AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 9th day of January, 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:

Pronto Auto Repair 1054 Payne Avenue St. Paul, MN 55130

Enrique Estrada 914 Earl Street Saint Paul, MN 55106

Ashima S. Hasnudeen Trust 4965 Roman Road NE Minneapolis, MN 55421

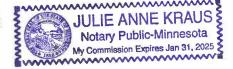
Jack Byers, Executive Director Payne-Phalen Community Council 567 Payne Avenue Saint Paul, MN 55130

(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 9th day of January 2023

Notary Public





January 9, 2023

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

Pronto Auto Repair 1054 Payne Avenue St. Paul, MN 55130

RE: Auto Repair Garage license held by Pronto Auto Repair Inc. d/b/a Pronto Auto Repair for the premises located at 1054 Payne Avenue in Saint Paul.

License ID #: 20130001947

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Auto Repair Garage License held by Pronto Auto Repair Inc. ("Licensee") herein for the premises known as Pronto Auto Repair located at 1054 Payne Avenue ("Licensed Premises") based on violations of your license conditions as well as a violation of the Saint Paul Legislative Code.

Saint Paul Legislative Code section 310.06 sets forth a variety of reasons on which adverse action may be based. Section 310.06(b)(5) states that adverse action can be pursued for failure to comply with a condition set forth in the license. Additionally, section 310.06(b)(6)(a) states that adverse action can be pursued for failure to comply with provisions of the Saint Paul Legislative Code reasonably related to the licensed activity.

The Department asserts that the following facts, along with photos of the violations attached herein, constitute proof that you have violated license conditions #1, #3, #4, #10, and #11, Section 65.701 of the Saint Paul Legislative Code.

Synopsis of alleged facts:

On October 24, 2022, a Inspector Joseph Voyda went to the Licensed Premises to conduct an inspection after receiving a complaint. During the inspection, the inspector observed violations of the assigned license conditions, specifically, conditions #1, #2, #3, #4, #6, #9, #10 and #11. On October

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27, 2022, Inspector Joseph Voyda mailed a Correction Notice to the Licensed Premises that documented all the violations he had observed. The Correction Notice gave the Licensee until "on or before 11/11/2022" to correct the violations and stated that a reinspection would occur.

On November 17, 2022, Inspector Luis Sanchez-Panadero conducted a follow-up inspection of the Licensed Premises. Upon arrival, he spoke with employee Jessica and told her he was there for a re-inspection. The license holder Enrique Estrada was present at the time of the re-inspection. During the inspection, Inspector Sanchez-Panadero observed and documented with photos violations of license conditions #1, #3, #4, #10, and #11. He also documented a violation of section 65.701 of the Saint Paul Legislative Code. Inspector Sanchez-Panadero offered to show Mr. Estrada all the license condition violations but he did not respond.

Violation #1 - Failure to follow approved parking plan in violation of Condition #1 (See Photos #1, 8, 9, 10, and 15):

License condition #1 of the License for the Licensed Premises states that:

"All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time."

Violation #1 Facts: On November 17, 2022, during the re-inspection, Inspector Sanchez-Panadero discovered a Black Kia (MN Lic # ENP 314), Silver Honda Civic (MN Lic # DCR 411), Blue pickup truck (WI Lic #TR3785), Blue Chrysler Town & Country (MN Lic # DLM 362), Silver Jeep, and a White tow truck parked in an area that was not approved on the parking plan. Inspector Sanchez-Panadero's photos of this violation are attached as exhibit XX.

Violation #2 – Exterior storage of materials associated with the business in violation of Condition #3 (See Photos #2, 3, 4, 5, 7, 11, 12, 13, 14, 16, 17, 18, 20, 31, 32, 33, 34, 35, 38, 39, 40, and 41):

License condition #3 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. Trash will be stored in a covered dumpster or inside the building. Storage of

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vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."

Violation #2 Facts: On November 17, 2022, during the re-inspection, Inspector Sanchez-Panadero discovered empty oil drums, gas cans, car batteries, paint buckets and outdoor storage of vehicle parts, tires, tire rims, and oil tanks on the Licensed Premises.

Violation #3 - Vehicles parked on public right-of-way in violation of Condition #4 (See Photos #21, 22, 23, 24, 25, 26):

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

"At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle."

Violation #3 Facts: On November 17, 2022, during the re-inspection, Inspector Sanchez-Panadero observed four vehicles parked in the right-of-way which one of them belonged to the business manager. The vehicles were a white Infiniti Qx4 (No plates), burgundy Pontiac SUV (MN Lic #JGE 425), purple Ford F-150 (MN Lic #KAG 704), and a black Cadillac Escalade (MN Lic #JTR 632).

Violation #4 - Failure to provide maneuvering space for vehicles on the property in violation of Condition #10 (See Photos #1, 8, 9, and 10):

License condition #10 of the License for the Licensed Premises states that:

"Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited."

Violation #4 Facts: On November 17, 2022, Inspector Sanchez-Panadero observed and documented four vehicles blocking the maneuvering space of other vehicles that was parked on the Licensed Premises.

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Violation #5 – Licensee failed to comply with all federal, state and local laws violation of Condition #11 (See photos #3, 4, 5, 11, 13, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42):

License condition #11 of the License for the Licensed Premises states that:

"Licensee must comply with all federal, state and local laws."

Violation #5 Facts: On November 17, 2022, Inspector Sanchez-Panadero observed gas cans, buckets containing vehicle fluids, car batteries, oil drums, oil tanks, propane tanks, battery jump pack, and miscellaneous vehicle parts that was not properly store.

Violation #6 – Failure to keep repair work in enclosed building or fenced area in violation of section 65.701 of the Saint Paul Legislative Code:

Under section 65.701 of the Saint Paul Legislative Code, all repair work shall be done within an enclosed building. All vehicles awaiting repair shall be stored in an enclosed building or within an area enclosed by a wall or fence (not including cyclone fence with vinyl slats) that provides an opaque screen.

Violation #6 Facts: On November 17, 2022, Inspector Sanchez-Panadero observed and documented three vehicles parked on a public street awaiting repair.

Under Saint Paul Legislative Code section 310.05, these violations are first-time violations. The penalty matrix laid out in section 310.05 prescribes a \$500 fine for a first-time violation.

You have four (4) options to proceed:

- If you do not contest the imposition of the proposed adverse action, you may do nothing. If I
 have not heard from you by **January 24, 2023**, 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,

CITY OF SAINT PAUL MELVIN CARTER, MAYOR



Minnesota 55101-1806 no later than **January 24, 2023**. 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 \$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 **January 24, 2023.** 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 **January 24, 2023.** 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 section 310.05(k).

If you have not contacted me by January 24, 2023, 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,

/
/
/
Therese Skarda
Assistant City Attorney

License No. 0240989

CITY OF SAINT PAUL MELVIN CARTER, MAYOR





Cc: Enrique Estrada, 914 Earl Street, Saint Paul, MN 55106

Ashima S. Hasnudeen Trust, 4965 Roman Road NE, Minneapolis, MN 55421

Jack Byers, Executive Director, Payne-Phalen Community Council, 567 Payne Avenue, Saint

Paul, MN 55130

Attachments: Inspector's Report from Inspector Luis Sanchez-Panadero

October 27, 2022, Correction Notice Screenshots from ECLIPS system

STAMP Ownership/Zoning Information

Site Plan

Photos of Violations from 11/17/2022

CITY OF SAINT PAUL MELVIN CARTER, MAYOR



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

Inspector's Report

Inspectors Name: Luis Sanchez-Panadero

<u>Date & Time: 11/17/2022 10:16</u> <u>Staff Member's Name</u>: Jessica

Business/DBA Name: Pronto Auto Repair

Property Address: 1054 Payne
Reason for Visit: Re-Inspection

Observations: License Conditions Violations

Photos Taken: ■ Yes □No - Area(s) of where the Photo(s) where taken: Different areas of Property

Request for Adverse Action

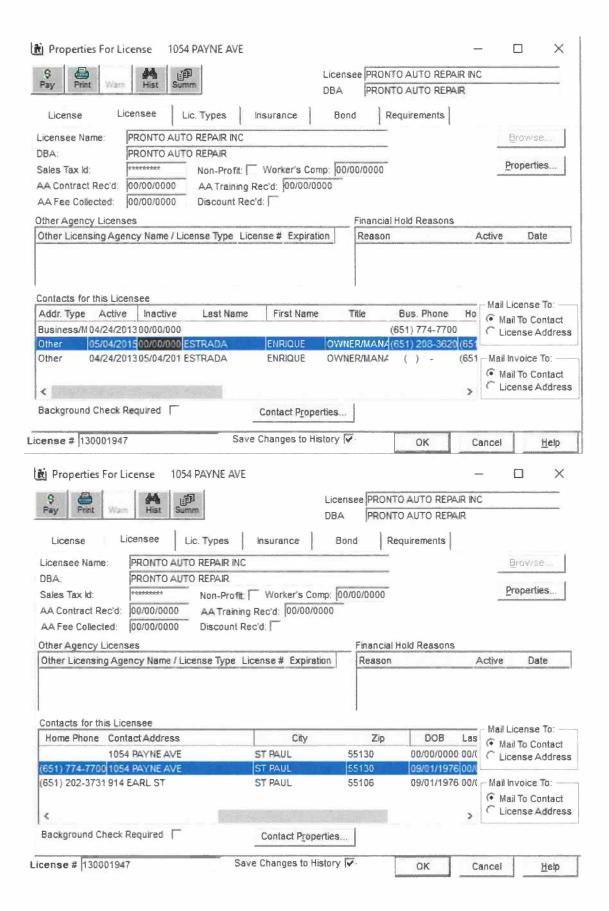
Other:

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

Upon arrival I spoke to the clerk, Jessica. I informed her, the reason for today's visit is for a a re-inspection from an earlier inspection that took place on 10/24/2022. She stated that the owner was not on site. During the inspection, Enrique the license holder returned to the property.

I offered to show the license condition violations within the property, and I attempted to review all license conditions with him. However, with a blank expression on his face, he said nothing.

When he finally spoke, he stated which vehicles that were parked on the street that were associated with the business and the vehicles that were not associated with the business, with no mention of the license condition violations. See attached photos of license condition violations numbers 1, 3, 4, 10 & 11 with explanation of the violations found.



STAMP - Ownership / Zoning Information

New Search Help using this report

Run Date: 11/29/22 03:15 PM

House#: Last updated from Ramsey County data

on:

Street Name:

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

1054 Payne Ave - Pronto Auto Repair - 55130-3843 - Other Applications

PIN: 292922130203 Census Track: 31000 Census Block: 4007 Council Ward: 6 District Council: 5

Year Built: Foundation Sq Feet: Loan Company: Land Building
Value: 78500 Value: 54500

Unverified Usage: 30- GAS STATION- C- Automotive ISP: Units: 0

Zoning: B2

Legal Desc: ARLINGTON HILLS ADD B40&45-49 EX N 35 FT OF LOTS 16,17 AND LOT 18 BLK 4

Owner:

Ashima S. Hasnudeen Trust 4965 Roman Rd Ne Minneapolis MN 55421-1537

Tax Owner:

Ashima S. Hasnudeen Trust 4965 Roman Rd Ne Minneapolis MN 55421-1537

Certificate of Occupancy Responsible Party:

Pronto Auto - C/O Enrique Estrada 1054 Payne Ave St Paul MN 55103 Licensee: PRONTO AUTO REPAIR INC

DBA: PRONTO AUTO REPAIR

License #: 20130001947

11/17/2022 Complaint Follow-UP - violations found LSP

10/27/2022 Correction Letter Sent JNV

10/24/2022 Complaint inspection - violations found JNV

09/12/2022 Delinquent letter sent. Response deadline date is October 3, 2022. SLH

09/09/2020 Delinquent letter sent. Response deadline date is September 30, 2020. SLH

10/11/2013 Per Kris Schweinler site inspection/email site is now in compliance with license conditions. Backdated effective date of license to expiration of previous license (09/01/2013), and approved issuance of license. Emailed CA of status change. JWF

10/9/13 Not in compliance with conditions. Told him what he needed to do and that I would be back on 1011/13 to re-inspect.KS

10/01/2013 Additional information recvd. to CAR for review. JWF

09/24/2013 Rcvd. additional information. JWF

09/12/2013 Notice of intent to deny license by CAO given to 09.23/13 to respond CAR

09/09/2013 Liccensee has not provided: w/c for correct address, tax ID, lease or purchase agreement, signed license conditions. To CAO for license denial letter. CAR

09/03/2013 W/C sent via email with wrong address. Sent e-mail to agent requesting change.KS

08/01/2013 gave copy of letter to license applicant. Told him to e-mail information to me by Mon. 08/05/2013 KS

07/30/2013 No response to orders complete unmet requirements, file to CAR for review. JWF

07/03/2013 Letter sent to applicant no objection, explained unmet requirements (return signed cond. affidavit; opening inspection; provide tax ID, lease,

business purch agreement, & WC), response date 07/29/2013. JWF

10/24/2022 LC violations found, correction orders will be issued JNV

06/24/2013 No objections to license notification per Nhia Vang's office, Leg. Hearing Officer. JWF

05/20/2013 License notification sent, 66M/35EM, response date 06/21/2013. JWF

License Group Conditions Text 11/28/2022

Licensee: PRONTO AUTO REPAIR INC

DBA: PRONTO AUTO REPAIR

License #: 20130001947

1. All customer and employee vehicles must be parked in accordance with, and in the areas shown on the approved site plan on file with the Department of Safety and Inspections (DSI) dated 01/26/2000.

2. A maximum of twelve (12) vehicles may be parked on the exterior of the premises at any one time.

- 3. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
- 4. At no time shall customer and/or employee vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
- 5. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
- 6. No auto 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.
- 7. Auto body repair and/or auto body spray painting is not permitted.8. Customer 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.
- 9. Vehicle sales is not permitted.
- 10. Maintain a clear unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
- 11. Licensee must comply with all federal, state and local laws.



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

October 27, 2022

Enrique Estrada 914 Earl Street Saint Paul, MN 55106

CORRECTION NOTICE

Re: Auto Repair Garage License- ID 20130001947 - 1054 Payne Avenue - Saint Paul, MN 55130 - DBA: Pronto Auto Repair

Enrique Estrada,

The above referenced property was inspected on 10/24/2022 due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 11/11/2022 at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to ioseph.voyda@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for extension.

Failure to fully correct the violation(s) noted below prior to re-inspection may result in adverse action against all licenses issued at the location up to and including license revocation.

Violation(s) discovered:

- License Condition number 1 Not parking in accordance with the approved site plan
- License Condition number 2 More than 12 vehicles on the premises
- License Condition number 3 No storage of tires, oil, batteries, and vehicle fluids on the exterior of the property. Shall be in accordance with the Ramsey County Hazardous Waste regulations.

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- License Condition number 4 parking on the street/public right of way
- License Condition number 6 No auto repaired may occur on the exterior of the lot
- License Condition number 9 Must obtain appropriate license- sale of vehicles forbidden
- License Condition number 10 No maneuvering space on the property
- License Condition number 11 Licensee must comply with all State, Federal, and Local laws

Section 65.701 paragraph (b) of the Saint Paul Legislative Code requires/states that: All repair work shall be done within an enclosed building. All vehicles awaiting repair shall be stored in an enclosed building or within an area enclosed by a wall or fence (not including cyclone fence with vinyl slats) that provides an opaque screen. There shall be no exterior storage of parts or merchandise.

NOTE: License conditions for the property are listed on the reverse side of this document. Also included; approved Site Plan

If you have questions regarding this matter or wish to request additional information, I may be reached at phone number 651-266-9014.

Respectfully,

Joseph Voyda

Inspector, DSI Licensing

M [/omh



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

October 27, 2022

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Inspector, DSI Licensing

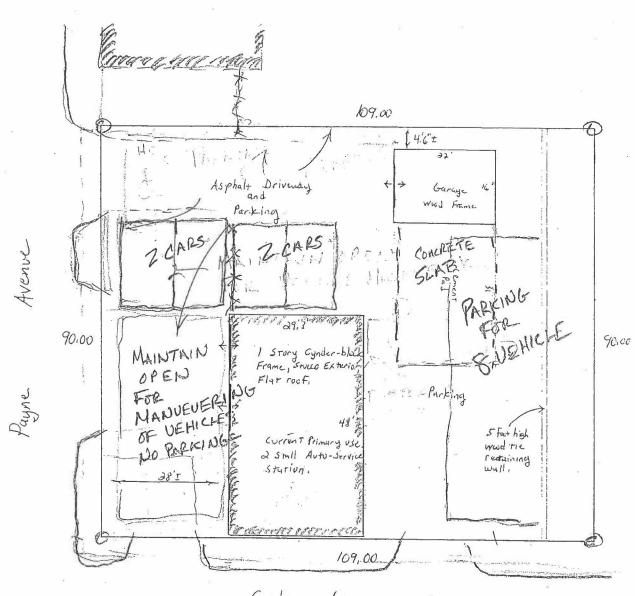
CAPITAL PLAT INSPECTIONS
6798 ROMEO ROAD
WOODBURY, MN 55125
PHONE (651) 730-4276
PAGER (612) 601-2437

LEGAL DESCRIPTION

INSPECTION DATE 10-29-99

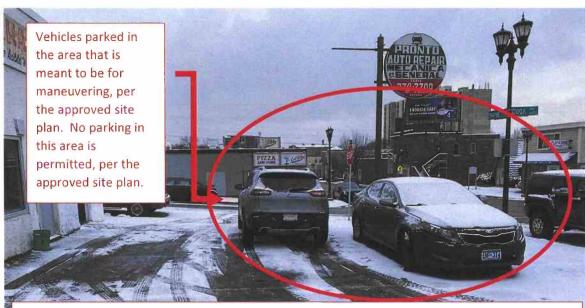
FILE NO. Tollas 001-99





Cook Avenue E,

APPROVED SITE PLAN 1054 PAYNE AUE REVISED 1/26/00 L3P PER ACREEMENT HR HAMED!



License Condition Violations #1 and #10 11/17/2022

1.All customer and employee vehicles must be parked in accordance with, and in the areas shown on the approved site plan on file with the Department of Safety and Inspections (DSI) dated 01/26/2000.

10. Maintain a clear unobstructed maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.

