

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 2nd day of February, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

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


Issac Castillo
2350 Stillwater Avenue East
Maplewood, MN 55119

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 2nd day of February 2022


Notary Public





February 2, 2022

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$500 MATRIX PENALTY**

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

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

Dear Licensee:

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

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions be based. Section 310.06(b)(5) says that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the license conditions that the Department bases its request for adverse action on are license conditions #2, #5 and #7.

Synopsis of alleged facts:

On January 21, 2022, Inspector Muhammad from the Department went to the Licensed Premises to conduct a follow-up inspection. Inspector Muhammad spoke with owner Issac Castillo to review the correction notice that was sent via email on January 7, 2022. In that notice, Inspector Muhammad stated that, during a December 1, 2021 inspection of the Licensed Premises, he observed multiple violations of your license conditions and gave you a timeline to come into compliance with these conditions. The notice also stated that a follow-up inspection would occur on or before January 17, 2022.



During the follow-up inspection, Inspector Muhammad observed and documented with photos violations of license conditions #2, #5, and #7.

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 January 21, 2022, during the follow-up inspection, Inspector Muhammad discovered a truck and white car parked on the Licensed Premises in an area not approved on the site plan on file with DSI.

The Department asserts that these facts along with attachments herein constitute proof of a violation of License Condition #2 by a preponderance of the evidence for failure to follow original site plan.

Violation #2 - Employee vehicle parked on public street in violation of Condition #5:

License condition #5 of the License for the Licensed Premises states that:

"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."

Violation #2 Facts: On January 21, 2022, during the follow-up inspection, it was discovered that an employee vehicle was parked on a public street.

Violation #3 - Failure to maintain parking lot violation of Condition #7:

License condition #7 of the License for the Licensed Premises states that:



“Vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law”

Violation #3 Facts: On January 21, 2022, Inspector Muhammad observed a Ford Flex (MN Lic # 373WJJ) and a white truck parked on the license premises for more than 10 days.

Under Saint Paul Legislative Code Section 310.05, these violations of your license conditions are first time violations. The penalty matrix laid out in 310.05 prescribes a \$500 fine for a First-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 **February 16, 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 \$500 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 **February 16, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 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 \$500 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 admitting to the facts and requesting a public hearing no later than **February 16, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 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 a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **February 16, 2022**. At that hearing both you and the



City will appear and present witnesses, 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 time, 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 of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by February 16, 2022, I will assume that you do not contest the imposition of the \$500 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
Assistant City Attorney
License No. 0402652

Cc: Issac Castillo, 2350 Stillwater Avenue East, Maplewood, MN 55119
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
 January 7, 2022 Correction Notice
 Parking Plan Map
 Photos of Violations



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dri

Inspector's Report

Inspectors Name: Akbar R. Muhammad

Time & Date: 01/21/2022 @ 1:30 pm

Business/Property Name: Castillo Auto Repair

Property Address: 744 3rd St. East

Reason for Visit: Reinspection due to correction orders

Observations: License conditions violations

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

Outside of the property

Action Taken: Education / warning

Request for Adverse Action

Other: -

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

Upon arrival, I introduced myself to Mr. Issac Castillo, as a DSI inspector and handed him a business card. I told Mr. Castillo I was here to do a reinspection follow up for violations. From the start he stated that he wasn't ready for the inspection. I reviewed the correction notice letter with him and asked for permission to conduct my inspection. I explained to Mr. Castillo after my inspection I would touch base with him and told him what I found. After my inspection, I asked Mr. Castillo for the Ramsey County Hazard Waste license document. He said he didn't have a physical copy present but will email it to when he gets it. I told him I will review the violations found with my supervisor and then we will decide what course of action to go forward with.



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

January 07, 2022

Isaac Castillo
Castillo Auto Repair
744 3rd St. East
Saint Paul MN 55106

CORRECTION NOTICE

Mr. Isaac Castillo:

Your above-addressed city-licensed business was inspected on December 1, 2021 due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI).

The following violations must be fully corrected on or before January 17, 2022 and must remain corrected thereafter. Failure to fully correct all violations and/or discovery of additional violations, to include violation of your license conditions (see reverse) or approved site plan, after the deadline may result in adverse licensing action through the City Attorney's Office.

1. **A vehicle associated with the business was parked on Maple St. in violation of license condition #5. No customer or employee vehicles may be parked on the street or in any public right of way.**
2. **A storage trailer was parked on the premises in violation of conditions #3 and #4. The trailer must be removed from the parking lot.**
3. **You could provide no proof that you hold a current Ramsey County Hazardous Waste Generator License in violation of condition #4. You must provide proof of licensure or apply for the license prior to the January 17, 2022.**
4. **A green Honda Civic had been parked in the parking lot for over 10 days in violation of condition #7. It must be removed from the parking lot.**
5. **A vehicle was observed being serviced on the exterior of the premises in violation of condition #12. All repair work must take place within the building.**
6. **Two (2) vehicles were displayed as "For Sale" in violation of condition #11. Vehicle sales are not permitted on the property.**

If you have questions regarding this matter or wish to request an extension of the correction deadline contact me at 651-266-9139 or by email at akbar.muhammad@ci.stpaul.mn.us

Sincerely,

Akbar R. Muhammad
Inspector, DSI Licensing

Enclosed: Approved site plan drawing
CC: Saint Paul City Attorney's Office

License Group Conditions

Licensee: Castillo Auto Repair

DBA: Castillo Auto Repair

License #: 200001910

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 that 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.

CITY OF SAINT PAUL, MINNESOTA
(NUP - Change)

ZONING FILE NO: 20-069-027
APPLICANT: Castillo Auto Repair
PURPOSE: Change of nonconforming use from auto body shop to general auto repair / tire repair.
LOCATION: 744 3rd Street E
LEGAL DESCRIPTION: PIN 32.29.22.14.0214, LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37
ZONING COMMITTEE ACTION: Recommended approval with conditions on September 24, 2020
PLANNING COMMISSION ACTION: Approved with conditions on October 2, 2020
CONDITIONS OF THIS PERMIT: 1. Substantial conformance with materials submitted for this application, including site/floor plan.
2. No outdoor storage of tires or other materials, except in Area "B" on the site plan there may be a for sale tire display during open business hours that is stored inside nightly.
APPROVED BY: Luis Rangel Morales, Commission Chairperson

I, the undersigned Secretary to the Zoning Committee of the Planning Commission for City of Saint Paul, Minnesota, do hereby certify that I have compared the foregoing copy with the original record in my office, and find the same to be a true and correct copy of said original and of the whole thereof, as based on minutes of the Saint Paul Planning Commission meeting held on October 2, 2020, and on record in the Saint Paul Planning Office, 25 West Fourth Street, Saint Paul, Minnesota.

This permit will expire two years from the date of approval if the use herein permitted is not established, subject to administrative extension not to exceed one year (Sec. 61.105).

The decision to grant this permit by the Planning Commission is an administrative action subject to appeal to the City Council. Anyone affected by this action may appeal this decision by filing the appropriate application and fee at the Zoning Office, 1400 City Hall Annex, 25 West Fourth Street. **Any such appeal must be filed within 10 calendar days of the date of the Planning Commission's decision.**

Violation of the conditions of this permit may result in its revocation.

Samantha Langer

Drafted by:
Samantha Langer
Secretary to the Saint Paul Zoning Committee
City Hall Annex, 25 W 4th Street, Suite 1400
Saint Paul MN 55102

Copies to:
Castillo Auto Repair
District Council 4



744 3rd St. E.

RECEIVED

08/13/2020

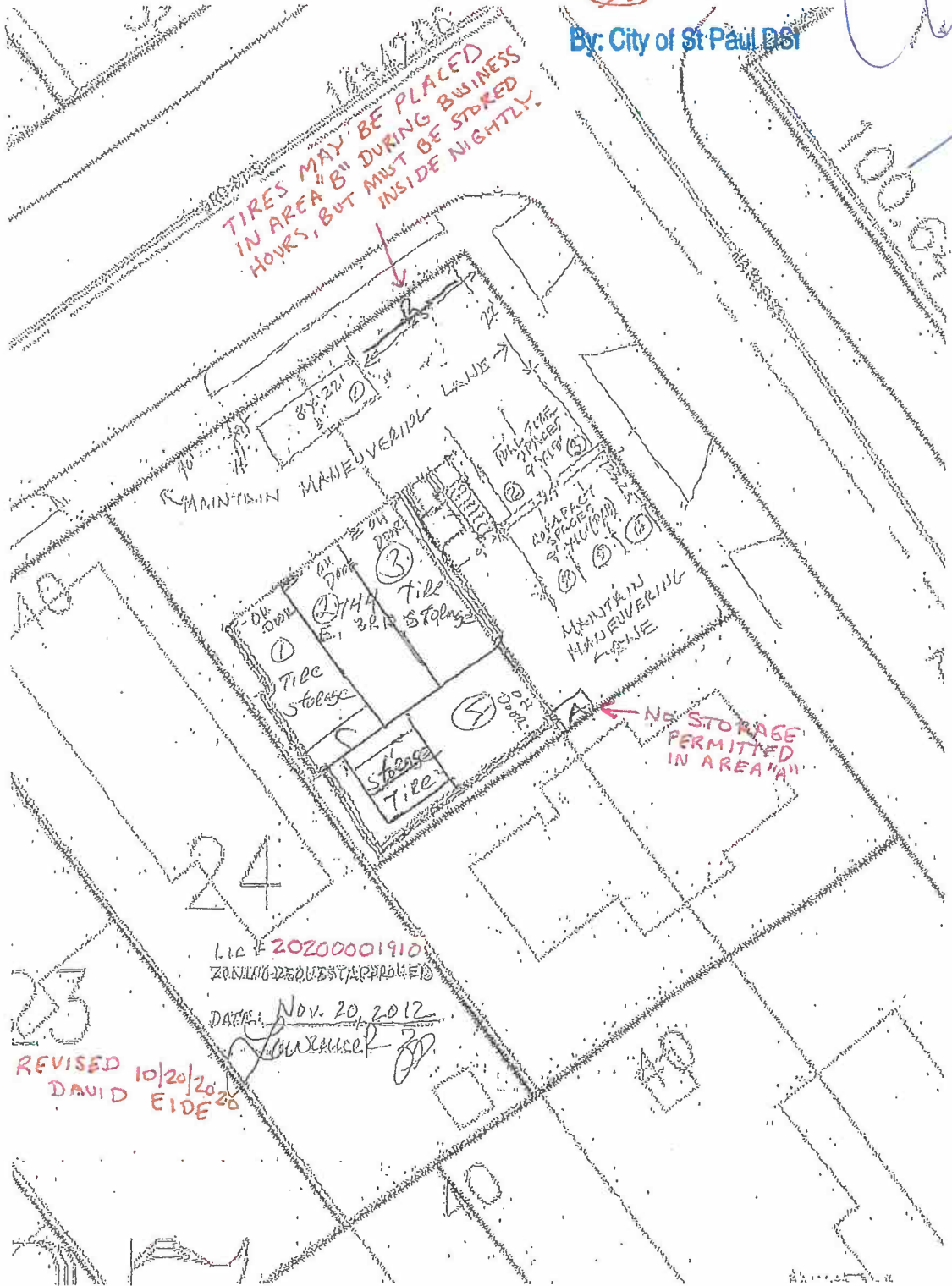
REC'D

REC'D

By: City of St Paul Dist

[Handwritten signature]

TIRES MAY BE PLACED
IN AREA "B" DURING BUSINESS
HOURS, BUT MUST BE STORED
INSIDE NIGHTLY.



LIC # 20200001910
ZONING REQUEST APPROVED

DATE: Nov. 20, 2012

[Handwritten signature]

REVISED 10/20/2020
DAVID EIDE

Properties For License 744 3RD ST E

Pay Print Warn 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:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

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

Background Check Required Contact Properties...

License # 200001910 Save Changes to History OK Cancel Help

Properties For License 744 3RD ST E

Pay Print Warn 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:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dr
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

Background Check Required Contact Properties...

License # 200001910 Save Changes to History OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 01/28/22 10:54 AM

House#:

Last updated from Ramsey County data on:

Street Name:

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

Building

Value: 34700

Value: 62300

Existing Primary Use: A- **Legality of Use:**
Auto Body

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

Certificate of Occupancy Responsible Party:

Jerry Castillo
535 Chapel Lane
Eagan MN 55121

Adverse Action Comments Text

01/28/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

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

Requirement Comments Text

01/28/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

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
10/23/2020 Opening Inspection -Pass ARM
9/15/20 Background check is clear. RJH
8/28/20 Background check requested. RJH

License Group Comments Text

01/28/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

1/7/2022 Correction Notice sent via email with a reinspection date of on or before 1/17/2022. ARM
12/11/2021 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 Courtesy 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

License Group Conditions Text

01/28/2022

Licensee: CASTILLO AUTO REPAIR

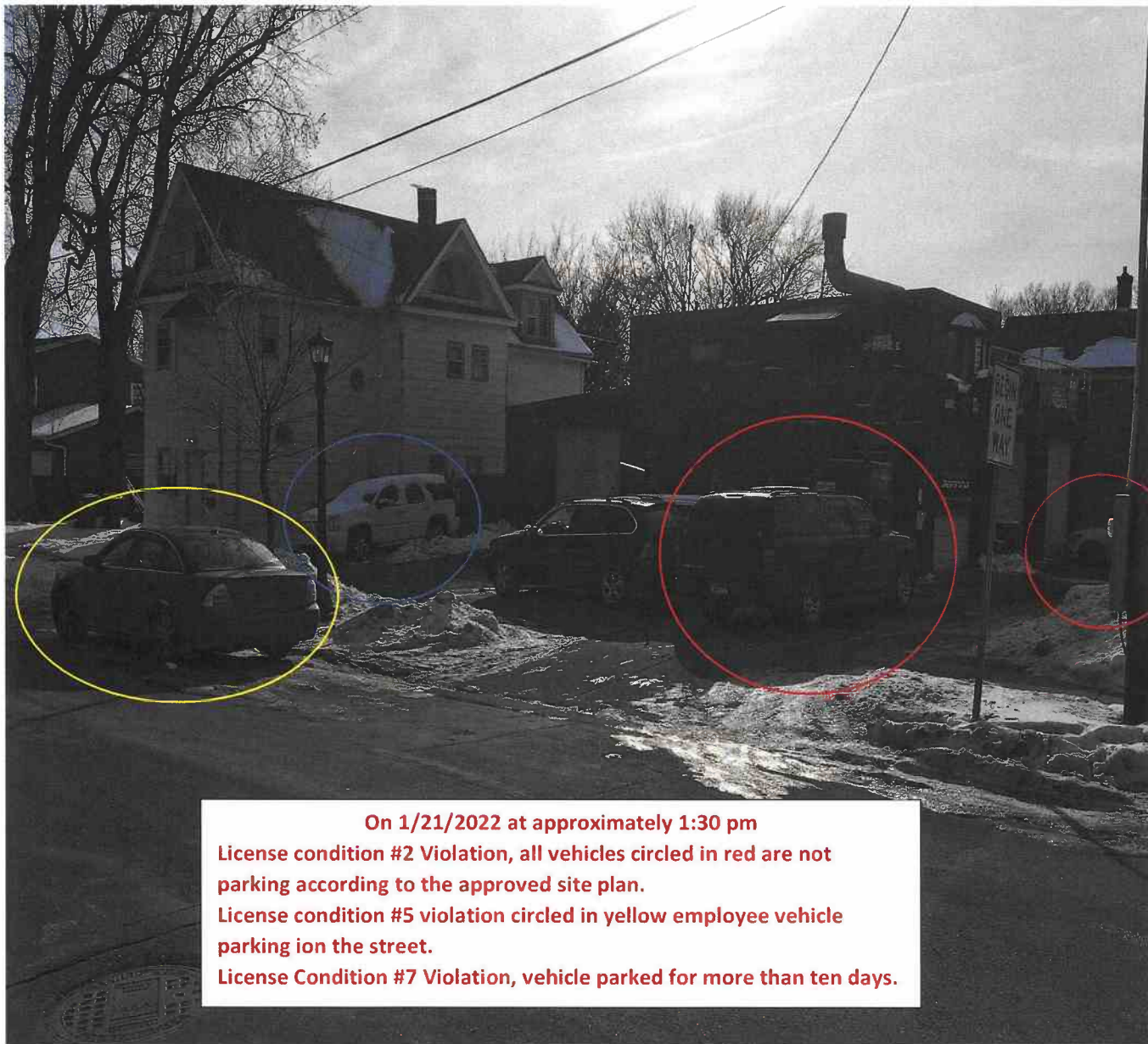
DBA: CASTILLO AUTO REPAIR

License #: 20200001910

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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.
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14. The Second Hand Dealer - Motor Vehicle parts license is restricted to the sale of used tires only.



**On 1/21/2022 at approximately 1:30 pm
License condition violation #7. the vehicle circled in red has
been on the premises for more than 10 days.**



On 1/21/2022 at approximately 1:30 pm
License condition #2 Violation, all vehicles circled in red are not parking according to the approved site plan.
License condition #5 violation circled in yellow employee vehicle parking on the street.
License Condition #7 Violation, vehicle parked for more than ten days.

