** 0

Zoning: B2 / HPC: Historic / B2 / HPL-DB

Heritage Preservation: HP Inventory #: RA-SPC-2509 / **HP Property Name**: Schrankler Filling Station / **HP Architect/Builder**: Schrankler, W. A. / **HP Date Built**: 1931 / **HP Address**: 744 Third St. E

Legal Desc: LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37

Owner:
Hill Properties Inc
107 Farrington St
St Paul MN 55102-2101

Tax Owner:
Hill Properties Inc
107 Farrington St
St Paul MN

Certificate of Occupancy Responsible Party:
Jerry Castillo
810 Larpenteur Ave W
Roseville MN 55113-6548

EXHIBIT
tabbies
4-1

License Group Conditions Text 06/09/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

1. Licensee agrees to comply with any and all conditions placed on the Zoning Change of Nonconforming Use Permit #20-069027 from an auto body shop to general auto repair / tire repair business.
2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
3. The parking lot shall be striped and maintained in accordance with the approved site plan on-file with DSI.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and, shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
5. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing.
7. Vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure than any vehicle not claimed by its owner is removed from the lot as permitted by law.
8. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.
9. Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited.
10. Auto body repair and/or the painting of vehicles is prohibited.
11. Vehicle sales is not permitted.
12. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
13. The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
14. The Second Hand Dealer - Motor Vehicle parts license is restricted to the sale of used tires only.

EXHIBIT
tabbies
5-1

License Group Comments Text 06/09/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

6/6/2022 Inspected due to complaint and found license violations will be sending for AA.ARM
04/20/2022 $500 FEE PAID. SE
03/19/2022 CF 22-360 approves matrix of $500 to be paid no later than April 1 2022. SLH
1/28/2022 Sent to the CAO for AA for a $500.00 fine for license condition violations 2,5 & 7 JNV
1/28/2022 Sent AA to JNV for reveiw for a $500.00 fine ARM
1/7/2022 Correction Notice sent via email with a reinspection date of on or before 1/17/2022. ARM
12/1/2021 Followed up inspection to verify past violations and take more pictures. ARM
11/30/2021 Reinspected property. Spoke with Jeremiah, supervisor on site about the violations. Stated he would work on getting into compliance. Vehicles on parked on right of way and trailer parked on property. ARM
11/29/2021 Followed up with a complaint that an orange dumpster was stationed outside of business. Didn't observe orange dumpster. ARM
6/29/2021 Clarified confusion regarding outdoor storage with Isaac Castillo. Advised that nothing whatsoever can be stored outside anywhere including on top of the building. He stated he understood and would comply. NOV withdrawn. EVH
5/13/2021 Sent AA to the CAO -$500 JNV
5/13/2021 Sent AA for review to JV ARM
5/5/2021 Upon reinspection licensee had tires and wheel rims stored outside of dumpster enclosure. ARM
5/4/2021 Courtsey inspection found licensee in violation of license condition #4. Discussed this situation with Mr. Castillo and he stated that the tires will be gone by tomorrow morning. ARM
4/19/2021 Inspect property to find licensee in violation of #4 on licensing conditions. Sent correction notice USPS. Reinspection on or after 5-4-2021. ARM
4/15/2021 Complaint received about tires being stored outside of dumpster. ARM
11/03/2020 Per Leg. Hrg. Officer no objection or comment received that necessitates a public hearing. JWF
11/02/2020 Leg. Hearing Officer rcvd. email regarding public notice and needs to research content further for determination if Legislative Hearing will be necessary. JWF
09/30/2020 License notice sent. 61M/35EM response date 10/30/2020. JWF
10/23/2020 Opening Inspection -Pass ARM
09/30/2020 Per licensee request the Auto Body Repair/Painting Shop license application has been withdrawn since they will not be conducting activities requiring this license type and the Zoning Change of NCUP #20-069027 will no longer permit this activity. JWF
09/11/2020 To RH/EH for review. JWF
09/09/2020 Per emailed Mitch Imbertson (Fire Insp.) only needs to review if paint booth used. JWF
08/26/2020 License applicant has submitted to PED a Change of Nonconforming Use Permit to go from auto body repair shop to general auto repair/tire repair. JWF
08/13/2020 Applicant advised at time of application submission that auto repair and used tire sales not permitted, that he must go to the PC to obtain a revision to the existing NCUP to permit this, and that this may result in being unable to continue with the Auto Body Repair/Painting Shop activity. Applicant requested that the Auto Body Repair/Painting Shop license be included with application and that if this use is still permitted would submit license fee payment at later date, or would withdraw this license type from application if no longer allowed. JWF

EXHIBIT
tabbies
6-1

Adverse Action Comments Text

Licensee: CASTILLO AUTO REPAIR

06/09/2022

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

03/04/2022 - Notice of Council Hearing sent out. Scheduled for 03/09/2022 council agenda.
02/02/2022 - Notice of Violation sent out with an 02/16/2022 deadline to respond. SM
05/17/2021 Notice of Violation sent out with a 05/27/2021 deadline to respond. SM
07/06/2021 DSI to withdraw NOV SM

EXHIBIT
tabbies
7-1

Requirement Comments Text 06/09/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

09/30/2020 Email sent to Mitch Imbertson (Fire CofO) new occupant will no longer be doing auto body repair or painting of vehicle/vehicle-parts. JWF
10/23/2020 Completed opening inspection. ARM
9/15/20 Background check is clear. RJH
8/28/20 Background check requested. RJH

EXHIBIT
tabbies
8-1

744 3rd St. E.

RECEIVED
08/13/2020
RECD
By: City of St Paul DSI

EXHIBIT
9-1

License condition violation #4 on 6/7/2022. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business.

EXHIBIT
10-1

Photo Number 1

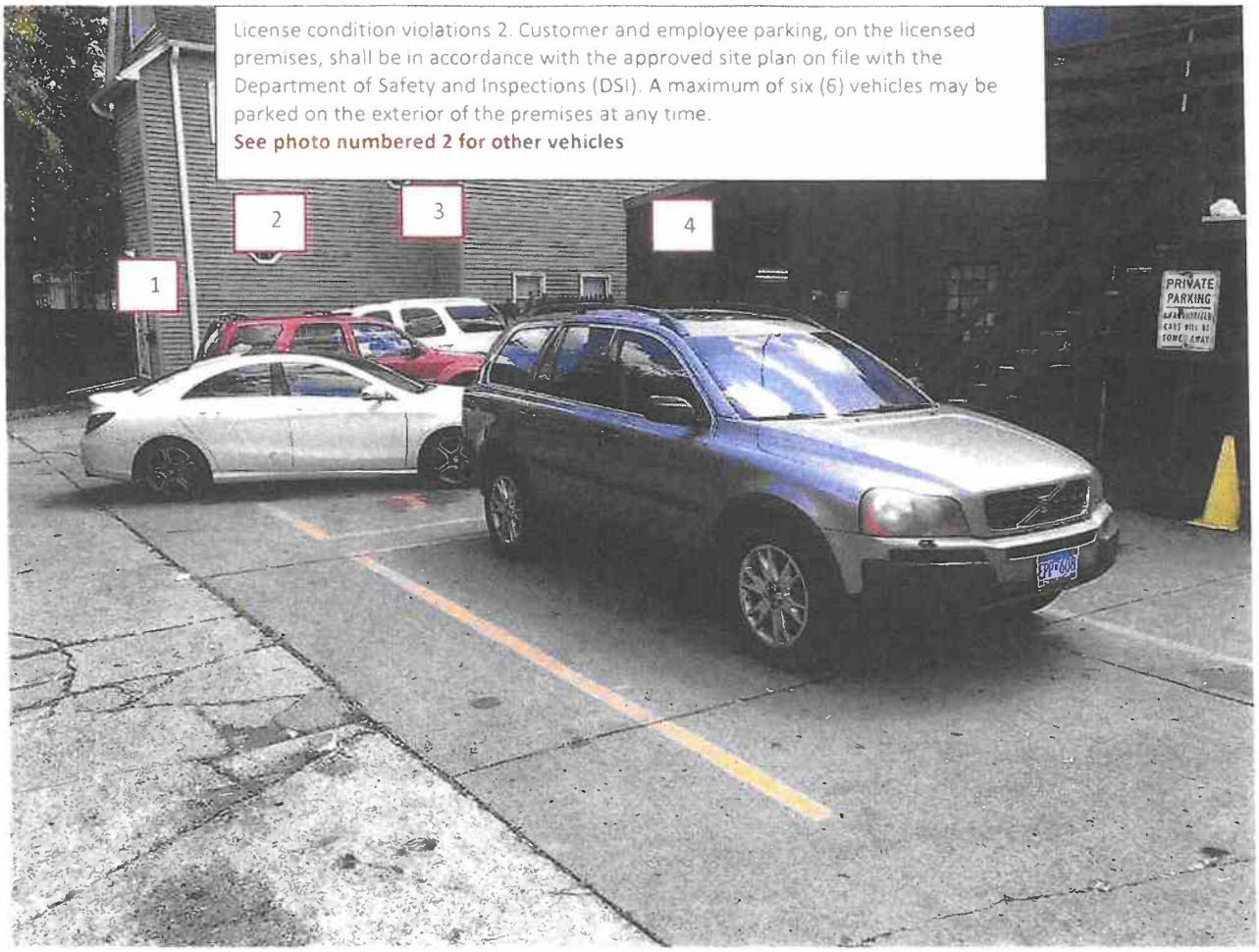


EXHIBIT
10-2

Photo Number 2

License condition violations 2, 4 & 9 and on 6-6-2022. Providing maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. And not parking according to the approved parking site plan. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business. 2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

See photo numbered 1 for other vehicles

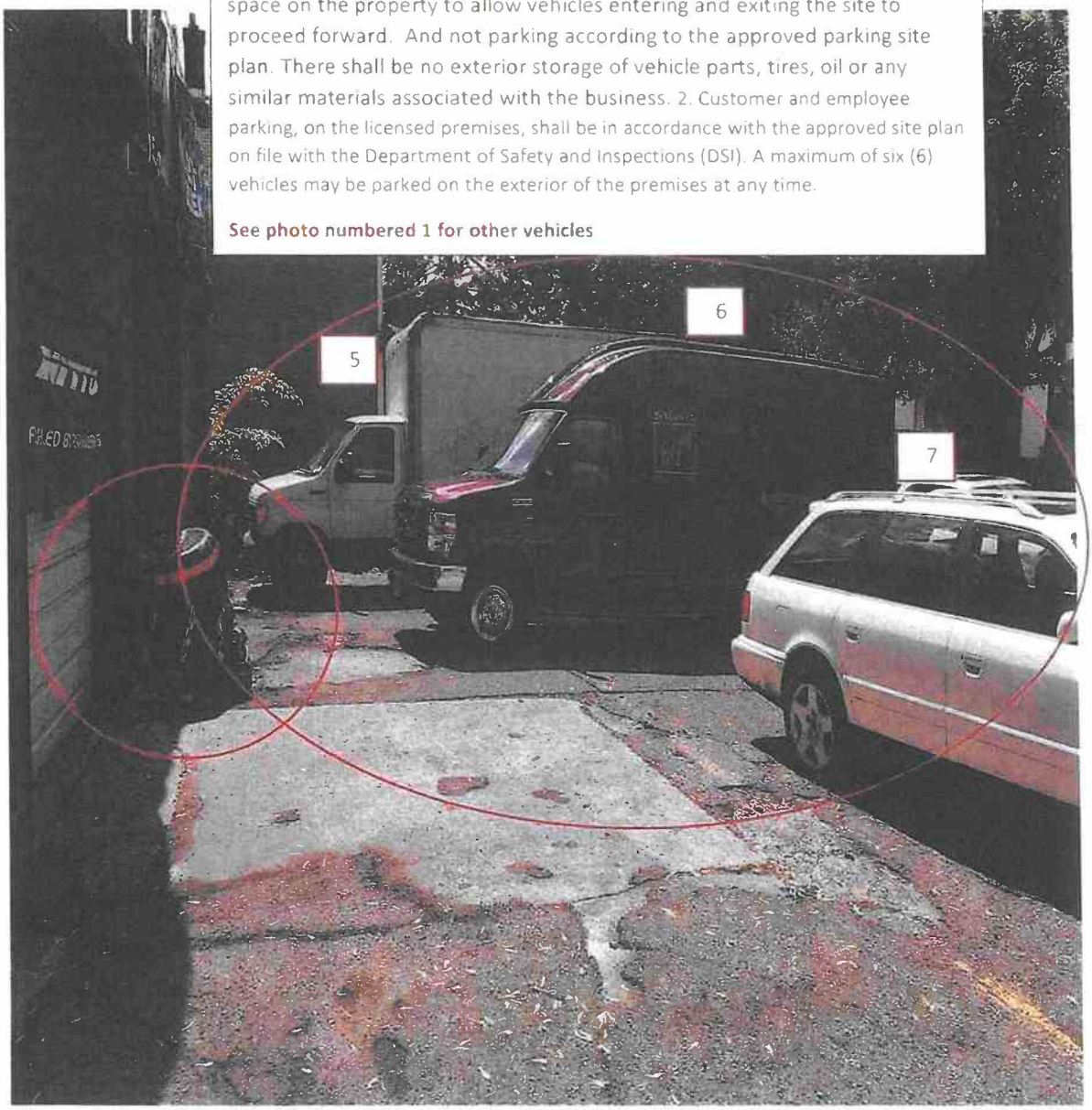


EXHIBIT
10-3

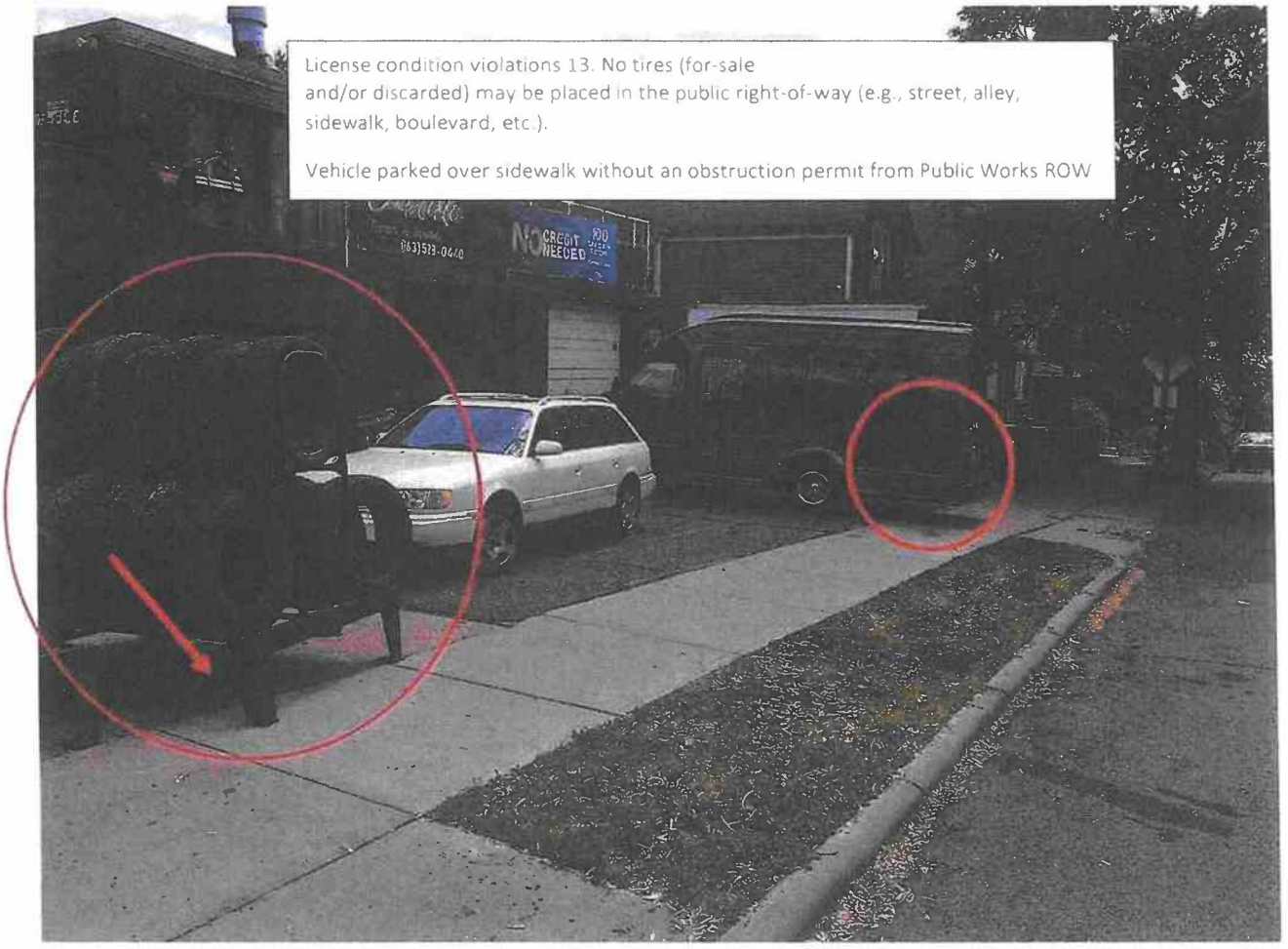

License condition violations 13. No tires (for-sale
and/or discarded) may be placed in the public right-of-way (e.g., street, alley,
sidewalk, boulevard, etc.).
Vehicle parked over sidewalk without an obstruction permit from Public Works ROW
NO CREDIT NEEDED

EXHIBIT
10-4

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

October 20, 2022

Castillo Auto Repair
744 3rd Street East
Saint Paul, MN 55106
Attn: Jerry Castillo

RE: Auto Repair Garage License held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul
License ID #20200001910
OAH Docket No.: 22-6020-38526

Dear Mr. Castillo:

Below is the list of witnesses the City may call to testify. If I add any witnesses to this list, I will provide you with that information as well.

1. Akbar Muhammad, DSI Inspector, 375 Jackson Street, Ste. 220, St. Paul, MN 55101 (651)-266-8989

Sincerely,

Therese Skarda
Assistant City Attorney

Cc: Christa Moseng, Administrative Law Judge, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.

Chapter 310. Uniform License Procedures

Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and *these chapters* shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

Class R licenses means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class R Licenses	Legislative Code Chapter
Animal Foods Manufacturing and Distributing	316
Amusement Rides	317
Mechanical Amusement Devices	318
Bed and Breakfast	378
Bituminous Contractors	320
Rooming and Boardinghouses; Dormitories	321
Christmas Tree Sales	323
Cigarettes/Tobacco	324
Commercial Vehicles	167
Building Contractors	326
Courtesy Bench	127

Dry Cleaning Establishments and Pickup Stations; Laundries	327
Alarm Devices	329
Food Protection Standards	331A
Fuel Dealers—Liquid Fuel	332
Fuel Dealers—Solid Fuel	333
Pest Control	334
House Sewer Contractors	338
Keeping of Animals	198
Lawn Fertilizer and Pesticide Application	377
Mercantile Broker	340
Oil—Bulk Storage	342
Peddlers	345
Solicitors	345
Pet Grooming Facility	382
Pet Shops	347
Solid Waste Hauler	357
Rental of Hospital Equipment	350
Rental of Kitchenware	351
Rental of Trailers	352
Roller Rinks	353
Sanitary Disposal Vehicle	354
Secondhand Dealers (Single Location, Multiple Dealers)	355
Sidewalk Cafe	106
Sidewalk Contractors	356
Solid Waste Transfer Station	357
Sign and Billboard Construction	66 and 33
Sound Trucks and Broadcasting Vehicles	359
Public Swimming Pools	360
Tanning Facility	380
Wreckers and Tow Trucks	361
Taxicab Driver	376
Taxicab Vehicle	376
Tree Trimming	362
Food Vending Machines	363
Veterinary Hospital	364
Window Cleaning	365
Block Parties	366
Wrecking of Buildings	368
Building Trades Business Licenses	369
Building Trades Certificates of Competency	370
Finishing Shop	371
Tire Recapping Plants	372
Massage Center	412
Therapeutic Massage Practitioner	414
Vehicle Immobilization	383
Short-term Rental Platform	379
Short-term Rental Host	379

Class T licenses means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class T Licenses	Legislative Code Chapter
Amusement Rides—Temporary	317
Close-Out Sales	325
Transient Merchants	345
Gambling—Temporary	402.06
Entertainment—Temporary	411
Extension of Service Area-Liquor	409
Soliciting Funds—Tag Days	391
Temporary On-Sale Malt (3.2)	410
Temporary Wine, Wine Licenses for Festivals and Liquor	409
Secondhand Dealer—Exhibition	355
Temporary World Cup Soccer License	409, 410

Class N licenses means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class N Licenses	Legislative Code Chapter
Automobile Repair Garage and Body Shop	423
Pool Hall, Bowling Center	322
New Motor Vehicle Dealer	401
Bingo	402
Bingo Halls	403
Cabaret	426
Private Clubs - Liquor	409
Dance or Rental Halls	405
Firearms Dealer	225
Gambling Hall	278
Game Rooms	406
Gas Station	424
Gambling Location	409
Hotel/Motel	407
Health/Sports Club	427
Infectious Waste Processing	429
Recycling Collection Center/Recycling Processing Center	408
Second Hand Dealer—Motor Vehicle Parts	401
Motor Vehicle Salvage Dealer	422
Intoxicating Liquor—On and Off Sale	409

Brewpub/Off-Sale	409
Off-Sale Brewery	409
Motorcycle Dealer	401
Pawn Shop	344
Nonintoxicating Liquor-On and Off Sale	410
Entertainment	411
Conversation/Rap Parlors	413
Steam Room/Bathouse	428
Theatres and Movie Theaters	415
Motion Picture Drive-In Theatres	416
Second Hand Dealer—Motor Vehicle	401
Parking Lots and Parking Garages	417
Scrap and Metal Processor	420
Liquor Extension of Service Hours	409
Liquor Outdoor Service Area (Patio)	409
Currency Exchange	381
Small Brewer Off-Sale—128 Ounces License	409

Department means the department of safety and inspections.

Director means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

Fee means and includes both the license fee and application fee unless otherwise provided.

Inspector as used in these chapters means the director of the department of safety and inspections or his or her designee.

License means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning administrator means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19; Ord 22-35, § 2, 8-3-22)

Sec. 310.02. Application.

(a) *Form.* All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall

not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.

(b) *Taxes.* No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.

Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:

(1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;

(2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or

(3) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (1) above, the license may be revoked if the licensee defaults upon such agreement.

(c) *Additional information.* The inspector shall prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The inspector shall require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

(d) *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no person may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

(e) *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

(f) *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.

(g) *Waiting period after filing of petition.* Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

(Code 1956, § 510.02; C.F. No. 95-473, § 2, 5-31-95; Ord. 21-26, § 2, 7-28-21)

Sec. 310.03. Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

Sec. 310.04. Levels of approval; recommendations.

(a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.

(d) *Class N licenses.*

(1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected

neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal.* The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal.* The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

Sec. 310.05. Hearing procedures.

(a) *Adverse action; notice and hearing requirements.* In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee shall be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the

inspector, by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.

(b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee shall have been notified in writing that adverse action may be taken against the license or application, and that he or she is entitled to a hearing before action is taken by the council. The notice shall be served or mailed a reasonable time before the hearing date, and shall state the place, date and time of the hearing. The notice shall state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the inspector or by the city attorney.

(c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing shall be held before the council. Otherwise the hearing shall be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee shall be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.

(c-1) *Procedure; hearing examiner.* The hearing examiner shall hear all evidence as may be presented on behalf of the city and the applicant or licensee, and shall present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council shall consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and shall not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council shall provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with such additional arguments presented at the hearing, the council shall determine what, if any, adverse action shall be taken, which action shall be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

(c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein shall prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, shall mean and include a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.

(d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.

(e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.

(g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall be complied with and shall supersede inconsistent provisions of these chapters. This shall include, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.

(h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

(i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.

(j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall be prepared by the license inspector and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.

(k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor.

(l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall be controlling.

(m) *Presumptive penalties for certain violations*. The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	$500.00 fine	$1,000.00 fine	$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	$500.00 fine	$1,000.00 fine	$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	$500.00 fine	$1,000.00 fine	$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	$700.00	$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	$2,000.00	Revocation	n/a	n/a

(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Critical violations under 331A	$250.00	$500.00	$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under 331A	$150.00	$250.00	$500.00	$1,000.00
(11) Taxi fail to display driver's license as required by 376.16(f)	$100.00	$250.00	$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	$100.00	$250.00	$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	$200.00	$400.00	$800.00	Revocation

(i) *Fines payable without hearing.*

A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance"

for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

(iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.

(iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.

(v) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.

(6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

Sec. 310.06. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.

(6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

(7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

(8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.

(13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section shall mean and include any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting

security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The inspector may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses. The council may impose such conditions on Class N licenses with the consent of the license holder, or upon any class of license as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the council in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.

(d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

(1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;

(2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

(3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;

(4) The management practices of the licensee or applicant with respect to each of such licenses;

(5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;

(6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and

(7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Code 1956, § 510.06; Ord. No. 17584, § 1, 8-25-88; Ord. No. 17657, § 15, 6-8-89; Ord. No. 17659, § 2, 6-13-89; Ord. No. 17901, §§ 2, 3, 1-14-92; Ord. No. 17917, §§ 2, 3, 3-31-92; Ord. No. 17922, § 1, 4-28-92; C.F. No. 94-500, § 3, 7-6-94; C.F. No. 94-1340, § 3, 10-19-94; C.F. No. 95-473, § 5, 5-31-95; C.F. No. 99-500, § 3, 7-7-99; C.F. No. 06-954, § 2, 11-8-06; C.F. No. 06-1072, § 2, 12-27-06)

Sec. 310.07. Termination of licenses; surety bonds; insurance contracts.

(a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications shall automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and shall not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § 310.05. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul shall be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, shall first be approved as to form by the city attorney.

(3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.

(4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.

(c) *Termination of bonds and insurance required by city.* Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the requirements of Chapter 8 of the Saint Paul Legislative Code.

(d) *Expiration date to be concurrent with term of license or permit.* The expiration date of all such policies, bonds, guarantees or certifications shall be concurrent with the expiration date of the license or permit.

(Code 1956, § 510.07; Ord 12-74, § 1, 11-28-12)

Sec. 310.08. Terms of licenses; uniform dates.

(a) All licenses or permits shall be valid for a period of one (1) year from the date of issuance by the inspector, except as otherwise provided herein or in these chapters or in cases of revocation, suspension or termination under section 310.06.

(b) Licensees may continue to operate their business after the expiration date of their license; provided, that the licensee has filed with the inspector on or before the expiration date the appropriate license application, license fees, insurance and bonds. The inspector shall process the renewal application in the manner provided for in this Code.

(c) Whenever any licensee is the holder of the two (2) or more licenses of the City of Saint Paul which expire on different dates, the inspector is authorized, at the request of the licensee, to determine a uniform date for the expiration of all or any number of such licenses, notwithstanding the term and expiration dates of such licenses as originally issued, and notwithstanding any provision as to term of license of any ordinance of the city heretofore or hereafter enacted. The provisions hereof shall govern the issuance of any new license to one already holding a license.

(d) In order to conform to the foregoing provisions, new licenses may be issued for a term of less than one (1) year, and the license fee therefor shall be prorated for the period of issuance.

(Code 1956, § 510.08; Ord. No. 17360, § 1, 6-5-86)

Sec. 310.09. Fees.

(a) *Exempt organizations.* The Legislative Code exempts certain organizations from paying the customary license or permit fees or establishes a nominal fee of less than seven dollars ($7.00). The terms and conditions of such exemptions are stated within the applicable chapters. Such organizations shall pay a five dollars ($5.00) minimum processing fee for each and every application for a license or permit to be issued by the division manager, director or council of the city.

(b) *Fee schedule.* The council may by ordinance determine and establish one (1) fee schedule for any or all licenses and permits issued pursuant to these chapters, and a separate fee schedule for applications for such licenses and permits, which may include fees to cover costs incurred by reason of the late filing. Such fees, in either schedule, shall be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration shall mean and include, but without limitation by this specification, both direct and indirect costs and expenses, such as salaries, wages, benefits and all personnel costs including training, seminars and schooling, expenses of investigations and inspections, handling of inquiries and requests for assistance, telephone and communications, stationery, postage, paper, reproduction, office capital equipment and all office supplies. Such fee schedules as adopted by ordinance and posted in the office of the inspector shall supersede inconsistent fee provisions in these chapters or in other ordinances or laws.

(c) *Fee for one year; may be prorated.* Unless otherwise specifically provided, the license fee stated is for a period of one (1) year. Such fee may be prorated where a license is issued for a period of less than a year.

(d) *Late fee.* Unless otherwise specifically provided by the particular licensing provisions involved, an applicant for the renewal of a license who makes application for such renewal after the expiration date of such license shall be charged a late fee for each such license. The late fee shall be in addition to any other fee or payment required, and shall be ten (10) percent of the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the expiration date of such license. The late fee shall not exceed fifty (50) percent of the annual license fee. If any provision of these chapters imposes more stringent or additional requirements for the issuance of an original license than would be the case for mere renewal, those requirements must be met when the license has lapsed by reason of expiration.

(e) Environmental change of ownership fee. Unless otherwise stated, the environmental change of ownership fee shall be 25% of the environmental plan review fee for each license type.

(Code 1956, § 510.09; Ord. No. 16884, 2-11-82; Ord. No. 17802, § 1, 1-10-91; C.F. No. 03-893, § 1, 11-5-03)

Sec. 310.10. Refunds of fees.

(a) *Refund where application withdrawn; service charge*. Unless otherwise specifically provided by the particular licensing provisions involved, where an application for any license is withdrawn, the inspector shall refund to the applicant the license fee submitted less a service charge to recover in part the costs incurred in processing the application in the amount of twenty-five (25) percent of the annual license fee.

(b) *Limitation on refund; other cases*. In all other cases as provided in paragraph (c), the director of the department of safety and inspections, or his designee, may upon receipt of a written request refund the license fee, less a service charge to recover in part the costs incurred in processing the application up to twenty-five (25) percent of the annual licensee fee.

(c) *Bases for refunds*. Refunds under paragraph (b) may be made to the licensee or his estate:

(1) Where the place of business of the licensee or his principal equipment is destroyed or so damaged by fire or any other cause that the licensee ceases for the remainder of the licensed period to engage in the licensed activity or business;

(2) Where the business or licensed activity ceases by reason of the death or illness of the licensee or the sole employee or manager; or

(3) Where it has become unlawful for the licensee to continue in the business or licensed activity other than by cancellation, termination, revocation, suspension, denial or any criminal activity on the part of the licensee.

(Code 1956, § 510.10; C.F. No. 09-516, § 1, 6-10-09; Ord. No. 11-69, § 1, 8-24-11; Ord 12-33, § 1, 6-27-12)

Sec. 310.11. Transfers; general.

(a) *License a privilege, not property.* All licenses or permits issued by the City of Saint Paul pursuant to these chapters or other ordinances or laws confer a privilege on the licensee to engage in the activity or occupation so licensed, and do not constitute property or property rights or create any such rights in any licensee. No such license or permit may be seized, levied upon, attached, executed upon, assessed or in any manner taken for the purpose of satisfaction of any debt or obligation whatever.

(b) *Licenses not transferable; conditions.* Notwithstanding any other provision of the Saint Paul Legislative Code to the contrary, no licenses issued by the City of Saint Paul shall be transferable.

(c) *Transfer; definition.* "Transferable" means the ability to transfer a license or licenses from one (1) person to another, or from one (1) location to another. "Transfer," as used in these chapters, shall include a transfer from person to person, or from place to place, or a transfer of stock in a corporate licensee, or of shares or interests in a partnership or other legal entity. "Transfer," as used in these chapters, shall not include the instance where a license is held by an individual or partnership and the transfer is by said individual or partnership to a corporation in which the majority of the stock is held by said individual or by the members of said partnership.

(d) *Deceased licensee.* Notwithstanding any other provision of these chapters, in any case where a liquor license is held by a person not incorporated and where the license would, by reason of the death of said licensee, lapse to the city in the absence of this paragraph, the authorized representative of the estate of the deceased licensee may consent to and seek to reissue said license to the beneficiary to the licensed establishment. The reissuance shall be subject to all applicable requirements of these chapters and existing law.

(Code 1956, § 510.11; Ord. No. 16822, 9-3-81; Ord. No. 17551, § 3, 4-19-88; C.F. No. 95-473, § 6, 5-31-95)

Sec. 310.12. Inspection of premises.

The premises, facilities, place, device or anything named in any license issued pursuant to any provision of the Saint Paul Legislative Code or other law shall at all times while open to the public or while being used or occupied for any purpose be open also to inspection and examination by any police, fire, or health officer or any building inspector of the city, as well as the inspector.

(Code 1956, § 510.12)

Sec. 310.13. Renewal.

Every license renewal under these chapters may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust, or similar program, established for the benefit of his employees.

(Code 1956, § 510.13)

Sec. 310.14. Savings clause.

(a) If any provision in these chapters is held unconstitutional or invalid by a court of competent jurisdiction, the invalidity shall extend only to the provision involved and the remainder of these chapters shall remain in force and effect to be construed as a whole.

(b) The repeal of any ordinance by this ordinance (which enacts the Uniform License Ordinance) shall not affect or impair any act done, any rights vested or accrued, or any suit, proceeding or prosecution had or commenced in any matter, prior to the date this ordinance became effective. Every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if the repealed ordinances had themselves remained in force and effect. Every such suit, proceeding or prosecution may be continued after repeal as though the repealed ordinances were fully in effect. A suit, proceeding or prosecution which is based upon an act done, a right vested or accrued, or a violation committed prior to repeal of the repealed ordinances, but which is commenced or instituted subsequent to repeal of the repealed ordinances, shall be brought pursuant to and under the provisions of such repealed ordinances as though they continued to be in full force and effect.

(Code 1956, § 510.14)

Sec. 310.15. Penalty.

Any person who violates any provision of these chapters, or other ordinances or laws relating to licensing, or who aids, advises, hires, counsels or conspires with or otherwise procures another to violate any provision of these chapters or other ordinances or laws relating to licensing is guilty of a misdemeanor and may be sentenced in accordance with section 1.05 of the Saint Paul Legislative Code. The term "person," in addition to the definition in section 310.01, shall for the purpose of this section include the individual partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof, who shall be responsible for the violation.

(Code 1956, § 510.15)

Sec. 310.16. Reserved.

Editor's note(s)—Section 310.16, pertaining to license fees and annual increases, and derived from Ord. No. 16885, adopted Feb. 11, 1982; Ord. No. 17059, adopted Oct. 20, 1983; and Ord. No. 17303, adopted Oct. 29, 1985, was repealed by Ord. No. 17884, § 1, adopted Nov. 19, 1991.

Sec. 310.17. Licensee's responsibility.

Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working for or on behalf of a licensee, whether compensated or not, which act or conduct takes place either on the licensed premises or in any parking lot or other area adjacent to (or under the lease or control of) the licensed premises, and which act or conduct violates any state or federal statutes or regulations, or any city ordinance, shall be considered to be and treated as the act or conduct of the licensee for the purpose of adverse action against all or any of the licenses held by such licensee. To the extent this section is in conflict with sections 409.14 and 410.09 of the Legislative Code, this section shall be controlling and prevail; but shall not otherwise amend, alter or affect such sections.

(Ord. No. 17629, § 1, 1-31-89)

Sec. 310.18. License fee schedule.

Notwithstanding the provision of any other ordinance or law to the contrary, the following fees are hereby provided for all the licenses listed herein. These fees supersede all inconsistent provisions, including, but not limited to, graduated fee provisions, in these chapters and in other ordinances and laws, and include the fee for the license application as part of the license fee; provided, however, that this section does not amend or modify sections 310.09(a) or 310.09(d) of the Legislative Code with respect to exempt organizations or late fees. Pursuant to section 310.09(b) of the Legislative Code, these schedules shall be posted in the office of the director. These fees shall be effective for license renewals and new license applications occurring on and after January 1, 1995, or on the effective date of this section, whichever is later; provided, however, that with respect to all licenses whose renewal dates occur after the effective date of this new schedule, there shall be no increases in, nor offsets or refunds of, the existing fees paid, or due and owing.

(a) ENFORCEMENT LEVEL 1

Chapter/Section		
No.	License Description	Fee
165	Agricultural Vehicle Parking Permit	$21.00
316.02	Animal Foods Manufacturing and Distribution	79.00
317.01	Amusement Rides	79.00
323.02	Christmas Tree Sales	79.00
325.02	Close Out Sale	79.00
327.03	Laundry Dry Cleaning Pickup Station	79.00
332.03	Liquid Fuel Vehicle	79.00
333.03	Solid Fuel Vehicle	79.00
340.04	Mercantile Broker	79.00
345.04	Peddler (Solicitor/Transient)	79.00
346.03	Mobile Retail Vehicle	79.00
348.01	Animal Day Care	77.00

348.01	Animal Boarding	77.00
350.02	Rental of Hospital Equipment	79.00
350.02	Rental of Hospital Equipment Vehicle	79.00
351.03	Rental of Kitchenware	79.00
353.02	Roller Rinks	79.00
355.02	Secondhand Dealer-Single Location	79.00
357.03	Solid Waste Hauler—Each Vehicle Over One	79.00
359.03	Sound Trucks and Broadcast Vehicles	79.00
371.02	Finishing Shop	79.00
361.01	Tow Truck/Wrecker Vehicle	79.00
362.02	Tree Trimmer—Additional Vehicle	79.00
372.02	Tire Recapping Plant	79.00
377.03	Lawn Fertilizer and Pesticide Application	79.00
382.03	Pet Grooming Facility	79.00
409.05(b), 410.07(c)	Liquor-Outdoor Service Area (Patio)	79.00
424.02	Gas Stations	104.00

(b) ENFORCEMENT LEVEL 2

Chapter/Section		
No.	License Description	Fee
320.03	Bituminous Contractor	$194.00
322.02(a)	Pool Halls	194.00
322.02(b)	Bowling Centers	194.00
326.06	Building Contractors	194.00
327.03	Laundry/Dry Cleaning Plants	194.00
332.03	Fuel Dealers—Liquid	194.00
333.03	Fuel Dealers—Solid	194.00
334.03	Pest Control	194.00
338.02	House Sewer Contractors	194.00
342.02	Bulk Oil Storage	194.00
347.03	Pet Shop	194.00
352.03	Rental of Trailers	194.00
355.02	Secondhand Dealer—Exhibitions	194.00
356.02	Sidewalk Contractors	194.00
362.02	Tree Trimming (with One Vehicle)	194.00
364.02	Veterinary Hospital	194.00
365.02	Window Cleaning	194.00
401.02	Motorcycle Dealer	194.00
405.02	Dance or Rental Hall	297.00
406.04	Game Room	194.00
408.03	Recycling Collection Center	194.00

415.04	Theaters and Movie Theaters	194.00
416.03	Motion Picture Drive-in Theater	194.00
426.04	Cabaret (Class A and B)	194.00

(c) ENFORCEMENT LEVEL 3

Chapter/Section		
No.	License Description	Fee
225.04(a)	Firearms	$375.00
324.04	Cigarettes	495.00
354.02	Sanitary Disposal Vehicle	375.00
355.02	Secondhand Dealer-Multiple Dealers	375.00
357.03	Solid Waste Hauler and Vehicle	375.00
360.03	Public Swimming Pools	375.00
360.03	Whirlpools	375.00
361.13	Tow Truck/Wrecker Operator	375.00
383.03	Vehicle Immobilization Service	375.00
376.04	Taxicabs	434.00
376.05	Taxicabs (Reciprocity Event)	34.00
379.02	Short-term Rental Platform License	10,353.00
379.02	Short-term Rental Host License	42.00
381.02(d)	Currency Exchanges	375.00
401.02	New Motor Vehicle Dealer	375.00
401.02	Secondhand Dealer Motor Vehicle Parts	469.00
401.02	Secondhand Motor Vehicle Dealer	469.00
407.03	Hotel/Motel—To 50 rooms	375.00
407.03	Hotel—Each additional room over 50	13.00
409.07.1(a), 410.04(c)	Liquor—Extension of Service Hours	375.00
412A.03	Massage Center—Adult	375.00
412A.03	Environmental Plan Review Massage Center Adult	413.00
413.04	Conversation/Rap Parlor (A and B)	375.00
415.04	Mini-Motion Picture Theater—Adult	375.00
417.04	Parking Lots and Parking Garages	375.00
417.04	Parking Garages (Government)	0.00
417.04	Parking Garages (Private)	367.00
422.02	Motor Vehicle Salvage Dealer	375.00
423.02(b)	Auto Body Repair Garage	469.00
423.02(a)	Auto Repair Garage	469.00
427.04	Health/Sports Clubs	375.00
427A.04	Health/Sports Club (Adult)	375.00
428.04	Steam Room/Bath House (Class A and B)	375.00
423.02(b)	Auto Body Repair/Painting Shop	469.00

(d) ENFORCEMENT LEVEL 4

Chapter/Section		
No.	License Description	Fee
331A.04	Catering-Limited	$ 326.00
331A.04	Environmental Plan Review—Catering—Limited	380.00
331A.04	Catering	570.00
331A.04	Environmental Plan Review—Catering	625.00
331A.04	Catering—Add on	250.00
331A.04	Environmental Plan Review—Catering—Add on	380.00
331A.04	Customer Appreciation—Food Sales	55.00
331A.04	Day Care Food	109.00
331A.04	Food Give-Away	55.00
331A.04	Food Processing/Packaging/Distributing	217.00
331A.04	Environmental Plan Review—Food Processing/Packaging/Distributing	380.00
331A.04	Food Vehicle	92.00
331A.04; 363.02(a)	Food Vending Machine	16.00
331A.04: 363.02(a)	Food Vending Machine Operator	136.00
331A.04	Food/Boarding Facility	353.00
331A.04	Environmental Plan Review—Food/Boarding Facility	380.00
331A.04	K—12 School Food Service	217.00
331A.04	Environmental Plan Review — K—12 School Food Service	272.00
331A.04	K—12 School Food Service—Limited	109.00
331A.04	Environmental Plan Review—K—12 School Food Service—Limited	136.00
331A.04	Mobile Food Vehicle	244.00
331A.04	Mobile Food Cart—Limited	110.00
331A.04	Mobile Food Cart—Full	217.00
331A.04	Environmental Plan Review—Restaurant (1)	381.00
331A.04	Environmental Plan Review—Restaurant (2)	381.00
331A.04	Environmental Plan Review—Restaurant (3)	625.00
331A.04	Environmental Plan Review—Restaurant (4)	625.00
331A.04	Environmental Plan Review—Restaurant (5)	625.00
331A.04	Restaurant (D)—Add-On	272.00
331A.04	Environmental Plan Review Restaurant (D) Add-On	381.00
331A.04	Restaurant (D)—Add-on (Bar Only)	109.00
331A.04	Environmental Plan Review Restaurant (D) Add-On (Bar Only)	190.00
331A.04	Restaurant (E)—Extension	164.00
331A.04	Environmental Plan Review—Restaurant (E)—Extension	136.00
331A.04	Environmental Plan Review—Restaurant (L)—Limited	381.00

331A.04	Restaurant (L)—Limited	272.00
331A.04	Restaurant (1)—no seats	435.00
331A.04	Restaurant (2)—1—12	478.00
331A.04	Restaurant (3)—13—50	580.00
331A.04	Restaurant (4)—51—150	631.00
331A.04	Restaurant (5)— 151 and over	673.00
331A.04	Retail Food Establishment (A)—1 to 100 Sq. Ft.	82.00
331A.04	Environmental Plan Review—Retail Food Establishment (A)	136.00
331A.04	Retail Food Establishment (B)—101 to 1000 Sq. Ft.	109.00
331A.04	Environmental Plan Review Retail Food Establishment (B)	272.00
331A.04	Retail Food Establishment (C)—1001 to 3000 Sq. Ft.	408.00
331A.04	Environmental Plan Review Retail Food Establishment (C)	408.00
331A.04	Retail Food Establishment (D)—3001 to 6000 Sq. Ft.	652.00
331A.04	Environmental Plan Review Retail Food Establishment (D)	516.00
331A.04	Retail Food Establishment (E)—6001 to 10,000 Sq. Ft.	978.00
331A.04	Environmental Plan Review Retail Food Establishment (E)	652.00
331A.04	Retail Food Establishment (F)—over 10,000 Sq. Ft.	1,413.00
331A.04	Environmental Plan Review Retail Food Establishment (F)	816.00
331A.04	Retail Food Establishment—Farmers' Market	164.00
331A.04	Retail Food Establishment—Temporary	65.00
331A.04	Retail Food Establishment—Nonprofit	27.00
331A.04	Environmental Plan Review—Retail Food Establishment—Nonprofit	55.00
331A.04	Retail Food Establishment—Secondary Facility	82.00
331A.04	Environmental Plan Review Retail Food Establishment—Secondary Facility	381.00
331A.04	Retail Food Establishment—Restricted Food Service	79.00
331A.04	Special Event Food Sales—1 to 3 days (up to 150 sq. feet)	190.00
331A.04	Special Event Food Sales—4 to 10 days (up to 150 sq. feet)	217.00
331A.04	Special Event Food Sales—Up to 3 events (up to 150 sq. feet)	217.00
331A.04	Special Event Food Sales—late fee	50% of special event food sales fee
331A.04	Special Event Food Sales (Nonprofit) (up to 150 sq. feet)	55.00
331A.04	Special Event Food Sales—Extension (up to 150 sq. feet)	109.00
331A.04	Special Event Food Sales—Each additional 150 square feet portion thereof	25% of special event foods sales fee
331A.04	Special Event Food Sales—Each additional location fee	85.00
331A.04	Nonprofit 1 Day Special Event—1—10 Stands	275.00

331A.04	Nonprofit 1 Day Special Event—Each Additional 10 Stands or Portion of 10 Stands	275.00
331A.04	Seasonal Temporary Food Stand	244.00

(e) ENFORCEMENT LEVEL 5

Chapter/Section		
No.	License Description	Fee
409.27	2:00 a.m. closing	$55.00
409.05(i)	Intoxicating Liquor—Fee waived for government agencies	0.00
409.01(c)	Liquor Catering Permit—Annual	178.00
409.02	Off-Sale Microdistillery	190.00
409.05(b)	Liquor Catering Permit—Temporary	55.00
409.05(b)	On-Sale—100 seats or less	4,964.00
409.05(b)	On-Sale—101—180 seats	5,497.00
409.05(b)	On-Sale—181—290 seats	5,889.00
409.05(b)	On-Sale—291 or more seats	5,970.00
409.05(b)	On-Sale—Theater	1,772.00
409.25(b)	Temporary Liquor	55.00
409.05(f)	On-sale Club—Under 200 members	300.00
409.05(f)	On-sale Club—201—500 members	500.00
409.05(f)	On-sale Club—501—1,000 members	650.00
409.05(f)	On-sale Club—1,001—2,000 members	800.00
409.05(f)	On-sale Club—2,001—4,000 members	1,000.00
409.05(f)	On-sale Club—4,001—6,000 members	2,000.00
409.05(f)	On-sale Club—6,000+ members	3,000.00
409.05(h)	Additional family members	57.00
409.02	Brewpub/Off-sale (Growler)	190.00
409.02	Off-Sale Brewery	190.00
409.05	Off-Sale	1,398.00
409.07(b)(2)	Sunday On-Sale	200.00
409.11(b)	Extension of Service Area—Temporary	63.00
410.07(a)(8), 409.15(b)	Wine On-Sale	2,000.00
409.25	Temporary Wine	55.00
409.25	Wine Licenses for Festivals	55.00
409.15(d)	On-Sale Malt (Strong)	659.00
409.28	Brewery Taproom	659.00
409.31	Microdistillery Cocktail Room	659.00
410.02	On-Sale Malt (3.2)	659.00
410.02, 410.11	On-Sale Malt—Fee waived for municipal golf courses	0.00
410.02	Off-Sale Malt	208.00
410.10(a)	Temporary Malt	55.00

411.03	Entertainment—Class A	257.00
411.03	Entertainment—Class B	622.00
411.03	Entertainment—Class C	2,955.00
411.05	Entertainment Temporary	32.00
409.08	Live Music Event—18 and Up	32.00
409.15(e)	Culinary On-sale	236.00
409.01	Private Event—Restaurant/Liquor Caterer	32.00
409	Small Brewer Off-Sale—128 Ounces License	30.00
409, 410	Temporary World Cup Soccer	250.00 Per event

(f) ENFORCEMENT LEVEL 6

Chapter/Section		
No.	License Description	Fee
329.02	Alarm Permits	$40.00
317.01	Amusement Rides—Temporary	30.00
106.01(b)	Sidewalk Café—Food Only	37.00
106.01(b)(4)	Sidewalk Café—Liquor	37.00
127.04	Courtesy Benches	24.00
127	Courtesy Benches Transfer	16.00
293.09	Noise Variance	178.00
368.02	Wrecking of Buildings	60.00
369.03	Building Trades Business License	174.00
370.09	Building Trades Certificates of Competency	22.00
370.17	Trade Worker—Tier 1	34.00
370.17	Trade Worker—Tier 2	65.00
278.03	Gambling Hall	412.00
318.02	Mechanical Amusement Device	19.00
318.02	Music Machine	19.00
318.02	Amusement Rides	19.00
318.02	T.V. Units	19.00
344.02(a)	Pawn Shops	2,955.00
344.02(b)	Pawn Shop Billable Transaction Fee	3.00
373	Transportation Network Companies	38,069.00
374.3	Commercial Pedal Car Driver	47.00
374.3	Commercial Pedal Car Vehicle	109.00
374.3	Commercial Pedal Car Business	326.00
375.2(a)	Pedicab Vehicle	105.00
375.2(b)	Pedicab Driver	47.00
376	Taxicab Vehicle—Duplicate Sticker	19.00
376	Taxicab Replacement Vehicle Sticker	52.00
376.05	Taxicab Driver (Reciprocity Event)	33.00
376.16(d)	Taxicab Driver (new)	47.00

376.16(i)	Taxicab Driver Renewal	47.00
376	Taxicab Driver Duplicate Identification Card	6.00
376.17(d)	Taxicab Driver (provisional)	47.00
391.02	Soliciting Funds—Tag Days	24.00
402.08	Temporary Gambling (3 types)	55.00
403.03	Bingo Halls	212.00
409.05(g)	Gambling Location	78.00
409.08(11)	Modification of Parking	445.00
359.03	Sound Trucks and Broadcast Vehicles Nonprofit Organizations)	29.00
380.04	Tanning Facility	98.00
380.04	Environmental Plan Review Tanning Facility	178.00
414.02	Massage or Bodywork Practitioner—One Location	98.00
414.02	Massage or Bodywork Practitioner—Each Additional Location	29.00
414.02	Massage Center (Class A)—One practitioner	93.00
412.04	Massage Center (Class A)—Two or more practitioners	243.00
412.04	Therapeutic Massage Practitioner—Temporary	46.00
412.04	Environmental Plan Review Massage Center (Class A)	437.00
412.04	Massage Center (Class B)	98.00
412.04	Environmental Plan Review Massage Center (Class B)	178.00
357.03	Solid Waste Transfer Station	1,771.00
408.03	Recycling Processing Center	887.00
429.03	Infectious Waste Processing Facility	1,771.00
198.04(c)	Keeping of Animal (includes more than three (3) chickens	77.00
198.04(c)	Keeping of Animal—Renewal	28.00
198.04(c)	Tier 1 Chicken Permit	26.00
198.04(c)	Tier 1 Chicken Permit Renewal	16.00
198.04(c)	Tier 2 Chicken Permit	77.00
198.04(c)	Tier 2 Chicken Permit Renewal	28.00
198.04(c)	Keeping of More than Three (3) Cats	77.00
198.04(c)	Keeping of More than Three (3) Cats (Renewal)	28.00
200.03	Dog License—Annual Altered	20.00
200.03	Dog License—Annual Unaltered	81.00
200.03	Dog License—Annual Altered Reduced	10.00
200.03	Dog License—Lifetime (with Microchip, altered)	142.00
200.03	Dog License—Reduced, Lifetime (with Microchip and altered)	71.00
	Dog License—Reduced Rate, Lifetime (with Microchip, unaltered)	34.00
	Declared, Animal (microchip and altered	142.00
	Declared, Animal (microchip and altered	284.00
200.04	Dog License—Replacement	10.00

200.07	Impounding Fee	36.00
200.02(a)	Unlicensed Dog	59.00
200.121(e)	Dangerous Dog Registration	305.00
200.07	Boarding Fee—Per Day	19.00
	Animal Adoption—St. Paul Resident	51.00
	Rabies Vaccination for impounded dogs, cats, ferrets	30.00
	Microchipping for impounded animals	30.00
	Delinquent License Renewal fee (per month)	5.00
376.17	Taxicab Service Company	422.00

(C.F. No. 92-1742, § 1, 12-8-92; C.F. No. 93-1650, § 1, 12-9-93; C.F. No. 94-201, § 1, 3-16-94; C.F. No. 94-1447, § 1, 12-14-94; C.F. No. 95-519, § 2, 6-7-95; C.F. No. 95-1457, § 1, 1-3-96; C.F. No. 96-391, § 3, 5-8-96; C.F. No. 96-1095, § 1, 10-2-96; C.F. No. 97-912, § 1, 8-20-97; C.F. No. 99-500, § 4, 7-7-99; C.F. No. 99-812, § 1, 9-8-99; C.F. No. 00-457, § 1, 6-7-00; C.F. No. 00-1064, § 1, 12-12-00; C.F. No. 00-1065, § 1, 12-20-00; C.F. No. 01-613, §§ 1, 2, 7-5-01; C.F. No. 01-1244, § 1, 12-26-01; C.F. No. 02-770, § 1, 10-2-02; C.F. No. 1031, § 2, 11-27-02; C.F. No. 03-102, § 2, 3-12-03; C.F. No. 03-694, § 2, 9-3-03; C.F. No. 03-695, § 1, 9-3-03; C.F. No. 03-893, § 2, 11-5-03; C.F. No. 04-670, § 1, 8-4-04; C.F. No. 04-960, § 1, 11-3-04; 04-961, § 1, 11-10-04; C.F. No. 05-631, § 1, 8-10-05; C.F. No. 05-697, § 1, 8-24-05; C.F. No. 06-409, § 1, 5-24-06; C.F. No. 06-574, § 2, 7-26-06; C.F. No. 06-752, § 1, 9-13-06; C.F. No. 06-821, § 2, 9-27-06; C.F. No. 07-149, § 74, 3-28-07; C.F. No. 07-966, § 1, 12-12-07; C.F. No. 07-967, § 1, 12-12-07; C.F. No. 08-382, § 1, 5-14-08; C.F. No. 08-568, § 1, 6-25-08; C.F. No. 08-1009, § 1, 10-8-08; C.F. No. 08-1208, § 2, 12-17-08; C.F. No. 09-478, § 1, 5-27-09; C.F. No. 09-684, § 1, 7-22-09; C.F. No. 09-893, § 1, 10-14-09; C.F. No. 09-987, § 1, 10-14-09; Ord No. 11-56, § 1, 7-13-11; Ord No. 11-63, § 1, 4-25-12; Ord No. 12-24, § 1, 6-13-12; Ord 12-49, § 1, 9-12-12; Ord 12-45, § 1, 10-10-12; Ord 12-83, § 1, 1-9-13; Ord 13-1, § 1, 1-23-13; Ord 13-31, § 1, 5-22-13; Ord 13-34, § 1, 6-26-13; Ord 14-33, § 1, 8-27-14; Ord 14-40, § 1, 12-3-14; Ord 15-29, § 7, 5-27-15; Ord 15-65, § 1, 12-2-15; Ord 16-9, 4-20-16; Ord 16-16, § 2, 7-27-16; Ord 16-66, § 1, 1-4-16; Ord 17-47, § 1, 10-25-17; Ord 17-53, § 1, 11-8-2017; Ord 17-25, § 1, 8-2-17; Ord 18-65, § 1, 1-9-19; Ord 18-68, § 2, 1-9-19; Ord 19-78, § 1, 1-8-20; Ord 20-5, § 1, 2-20-20; Ord 21-65, § 2, 12-22-21; Ord 22-35, § 2, 8-3-22)

Sec. 310.19. Discount from certain license fees.

(a) A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee shall maintain on the premises, in a location accessible at all times to all employees of the licensed establishment:

a. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and

b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state as outlined in Chapter 7515 of the State of Minnesota Rules and Minn. Stat. Ch. 340A. This compilation must also include chapters 240 through 246, 409 and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee shall maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One (1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section within the lounge area in which the writing on the sign behind the bar is not clearly legible.

The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (½) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.

(3) *Contract with security agency.*

a. *Generally.* The licensee shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the security agency shall charge the same amount to all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.

b. *Investigation.* The contract with the city shall provide for and require one (1) or more investigations by the security agency each calendar year into the practices of the licensee with respect to (i) age identification of customers in order to prevent sales of alcoholic beverages to minors, and (ii) preventing the sale of alcoholic beverages to persons who are obviously intoxicated. The contract shall require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, to the department, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract shall require that all such investigations shall include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency shall employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract shall also provide for alcohol awareness training by the security agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year shall receive such training within four (4) weeks following their hiring, and shall not work in the premises after that four-week period until they have received such training.

d. *Standards for approval.* In addition to the requirements specified elsewhere in this subsection, the security agency and its investigations and training must meet or exceed the following:

1. The alcohol awareness course shall cover all of the topics listed herein. The content of each training course shall include, but need not be limited to:

(a) Pertinent laws and ordinances regarding the sale of alcohol.

(b) Verification of age, forms of identification, and forms of false or misleading age identification.

(c) The effect of alcohol on humans and the physiology of alcohol intoxication.

(d) Recognition of the signs of intoxication.

(e) Strategies for intervention to prevent intoxicated persons from consuming further alcohol.

(f) The licensee's policies and guidelines, and the employee's role in observing these policies.

(g) Liability of the person serving alcohol.

(h) Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations.

(i) Training available in languages other than English that are spoken by the license holders and/or the license holders employees.

2. The security agency shall have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.

3. The security agency shall have sufficient personnel and physical resources to provide an alcohol awareness training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract. The cost covering the training and investigation service provided to license holders shall be identified and charged equally to each participant.

The (7) seven percent shall be applied to the following licenses:

Brew pub

Off-sale brewery

Liquor catering permit

On-sale—Over 200 seats

On-sale—Over 100 seats

On-sale—100 seats or less

On-sale club—Under 200 members

On-sale club—201—500 members

On-sale club—501—1,000 members

On-sale club—1,001—2,000 members

On-sale club—2,001—4,000 members

On-sale club—4,001—6,000 members

On-sale club—6,000+ members

On-sale extended service hours

On-sale theatre

Off-sale

Sunday on-sale

Liquor—Outdoor service area

Wine on-sale

On-sale malt (strong)

On-sale malt (3.2)

Off-sale malt

(b) A discount will be provided for restaurant and catering licenses issued under Chapter 331A. Such fees shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) The licensee shall employ a person in charge, who, in the absence of the certified food manager, shall be on duty at all times and who can demonstrate that he/she have viewed a video concerning food allergies. The video presentation shall be provided by and will be viewed at the department of safety and inspections. If the person in charge leaves the licensee's employment, the establishment will have two months to either:

a. Have the new person in charge view the video on food allergy at a presentation by the department of safety and inspection; or

b. If there is no presentation within two months of that person being hired, ensure that the new person in charge is registered for the next available video presentation.

(2) Allergic customer alert process. The licensee shall produce a written procedure to alert all employees of an allergic customer. That policy shall, at a minimum, require that once a customer has notified any employee of an allergy to particular food item(s) or group(s), the establishment shall notify the above-referenced person in charge or certified food manager, and all employees who may handle any food item served to that customer of the food allergy.

(C.F. No. 94-1447, § 2, 12-14-94; C.F. No. 00-237, § 1, 4-5-00; C.F. No. 01-1260, § 1, 12-26-01; C.F. No. 02-107, 3-6-02; C.F. No. 04-1093, § 1, 12-15-04; C.F. No. 06-821, § 3, 9-27-06; C.F. No. 07-149, § 75, 3-28-07; C.F. No. 09-1290, § 1, 12-9-09)

Sec. 423.01. - License required.

(a) *Automobile repair garage.* No person shall maintain or operate an automobile or motor vehicle repair garage in Saint Paul without a license. This does not apply where the work performed is done by a gasoline filling station licensed under Chapter 424 and consists of the usual servicing of motor vehicles ordinarily performed at such stations, such as the sale and installation of frost shields, radiator hoses, spark plugs, batteries and battery cables, brake fluid, oil filters, fuses, fan belts, light bulbs and windshield wipers, or such service as draining radiators; provided, however, that if such gasoline filling stations engage in the business of repairing mechanical parts of motor vehicles, a license as provided herein shall be required.

(b) *Body repair shop.* No person shall maintain or operate an automobile body repair painting shop, whether alone or in conjunction with another business activity, in Saint Paul without a license. A body repair shop is a shop which is in the business of making major or substantial repairs to the shell or body of an automobile, including frame-straightening, dent repair, and replacement or repair of parts, but not including any painting.

(c) *Body repair/painting shop.* No person shall maintain or operate an automobile or motor vehicle repair/painting business, whether alone or in conjunction with another business activity, without a license. A body repair/painting shop is a shop which in addition to the definition in subdivision (b) above, performs any kind of painting of the vehicle. No license shall be issued to a body painting shop unless the building or portion of the building in which the business is to be operated has a spray paint booth or room which has been approved for use by the fire inspector.

(C.F. No. 94-1562, § 1, 11-16-94; C.F. No. 99-1227, § 1, 1-26-00)

Sec. 401.01. - License required; definitions; exceptions.

(a) No person shall exercise, carry on or be engaged in the trade or business of new motor vehicle dealer, secondhand motor vehicle dealer or secondhand motor vehicle parts dealer in Saint Paul without a license.

(b) "Motor vehicle" means any self-propelled vehicle not operated exclusively upon railroad tracks and any vehicle propelled or drawn by a self-propelled vehicle and includes vehicles known as trackless trolleys which are propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(c) No license shall hereafter be granted hereunder for commencing the business of secondhand motor vehicle parts dealer upon a street in the city upon which is located a street railway line, bus line or state trunk highway.

(d) The requirements of this chapter shall not apply to premises upon which vehicles are accumulated and dismantled. Such premises, and the persons engaged in business thereon, shall be licensed as provided in Chapter 408 as motor vehicle salvage dealers.

(e) Whenever any applicant proposes to limit his business to the buying and selling of used motor vehicle parts and to exclude therefrom the use of any adjacent lot or lots for the dismantling of automobiles or for the processing or storage of motor vehicle parts, he shall not be subject to the provisions of section 401.03(e), (f) and (g), section 401.01(c) and (g), or section 401.04.

(f) Members of the armed forces of the United States engaged in the used motor vehicle parts business and licensed therein prior to their entry into the armed forces shall not be construed as entering and commencing said business, but shall be considered in the same status as licensees continuing in said business.

(Code 1956, §§ 343.01, 343.02, 343.07; C.F. No. 99-522, § 1, 7-7-99)

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY E-MAIL & U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 20th day of October, he served the attached **CITY'S PROPOSED EXHIBITS** and a correct copy thereof in an envelope addressed as follows:

Castillo Auto Repair
744 3rd Street East
Saint Paul, MN 55106
Attn: Jerry Castillo

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 20th day of October 2022

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

October 10, 2022

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Re: ***In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul***
OAH 22-6020-38526

Dear Ms. Skarda:

Pursuant to your request received October 6, 2022, please find enclosed the subpoena you requested.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

Make checks payable to:
State of Minnesota
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

SUBPOENA CHARGES

DATE: January 19, 2023

OAH FILE NUMBER: 22-6020-38526

OAH CASE TITLE: In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul

REQUESTED BY: Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Sale of Subpoenas:	1	subpoena x $5.00 per subpoena=	$5.00

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

HEARING SUBPOENA

TO: Akbar R. Muhammad, 776 Lexington Parkway North, Saint Paul, Minnesota 55104

This subpoena is issued pursuant to Minn. Stat. § 14.51 (2022).

You are commanded to appear before Administrative Law Judge Christa L. Moseng of the Office of Administrative Hearings of the State of Minnesota, at the Office of Administrative Hearings, 600 North Robert Street, Saint Paul, Minnesota 55101, on **Wednesday, November 9, 2022**, at **9:30 a.m.**, to appear as a witness *In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul*, docket number 22-6020-38526.

Dated: October 10, 2022

CHRISTA L. MOSENG
Administrative Law Judge

Subpoena requested by: Therese Skarda
(651) 266-8755
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

RECEIVED
By: OAH on 10/6/2022 1:21 PM

OFFICE OF THE CITY ATTORNEY
Lyndsey M. Olson, City Attorney

CITY OF SAINT PAUL
Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

FAX TRANSMITTAL COVER SHEET

DATE: 10-6-22

TO: OAH **FAX:** 651-539-0310

TO: **FAX:**

FROM: Shawn McDonald (Shawn.mcdonald@ci.stpaul.mn.us) **PHONE: (651) 266-** 8729

NUMBER OF PAGES: 1

COMMENTS:

Subpoena request for File No. 22-6020-38526

Confidentiality Notice: The document(s) accompanying this fax contain information which is legally privileged. The information is intended only for the recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distributing, or taking of any action in reliance on the contents of this telecopied information except its direct delivery to the intended recipient named above is strictly prohibited. If you have received this fax in error, please notify us immediately to arrange return of the original document to us.

"An Affirmative Action Equal Opportunity Employer."

OFFICE OF ADMINISTRATIVE HEARINGS PO Box 64620 St. Paul, Minnesota 55164-0620 (651) 361-7900 FAX (651) 539-0310	SUBPOENA REQUEST FORM Minn. R. 1400.7000 OAH File No. 22-6020-38526 Request Date: October 6, 2022
Name of Judge: Judge Christa Moseng	**Type of Subpoena** (Check one) Hearing Presence _X_ Document Production ___ Deposition ____

In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul

Requesting Party or Attorney	Person Being Served
Therese Skarda St. Paul City Attorney's Office 400 City Hall & Courthouse 15 West Kellogg Boulevard St. Paul, MN 55102 (651) 266-8755	Akbar R. Muhammad 776 Lexington Parkway N. Saint Paul, MN 55104
Therese.Skarda@ci.stpaul.mn.us	Email: akbar.muhammad@minneapolismn.gov

Date and Location of Hearing (or Deposition or Return of Documents):

November 9, 2022 @ 9:30 a.m.
Office of Administrative Hearings
600 Robert Street North
St. Paul, MN 55164-0620

Relevancy of Testimony or Document to be Subpoenaed

Akbar Muhammad will testify regarding an inspection he conducted on June 6, 2022, on the licensed premises.

Please Note: There is a $5.00 fee for each subpoena issued. OAH will bill the party/attorney for the subpoenas. *Documents to be produced must be described with specificity on the reverse side of this form.*

A copy of this request must be sent to all other parties.

If you have any questions concerning this subpoena request, please consult Minn. R. 1400.7000, or contact a Staff Attorney at 651-361-7900.

The requesting person is responsible for personal service of the subpoena. Anyone, except the requesting person, may personally serve the subpoena. The requesting person is also responsible for payment to the witness of any statutory fees or costs before the witness' appearance. Minn. Stat. § 357.22 provides for a witness fee of $20.00 per day and travel expenses of 28 cents per mile.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah
PH (651) 361-7900

August 26, 2022

VIA EMAIL ONLY

Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Jerry Castillo
Castillo Auto Repair
744 Third St E
Saint Paul, MN 55106

Re: ***In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul***
OAH 22-6020-38526

Dear Parties:

Enclosed and served upon you please find the **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul	OAH Docket No.: 22-6020-38526

On August 26, 2022, a true and correct copy of the **FIRST PREHEARING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Jerry Castillo
Castillo Auto Repair
744 Third St E
Saint Paul, MN 55106

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of the Auto Repair Garage License Held by Castillo Auto Repair for the Premises Located at 744 3rd Street in Saint Paul

FIRST PREHEARING ORDER

This matter came before Administrative Law Judge Christa Moseng for a prehearing conference on August 24, 2022.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City). Jerry Castillo appeared on behalf of Castillo Auto Repair (Licensee), without legal counsel.

Based upon the submissions of counsel and the hearing record,

IT IS HEREBY ORDERED:

1. Under Minn. R. 1400.5800 (2021), parties may be represented by an attorney throughout the proceedings in a contested case, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. To avoid the unauthorized practice of law, under Minn. Stat. § 481.02, subd. 1 (2022), Licensee must be represented at hearing by an owner, officer, or a licensed attorney.

2. The parties are encouraged to resolve any discovery disputes between themselves but may request a telephone conference if their efforts are unsuccessful. To obtain copies of the agency's file, a party should make a written demand pursuant to Minn. R. 1400.6700 (2021). The parties should not copy the Administrative Law Judge on discovery requests or responses unless such documents are the subject of a filed motion.

3. The parties are encouraged to consider settlement and/or mediation. Requests for a settlement conference or mediation shall be made to the Chief Administrative Law Judge so that she can promptly assign a mediator to conduct the mediation or settlement conference. *See* Minn. R. 1400.5950 and 1400.6550 (2021). Note that both parties must join in a request for mediation.

4. Generally, dispositive motions are made by written submissions without oral argument. However, upon request of a party, a motion hearing can be scheduled. Motion hearings can be conducted by telephone conference or in person. If you are requesting a motion hearing, please identify what type of hearing you are requesting (e.g., in person or by telephone). Unless a hearing is requested, the motion will be decided based upon the parties' written submissions. The responding party shall have ten (10) working days in which to serve and file a written response. Any hearing on a motion shall be scheduled to be heard after the completion of the briefing deadlines for both parties, but before the dispositive motion deadline set forth herein. The procedure for motion practice is set forth in Minn. R. 1400.6600 (2021).

The Administrative Law Judge requests that all memoranda submitted with motions for summary disposition comply with the format set forth in Minn. Gen. R. Prac. 115.03(d), and include, most importantly, a numbered recital by the moving party of all material facts as to which there is no genuine dispute, along with a specific citation to that part of the record supporting each fact. The party opposing the motion shall, in like manner, make a recital of any material facts claimed to be in dispute.

5. The deadline to request subpoenas for the attendance of witnesses or the production of documents shall be **October 26, 2022**. Requests for subpoenas for the attendance of witnesses or for the production of documents shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000 (2021). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at http://mn.gov/oah/forms-and-filing/forms/.

6. Hearings are ordinarily digitally recorded. A copy of the digital recording of the hearing can be obtained by a party who makes a written request. Transcripts of the hearing are not provided unless the cost for such transcription is paid in advance by the party making the request. Any party may arrange to have a court reporter at the hearing. A party shall notify the Office of Administrative Hearings prior to the hearing if the party has arranged for a court reporter to be at the hearing. All logistical and payment arrangements related to court reporters are the responsibility of the requesting party, not the Office of Administrative Hearings. If a transcript is requested by any party, the requesting party is required to provide a copy of the transcript to the Chief Administrative Law Judge. If the assigned judge requests the presence of a court reporter and the preparation of a transcript, the costs of such will be borne by the agency pursuant to Minn. R. 1400.7400, subp. 2 (2021).

7. By **4:30 p.m.** on **November 2, 2022**, the parties shall exchange and file with this Office their proposed pre-labeled exhibits, an index of the proposed exhibits, and their witness lists. *See* Minn. R. 1400.6950 (2021). The City shall label its exhibits sequentially using numbers 1 through 99. The Licensee shall label its exhibits sequentially beginning with the number 100. For hearings held at the Office of Administrative Hearings (OAH), OAH can provide a projector capable of attaching to a laptop or flash drive to display electronic exhibits on a wall in the courtroom. To utilize

this technology, parties may bring their own laptops, a flash drive, or a disc containing their electronic exhibits. OAH can provide a laptop, if necessary. If you wish to reserve the projector system, please contact leeann.cary@state.mn.us at least 24 hours prior to the scheduled hearing.

8. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and the foundation for anticipated exhibits. Any party objecting to the foundation for any written exhibit shall notify the offering party and the judge in writing at least two (2) working days prior to the hearing or the foundation objection is considered waived.

9. A hearing in this matter will be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, on **November 9, 2022**, beginning at **9:30 a.m.** The hearing shall be scheduled for one day. In the event the assigned judge changes the location of the hearing to videoconference, the judge will communicate that change to the parties via email.

10. The parties have not requested accommodation for a disability nor the appointment of an interpreter. Please advise the Office of Administrative Hearings in writing as soon as possible if either an accommodation or an interpreter is needed.

11. Pursuant to Minn. R. 1400.7500 (2021), requests for continuances of a hearing shall be granted only upon a showing of good cause. A request for a continuance filed within five (5) business days of the hearing shall be denied unless the reason for the request could not have been earlier ascertained or unless good cause is shown.

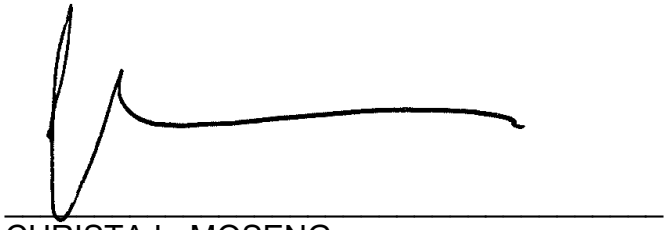
12. Under Minn. R. 1400.6000 (2021), the failure of a party to appear at a prehearing conference or hearing without the prior consent of the Administrative Law Judge shall be considered a default by that party. Upon default, the allegations contained in the Notice and Order for Prehearing Conference or Hearing may be accepted as true, and the City's proposed action may be upheld.

13. If the matter is resolved prior to hearing, please provide written notice to the Office of Administrative Hearings immediately, and provide notice to the Administrative Law Judge by contacting Judge Moseng's legal assistant at michelle.severson@state.mn.us or (651) 361-7874.

14. Any document filed with the Office of Administrative Hearings, or which a party wishes to make part of the record in this matter, may be filed with the Office of Administrative Hearings in any one of the following ways: (1) **by eFiling** through the Office of Administrative Hearings' eFiling system at http://mn.gov/oah/forms-and-filing/efiling/; (2) **by mail**; (3) **by fax**; or (4) **by personal delivery**. *See* Minn. Stat. § 14.58 (2022); Minn. R. 1400.5550, subp. 5 (2021). Attorneys representing government agencies are encouraged to eFile. Any party filing proposed hearing exhibits using the

eFiling system or by fax shall also provide a paper copy of the proposed hearing exhibits to the Administrative Law Judge on the same date the exhibits are faxed or eFiled. Filings are effective on the date the Office of Administrative Hearings receives the filing. *See* Minn. R. 1400.5550, subp. 5, .5500 J, Q (2021).

Dated: August 26, 2022



CHRISTA L. MOSENG
Administrative Law Judge

RECEIVED
By: OAH on 7/25/2022 3:32 PM

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 25th day of July, he served the attached **NOTICE OF PREHEARING TELEPHONE CONFERENCE** and a correct copy thereof in an envelope addressed as follows:

Castillo Auto Repair
744 3rd Street East
St. Paul, MN 55106
Attn: Jerry Castillo

Lissa Jones-Lofgren, Executive Director
Dayton's bluff Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55107

Hill Properties Inc.
107 Farrington Street
Saint Paul, MN 55102

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 25th day of July 2022

Julie Anne Kraus
Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

July 25, 2022

NOTICE OF PREHEARING TELEPHONE CONFERENCE

Castillo Auto Repair
744 3rd Street East
St. Paul, MN 55106
Attn: Jerry Castillo

RE: Auto Repair Garage License held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul
License ID #: 20200001910
OAH Docket No.: 22-6020-38526

Dear Mr. Castillo:

Please take notice that a **PREHEARING TELEPHONE CONFERENCE** has been scheduled concerning the Auto Repair Garage License held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul.

Date: **Wednesday, August 24, 2022**
Time: **11:30 a.m.**

Call in information: 1-(866)-705-2554
Conference Code: 790 480#

The hearing will be presided over by an Administrative Law Judge from the State of Minnesota Office of Administrative Hearings:

Name: **Judge Christa Moseng**
Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101
Telephone: **(651) 361-7900**

Evidence will be presented to the administrative law judge that may lead to adverse action against the Auto Repair License held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul.

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

The Department of Safety and Inspections (the "Department") has recommended adverse action against the Auto Repair Garage License held by Castillo Auto Repair (the "Licensee") herein for the premises located at 744 3rd Street East (the "Licensed Premises") based on violations of your license conditions.

Saint Paul Legislative Code section 310.06 sets forth several reasons on which adverse action may be based. Section 310.06(b)(5) provides that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the license conditions on which the Department bases its request for adverse action are license conditions #2, #4, #9 and #13.

Synopsis of Alleged Facts:

On June 6, 2022, Inspector Muhammad from the Department went to the Licensed Premises for a complaint-based inspection. Inspector Muhammad spoke with Issac Castillo, the owner, and informed him that the Department received a complaint and that he was there to conduct an inspection. During the inspection, Muhammad observed and documented with photos violations of license conditions #2, #4, #9 and #13. After the inspection, Muhammad told Castillo that he needed to follow the site plan that was approved by the Department.

Violation #1 - Failure to follow approved site plan in violation of Condition #2:

License condition #2 of the License for the Licensed Premises states that:

"Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time."

Violation #1 Facts: On June 6, 2022, during the complaint inspection, Inspector Muhammad observed seven (7) vehicles parked on the Licensed Premises in an area not approved on the site plan on file with the Department.

Violation #2 – Exterior storage of tires in violation of Condition #4:

License condition #4 of the License for the Licensed Premises states that:

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based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.

SAINT PAUL
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"There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc."

Violation #2 Facts: On June 6, 2022, during the complaint inspection, Inspector Muhammad observed tires stacked in front of the business.

Violation #3 – Failure to maintain maneuvering space on property in violation of Condition #9:

License condition #9 of the License for the Licensed Premises states that:

"Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited."

Violation #3 Facts: On June 6, 2022, Inspector Muhammad observed that the vehicles parked on the Licensed Premises did not have enough maneuvering space to enter and exit the site.

Violation #4 – Tires placed in public right of way (sidewalk) in violation of Condition #13:

License condition #13 of the License for the Licensed Premises states that:

"The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.)."

Violation #4 Facts: On June 6, 2022, Inspector Muhammad observed a tire cart that extended over onto the public sidewalk.

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Under Saint Paul Legislative Code section 310.05, these violations of your license conditions are second-time violations. The penalty matrix laid out in section 310.05 prescribes a $1000 fine for a second-time Violation.

If you think that this matter can be resolved or settled without a formal hearing, please contact the undersigned. If a stipulation or agreement can be reached as to the facts, that stipulation will be presented to the Administrative Law Judge for incorporation into his or her recommendation for Council action.

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true. If non-public data is received into evidence at the hearing, it may become public unless objection is made and relief requested under Minnesota Statutes, Section 14.60, subdivision 2.

If you have any questions, you can call me at (651) 266-8710.

Sincerely,

Therese Skarda / S.M.

Therese Skarda
Assistant City Attorney

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MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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By: OAH on 7/21/2022 4:41 PM

OAH Docket Number: _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Auto Repair Garage license held by Castillo Auto Repair for the premises located at 744 3rd Street in Saint Paul

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency acknowledges that it has read and agrees to the terms of the Office of Administrative Hearings' e-Filing policy and chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: Department of Safety and Inspections

Email: eric.hudak@ci.stpaul.mn.us Telephone: (651) 266-9132

Mailing Address: 375 Jackson Street, Ste. 220, Saint Paul, MN 55101-1806

Party's/Agency's Attorney: Therese Skarda

Firm Name: City of Saint Paul – Office of City Attorney

Email: therese.skarda@ci.stpaul.mn.us Telephone: (651) 266-8755
Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

Party's/Agency's Legal Assistant: Shawn McDonald

Firm Name: City of Saint Paul – Office of City Attorney

Email: Shawn.Mcdonald@ci.stpaul.mn.us Telephone: (651) 266-8729

Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

Respondent's/Opposing Party's Name: Jerry Castillo

Email: castillo36.jerry@gmail.com Telephone: (763) 528-0440

Mailing Address: 744 3rd Street, Saint Paul, MN 55106

Dated: 7-21-22

Therese Skarda / S.M.

Signature of Party/Agency or Attorney

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.