

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Riddhi Mistry, being first duly sworn, deposes and says that on this twelfth day of April she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Mobile America Service Center
d/b/a Mobile America Service Center
1431 Rice Street
Saint Paul, MN 55117
Attn: Jerold Franklin

Jerold Franklin
5285 Audobon Avenue Unit 106
Inver Grove Heights, MN 55077

Arlington Auto Repair
7100 Northland Circle Suite 410
Brooklyn Park, MN 55428-1500

Kerry Antrim, Executive Director,
North End Neighborhood Organization
171 Front St.
Saint Paul, MN 55117

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



Riddhi Mistry

Subscribed and sworn to before me
This twelfth day of April 2024



Notary Public





April 12, 2024

NOTICE OF INTENT TO DENY LICENSE

Mobile America Service Center
d/b/a Mobile America Service Center
1431 Rice Street
Saint Paul, MN 55117

RE: Auto Repair Garage license application submitted Mobile America Service Center d/b/a Mobile America Service Center for the premises located at 1431 Rice Street, Saint Paul, MN 55117
License ID #: 20210002100

Dear Applicant:

The Department of Safety and Inspections will recommend denial of Auto Repair Garage license application submitted by Mobile America Service Center d/b/a Mobile America Service Center ("Licensee") located at 1431 Rice Street in Saint Paul.

Legal Basis for Adverse Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"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."

Saint Paul Legislative Code §310.03 requires that new license application be investigated and reviewed stating:

"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.”

Saint Paul Legislative Code §310.03(a) states: “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 must be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended 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.”

Saint Paul Legislative Code §310.02 (2) stated: “No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the director determines that said applicant has paid 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.”

Saint Paul Legislative Code §423.01 states: “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.”

Adverse Action Recommendation:

Because you have been notified on several occasions that you failed to obtain Zoning approval. Along with your failure to respond to emails and letters attempted by the Department, the Department of Safety and Inspections will recommend denial of the Auto Repair Garage license application based on violation to Saint Paul Legislative Code § 310.03(a) and § 423.01.

Factual basis for denial of Auto Repair Garage license application:

You submitted a Class “N” License Application for an Auto Repair Garage license.

On January 25, 2022, Inspector, Jeff Fischbach sent a letter to you requesting that you do the following: obtain a DSI Zoning Division approved parking layout/stripping plan, submit a signed



statement listing all owners, submit a completed Personal Affidavit, submit a copy of a signed lease or proof of purchase of the property, submit a signed letter describing your method of operation. You were given a deadline of February 25, 2022, to provide all requested documents.

On December 1, 2022, Inspector Fischbach sent a letter to you requesting you to obtain a final DSI Zoning approval for a parking/stripping plan from DSI Zoning Inspector Farhan Omar.

On December 1, 2022, Inspector Fischbach sent you at jerfrank76@gmail.com an email regarding your pending license application. You were also requested to obtain a site/parking plan approval from DSI Zoning Inspector Farhan Omar.

On January 19, 2023, Inspector Fischbach sent you an email at jerfrank76@gmail.com following up with you in regard to the letter he sent on December 1, 2022, requesting that you get the Zoning approval from Farhan Omar.

On May 25, 2023, Inspector Fischbach sent you an email at jerfrank76@gmail.com and to Farhan Omar asking if the parking plan was approved by DSI Zoning Division.

On January 8, 2024, Inspector Fischbach sent a letter to you requesting that you obtain an approval from the DSI Zoning Division with a deadline of February 9, 2024. Failing to complete the request by February 9, 2024, you were informed that this matter will be referred to the City Attorney with a recommendation that adverse action be taken to deny your application.

On January 8, 2024, Inspector Fischbach sent you an email at jerfrank76@gmail.com with attached letter that was sent to both your business address and personal residence address. You were requested to obtain an approval from the DSI Zoning Division, which you still failed to obtain. You were also informed that your application was going to be forwarded to the City Attorney and appropriate adverse action will have to be taken to deny your license application.

You have five (5) options on how to proceed:

1. If I have not heard from you by **April 22, 2024**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Agenda for approval of the proposed remedy and denial of you license application.



2. Submit the required information requested to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **April 22, 2024**.

3. If you wish to admit the facts but you contest the penalty, you may have a 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 **April 22, 2024**. The matter will then be scheduled before the City Council to determine whether or not your Auto Repair Garage license application should be denied. You will have an opportunity to appear before the City 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 **April 22, 2024**. 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 hearing will need to be scheduled before the City Council. 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 recommend that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code §310.05 (k).

5. You can withdraw your Auto Repair Garage license application. Complete and return the attached REQUEST TO WITHDRAW REQUEST FOR REFUND form to the Department of Safety and Inspections (DSI), located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **April 22, 2024**.

If you have not contacted me by April 22, 2024, I will assume that you do not contest the denial of your Auto Repair Garage application. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.



If you have questions about these options, please contact my Paralegal, Riddhi Mistry at (651) 266-8835 or riddhi.mistry@ci.stpaul.mn.us.

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0402652

Cc: Mobile America Service Center d/b/a Mobile America Service Center, 1431 Rice Street, Saint Paul, MN 55117

Jerold Franklin, 5285 Audobon Avenue Unit 106, Inver Grove Heights, MN 55077
Arlington Auto Repair LLC, 7100 Northland Circle Suite 410, Brooklyn Park, MN 55428-1500
Kerry Antrim, Executive Director, North End Neighborhood Organization
171 Front St., Saint Paul, MN 55117

Attachments: Copy of Class N license Application
Letter from Inspector, Jeff Fischbach to Mobile America Service Center 2 LLC – 01/25/2022
Letter from Inspector, Jeff Fischbach to Mobile America Service Center – 12/01/2022
Email from Inspector, Jeff Fischbach to Jerold Franklin at jerfrank76@gmail.com – 12/01/2022
Email from Inspector, Jeff Fischbach to Jerold Franklin at jerfrank76@gmail.com – 01/19/2023
Email from Inspector, Jeff Fischbach to Jerold Franklin at jerfrank76@gmail.com and Farhan Omar – 05/25/2023
Letter from Inspector, Jeff Fischbach to Mobile America Service Center – 01/08/2024
Email from Inspector, Jeff Fischbach to Jerold Franklin at jerfrank76@gmail.com – 01/08/2024
310.03(a) – St. Paul, MN Code of Ordinance



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDESEY 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

310.02 (2) (b)– St. Paul, MN Code of Ordinance
423.01 – St. Paul, MN Code of Ordinance

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

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.



CITY OF SAINT PAUL
 Department of Safety and Inspections
 375 Jackson Street, Suite 220
 Saint Paul, Minnesota 55101
 Phone: 651-266-8989
 Web: www.stpaul.gov/dsi

Class "N" License Application

LICENSES ARE NOT TRANSFERRABLE

Payment must be received with Each Application
 This application is subject to review by the public.

Types of License(s) being applied for:

Fee(s):

- a. Auto Repair License _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____

Total: \$ - -

Business Information

Business Address: 1431 Rice Street St Paul MN 55117
Street City State Zip

Company Name: Mobile America Service Center Mobile America
Doing Business As

Company Type: Corporation _____ Partnership _____ Sole Proprietorship

Date of Incorporation: 07/10/2021 Anticipated Opening: 1/1

Mailing Address: 1431 Rice Street St Paul MN 55117
Street City State Zip

Business Phone: 651-348-2492 Fax Number: 651-493-7106

Applicant Information

Applicant Name: Jerold Clifton Franklin
First Middle Last

Title: owner Date of Birth: _____

Drivers License: [REDACTED]

Home Address: [REDACTED]

Cell Phone: [REDACTED] Alternate Phone: _____

Supplemental Required Information

Are you going to operate this business personally? Yes: No:

If no, who will operate it?

Operator Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: ____/____/____ Phone: _____

Are you going to have a manager or assistant in this business? Yes: _____ No: _____

If manager is not the same as the operator, please complete the following information:

Manager Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: ____/____/____ Phone: _____

Please list all other officers of the corporation (Attach another sheet if applicable.)

Officer Name: _____
First Middle Last

Title: _____ Email: _____

Home Address: _____
Street City State Zip

Date of Birth: ____/____/____ Phone: _____

Officer Name: _____
First Middle Last

Title: _____ Email: _____

Home Address: _____
Street City State Zip

Date of Birth: ____/____/____ Phone: _____

Officer Name: _____
First Middle Last

Title: _____ Email: _____

Home Address: _____
Street City State Zip

Date of Birth: ____/____/____ Phone: _____

FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION.

I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief.

Applicant Signature _____ Title _____ Date _____



CITY OF SAINT PAUL

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

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

January 25, 2022

Mobile America Service Center 2 LLC
Attn: Jerold Franklin
1431 Rice St
St Paul MN 55117

Re: Application for Mobile America Service Center 2 LLC, doing business Mobile America Service Center, ID #20210002100, located at 1431 Rice St / Auto Repair Garage

Dear Applicant:

This letter is to update you on the status involving review of the above referenced pending license application submitted to the Department of Safety and Inspections (DSI) on 11/08/2021. At this time DSI has determined *the business license application as submitted is incomplete, the application remains in a pending status, and a license has not yet been issued.*

As part of the application review a DSI Zoning Division approved parking layout/stripping plan must be obtained. Please contact DSI Zoning Inspector Farhan Omar at 651-266-9089 or via email at Farhan.Omar@ci.stpaul.mn.us to obtain this approval. Mr. Omar will need you to submit information including:


A Site/Parking plan including information such as: drawn to scale; dimensioned; showing all property lines, building location(s), any entry door(s) to the building, any garage bay door(s) to the building, driveway egress points, each individual parking space; etc.

So that DSI Licensing Division may continue processing your application, **actions including the following must be completed by 02/25/2022:**

- Submit a signed statement listing all owners (including the percentage of ownership for each individual) of the business entity Mobile America Service Center 2 LLC.
- Submit a completed Personal Affidavit (see enclosed) for *each owner* of the business (*including a notarized signature on the Affidavit*). Your application states you are a partner of this business. Additional owners must submit a completed Personal Affidavit.
- Submit a copy of a signed lease or proof of purchase of the property. A lease must specifically state an auto repair business is a permitted use. *Your application did not include a lease.*
- Submit a signed letter describing your method of operation. It should including information such as the following:
 - *hours of operation
 - *examples of the type of repair work performed
 - *number of employees working here
 - * include if you will/will not sell tires (specify if they're new and/or used). **NOTE:** a separate Second Hand Dealer – Motor Vehicle Parts license is required to sell used tires.
 - * etc.

This license type requires public notification be sent to your neighbors (within 300 feet), concerned constituents, block club / district councils, and city council, informing them of your application request and giving them 30 days to respond to your application. The results of this notification may require public hearing(s) and City Council review of your application. *The license notification review process cannot begin until you have submitted all necessary documentation for an application to be deemed complete, DSI Zoning Division has approved a parking layout/stripping plan, and DSI Licensing Division has completed the initial due diligent review of the application.* I may be contacted at 651-266-9106 with any questions.

Sincerely,


Jeffrey Fischbach,
DSI Licensing Division
enc.

c. Farhan Omar, DSI Zoning Division
Akbar Muhammad, DSI Licensing Division
Jerold Franklin, Home Address

Disclaimer: This letter is not an indication that your application will be granted, nor does it authorize any operation of a business at this location. This letter is intended simply as notice of the ongoing process of your pending application.



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9040
Web: www.stpaul.gov/dsi

December 1, 2022

Mobile America Service Center
Attn: Jerold Franklin
1431 Rice St
St Paul MN 55117

RE: License Application for Mobile America Service Center 2 LLC, doing business as Mobile America Service Center, ID # 20210002100, Located at 1431 Rice St / **Auto Repair Garage**

Dear Applicant:

Review of your application for a license is in process. Notification has been sent to the community organization and neighbors for the area in which you intend to operate giving them until **Friday, January 6, 2023** to voice concerns to your application.

If no objections are received your license will be forwarded to the City Council for review and if approved by Council could then be issued (pending any requirements not completely met). If objections are received a hearing will be scheduled before a legislative hearing officer. You will receive notice of the time, place and date of the scheduled hearing from the Legislative Hearing Officer. At that hearing, the hearing officer will take testimony from all interested persons and will make a recommendation to the City Council as to whether the license(s) should be approved or be referred to an administrative law judge for further review. The City Council will have the final authority to grant or deny this license application.

Requirements including the following must be met prior to the issuance of your licenses:

- Obtain final DSI Zoning approval of a parking/stripping plan from DSI Zoning Inspector Farhan Omar, who may be contacted at 651-266-9089 or via email at farhan.omar@ci.stpaul.mn.us *As Mr. Omar has previously informed you a more detailed site plan must be submitted for his review to be completed.*

If you have any questions, please contact DSI License Inspector Ross Haddow at 651-266-9143 or me at 651-266-9106.

Sincerely,



Jeff Fischbach
DSI Inspector

c. Jerold Franklin, Home Address.
Jerold Franklin, via email at jerfrank76@gmail.com

Disclaimer: This letter is not an indication that your application will be granted. This letter is intended simply as notice of the ongoing process of your pending application.

LICENSE APPLICATION NOTIFICATION

License Number: 20210002100

Application for: Auto Repair Garage

License at: 1431 Rice St

Licensee: Mobile America Service Center 2 LLC, doing business as Mobile America Service Center
Jerold Franklin, co-owner, 651-348-2492

Recommended License Conditions: none

Deadline for Response Date: Friday, January 6, 2023 at 4:30 p.m.

If you have any objections to the license application, you must respond in writing by
Friday, January 6, 2023 to:

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd.
Saint Paul, MN 55102

Or email to: LH-Licensing@ci.stpaul.mn.us

If you have any questions, please contact DSI Inspectors Ross Haddow or Jeff Fischbach at 651-266-8989.

Notice Mailed: Thursday, December 1, 2022



CITY OF SAINT PAUL

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

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

January 8, 2024

Mobile America Service Center
Attn: Jerold Clifton Franklin
1431 Rice St
St Paul MN 55117

Re: License Application for Mobile America Service Center, ID # 20210002100, Located at 1431 Rice St / **Auto Repair Garage**

Dear Applicant:

The above referenced license application has been in a pending status since 11/08/2021. At this time the license has not yet been issued. So that DSI may finalize processing of this application you must **complete the following action by 02/09/2024**:

- Obtain DSI Zoning Division approval of a parking layout/stripping plan. You may contact DSI Zoning Inspector Frances Birch at 651-266-9022 or via email at frances.birch@ci.stpaul.mn.us to obtain this approval. Submission of a sufficiently detailed Site/Parking plan will be necessary and should including information such as: drawn to scale; dimensioned; showing all property lines, building location(s), any entry door(s) to the building, any garage bay door(s) to the building, driveway egress points, each individual parking space; etc

Alternatively, if you no longer wish to operate here and obtain an Auto Repair Garage license you may return the enclosed Request to Withdraw / Request for Refund form to DSI.

If you have not completed the above referenced action by 02/09/2024 this matter will be referred to the City Attorney with a recommendation that adverse action be taken to deny your application. If denied, you would not be able to operate at this location for one year.

I may be contacted at 651-266-9106 if you have any questions regarding this matter.

Sincerely,

Jeffrey Fischbach,
DSI Licensing Division
enc.

- c. Jerold Franklin, Home Address and via email jerfrank76@gmail.com
Don Wright, Home Address
Timothy Ewing, Home Address
France Birch, DSI Zoning Division
Farhan Omar, DSI Zoning Division



**RE: REQUEST TO WITHDRAW
REQUEST FOR REFUND**

License ID # _____

I/We, _____, respectfully request to withdraw my/our license(s) at the address listed below:

List all licenses to withdraw: _____

Application/Business address: _____

Reason(s) for request: _____

I am also requesting a 75% refund of my license application fee per chapter 310.10 of the City of Saint Paul's Legislative Code.

Mail the refund check to the attention of: _____

Mailing address: _____

City: _____ State: _____ Zip Code: _____

Applicant(s) Printed Name, Signature and Title _____ Date _____

Applicant(s) Phone Number _____

Applicant(s) Printed Name, Signature and Title _____ Date _____

Applicant(s) Phone Number _____



CITY OF SAINT PAUL

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

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

January 8, 2024

Mobile America Service Center
Attn: Jerold Clifton Franklin
1431 Rice St
St Paul MN 55117

Remailed
01/22/2024

Re: License Application for Mobile America Service Center, ID # 20210002100, Located at 1431 Rice St / **Auto Repair Garage**

Dear Applicant:

The above referenced license application has been in a pending status since 11/08/2021. At this time the license has not yet been issued. So that DSI may finalize processing of this application you must **complete the following action by 02/09/2024:**

- Obtain DSI Zoning Division approval of a parking layout/stripping plan. You may contact DSI Zoning Inspector Frances Birch at 651-266-9022 or via email at frances.birch@ci.stpaul.mn.us to obtain this approval. Submission of a sufficiently detailed Site/Parking plan will be necessary and should including information such as: drawn to scale; dimensioned; showing all property lines, building location(s), any entry door(s) to the building, any garage bay door(s) to the building, driveway egress points, each individual parking space; etc

Alternatively, if you no longer wish to operate here and obtain an Auto Repair Garage license you may return the enclosed Request to Withdraw / Request for Refund form to DSI.

If you have not completed the above referenced action by 02/09/2024 this matter will be referred to the City Attorney with a recommendation that...

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 01/08/2024 ZIP 55101
 043M31224113
 U.S. POSTAGE

INSPECTIONS

PECTIONS

Received

Jeff

JAN 11 2024

City of Saint Paul - DSI

Jerold Clifton Franklin
285 Audoban Ave #106
Over Grove Heights MN 55077

Jerold Clifton Franklin
215 10th Ave S Apt 1
South St Paul MN 55075

552 NFE 1 87210001/10/24
 FORWARD TIME EXP RTN TO SENDER
 FRANKLIN, JEROLD CLIFTON
 215 10TH AVE S APT 1
 SOUTH ST PAUL MN 55075-2255

INT
55075-2255

RETURN TO SENDER

Fischbach, Jeffrey (CI-StPaul)

From: Fischbach, Jeffrey (CI-StPaul)
Sent: Thursday, December 1, 2022 1:29 PM
To: jerfrank76@gmail.com
Cc: Omar, Farhan (CI-StPaul)
Subject: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100
Attachments: 20221201132659666.pdf

Jerold,

See attached letter regarding your above referenced pending license application.

Please get a site/parking plan approved by DSI Zoning Inspector Farhan Omar as soon as possible. Farhan is copied on this email and his contact information is 651-266-9089/ farhan.omar@ci.stpaul.mn.us

Finally, the public notice on the license application went to neighbors withing 300' of this property and the District Council representing the area. DSI recommends you contact the District Council, which is the District 6 North End Neighborhood Organization and their phone number is 651-488-4485. Here's also a link explaining what the District Council's are

Jeff Fischbach
DSI - Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson St, Suite 220
Saint Paul, MN 55101
P: 651-266-9106 / **Fax:** 651-266-9124
jeffrey.fischbach@ci.stpaul.mn.us

Fischbach, Jeffrey (CI-StPaul)

From: Fischbach, Jeffrey (CI-StPaul)
Sent: Thursday, January 19, 2023 2:50 PM
To: jerfrank76@gmail.com
Cc: Omar, Farhan (CI-StPaul)
Subject: RE: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Hello Jerold,

I had sent you a letter back on December 1st 2022 updating you on the status of your pending license application, informing public notice had been sent, and that you needed to get a Zoning approved parking plan.

There were no comments submitted during the public notice period.

All that's left for the license to be issued is to get Farhan's approval of a parking plan.

When do you think your plan will be submitted to Farhan?

My boss is asking me to update him on your progress regarding this matter.

Thanks,

Jeff Fischbach
DSI - Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson St, Suite 220
Saint Paul, MN 55101
P: 651-266-9106 / **Fax:** 651-266-9124
jeffrey.fischbach@ci.stpaul.mn.us

From: Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us>
Sent: Thursday, January 19, 2023 2:34 PM
To: Fischbach, Jeffrey (CI-StPaul) <jeffrey.fischbach@ci.stpaul.mn.us>
Subject: FW: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Hi Jeff,

Jerold, replied this morning saying "will do". Have not received a site plan yet.



SAINT PAUL
MINNESOTA

Farhan Omar

Pronouns: He/Him

DSI Inspector I

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101

P: 651-266-9089

F: 651-266-9009

farhan.omar@ci.stpaul.mn.us

From: Jerold Franklin <jerfrank76@gmail.com>

Sent: Thursday, January 19, 2023 6:52 AM

To: Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us>

Subject: Re: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Think Before You Click: This email originated **outside** our organization.

Will do, thank you.

On Wed, Jan 11, 2023, 10:32 AM Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us> wrote:

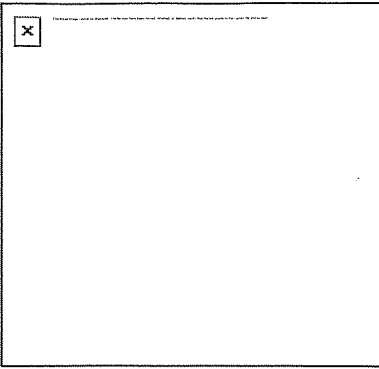
Good morning Jerold,

You are required to submit a Site plan, showing your operation here. please, send me your site plan as soon as you can.

Site plan must show the entire property lines, numbering parking spaces, trash location, number of bay doors, office location, service station location. Streets fronting property on all sides, indicate alley location.

Thank you,

Farhan



Farhan Omar

Pronouns: he/him/his
DSI Inspector I
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101

P: 651-266-9089

F: 651-266-9009

farhan.omar@ci.stpaul.mn.us

Jeffrey Fischbach

From: Jeffrey Fischbach
Sent: Thursday, May 25, 2023 2:15 PM
To: Jerold Franklin; Farhan Omar
Subject: RE: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Jerold and Farhan,

Did a parking plan ever get approved by DSI Zoning Division for this location?

I don't recall seeing one.

Thanks,

Jeff Fischbach
DSI - Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson St, Suite 220
Saint Paul, MN 55101
P: 651-266-9106 / **Fax:** 651-266-9124
jeffrey.fischbach@ci.stpaul.mn.us

From: Fischbach, Jeffrey (CI-StPaul)
Sent: Thursday, January 19, 2023 3:24 PM
To: Jerold Franklin <jerfrank76@gmail.com>; Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us>
Subject: RE: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Jerold,

I looked thru the license application file and didn't see a submitted plan.

Thanks for the update on plan submission. I'll put it on my list to check back with Farhan in a couple weeks.

Jeff Fischbach
DSI - Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson St, Suite 220
Saint Paul, MN 55101
P: 651-266-9106 / **Fax:** 651-266-9124
jeffrey.fischbach@ci.stpaul.mn.us

From: Jerold Franklin <jerfrank76@gmail.com>
Sent: Thursday, January 19, 2023 3:07 PM
To: Fischbach, Jeffrey (CI-StPaul) <jeffrey.fischbach@ci.stpaul.mn.us>
Subject: Re: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Think Before You Click: This email originated outside our organization.

I thought we sent it in last year but I'll get it to you by next week.

On Thu, Jan 19, 2023, 2:50 PM Fischbach, Jeffrey (CI-StPaul) <jeffrey.fischbach@ci.stpaul.mn.us> wrote:

Hello Jerold,

I had sent you a letter back on December 1st 2022 updating you on the status of your pending license application, informing public notice had been sent, and that you needed to get a Zoning approved parking plan.

There were no comments submitted during the public notice period.

All that's left for the license to be issued is to get Farhan's approval of a parking plan.

When do you think your plan will be submitted to Farhan?

My boss is asking me to update him on your progress regarding this matter.

Thanks,

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jeffrey.fischbach@ci.stpaul.mn.us

From: Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us>

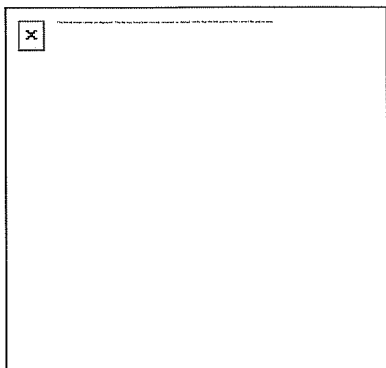
Sent: Thursday, January 19, 2023 2:34 PM

To: Fischbach, Jeffrey (CI-StPaul) <jeffrey.fischbach@ci.stpaul.mn.us>

Subject: FW: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

Hi Jeff,

Jerold, replied this morning saying "will do". Have not received a site plan yet.



Farhan Omar

Pronouns: He/Him

DSI Inspector I
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101

P: 651-266-9089

F: 651-266-9009

farhan.omar@ci.stpaul.mn.us

From: Jerold Franklin <jerfrank76@gmail.com>

Sent: Thursday, January 19, 2023 6:52 AM

To: Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us>

Subject: Re: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100

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Will do, thank you.

On Wed, Jan 11, 2023, 10:32 AM Omar, Farhan (CI-StPaul) <Farhan.Omar@ci.stpaul.mn.us> wrote:

Good morning Jerold,

You are required to submit a Site plan, showing your operation here. please, send me your site plan as soon as you can.

Site plan must show the entire property lines, numbering parking spaces, trash location, number of bay doors, office location, service station location. Streets fronting property on all sides, indicate alley location.

Thank you,

Farhan

Farhan Omar

Pronouns: he/him/his
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375 Jackson Street, Suite 220
Saint Paul, MN 55101

P: 651-266-9089

F: 651-266-9009

farhan.omar@ci.stpaul.mn.us

Jeffrey Fischbach

From: Jeffrey Fischbach
Sent: Monday, January 8, 2024 11:08 AM
To: Jerold Franklin
Cc: Frances Birch
Subject: 1431 Rice St - Mobile America Service Center 2 LLC / DBA Mobile America Service Center - Pending Auto Repair Garage License ID #20210002100
Attachments: 20240108111831303.pdf

Hello Jerold,

For some reason it appears this never got completed.

Please see attached letter mailed to you and your partners today at both the business address and your home addresses.

If you have not obtained approval of a site/parking plan by 02/09/2024 your application will be forwarded to the City Attorney with a recommendation adverse action be taken to deny your license application.

I've copied the DSI Zoning Inspector (Frances Birch) you now need to contact to obtain this approval.

Let me know if you have any questions.

Thanks,

Jeff Fischbach
DSI - Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
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P: 651-266-9106 / **Fax:** 651-266-9124
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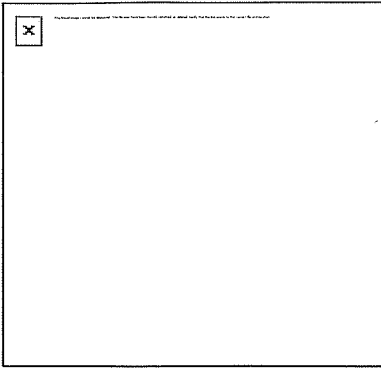
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From: Jerold Franklin <jerfrank76@gmail.com>

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Farhan Omar

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farhan.omar@ci.stpaul.mn.us

Sec. 310.02. - Uniform procedures for application for the grant or issuance of the license, new application investigation and review, application denial, notice, levels of approval, objections and renewal procedures by license type.

1) *Class R Licenses.*

(a) *Application.*

1. *Form.* All applicants for a Class R License issued pursuant to these chapters must make both original and renewal applications to the director on such forms as are provided by the department. Such applications will not be received by the director until the director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, 01s, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below, are received and approved.
2. *Taxes.* No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the director determines that said applicant has paid 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.
3. Notwithstanding the previous paragraph, the council or the director may issue or renew a license if it is found that:
 - (a) The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
 - (b) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
 - (c) 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 (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. *Additional information.* the director will 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 director will 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.

5. *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming evidence of rehabilitation as outlined in Minn. Stats. § 364.03, subd. 3, no applicant 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.
 6. *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 will 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.
 7. *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided will not apply in cases where it is otherwise expressly provided by statute or ordinance.
- (b) *New application investigation and review.* the director will determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minn. Stats., chapter 364, and is otherwise available by law. The director will make reasonable and appropriate investigation of the premises or personal property, vehicles, or facilities, involved in or related to the licensed activity, and will request, where appropriate, the assistance of DSI divisions and 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 will be reviewed by the zoning administrator

or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the building official or their designee for investigation and recommendation.

(c) *Application denial.*

1. Denial of a Class R License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) *Notice.*

1. Upon verification that an application for a Class R License is substantially complete, the notification requirements outlined in ENS Chapter A-11(11)(c) must be followed and the required ENS notice must be provided within two (2) public business days.

(e) *Levels of approval:*

1. *Approval recommended without conditions.* Where an application for the grant, issuance or renewal of a Class R License meets all the requirements of law, and there exists no grounds for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director must grant, issue, or renew said license in accordance with the application.
2. *Approval recommended with conditions.* If upon review of an application for the grant, issuance, or renewal of a Class R License the director determines that there exist grounds for imposition of conditions, the director must provide the applicant or licensee notice and an opportunity to be heard in accordance with section 310.03.
3. If the prospective licensee does not object to the proposed conditions, the director will request that the matter be placed on the council consent agenda. The director shall notify the prospective licensee.
4. If the prospective licensee objects to the conditions proposed by the director, the director must follow the hearing procedures outlined in Saint Paul Legislative Code Section 310.03 and refer the matter to a hearing examiner.
5. *Revocation or suspension.* If the director determines that the renewal application for the renewal of a license does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class R License the director will follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

(f) *Objections.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance, or renewal of a Class R License provided that:

1. The appeal must be filed with the city clerk within thirty (30) days after the action by the director.

2. The only grounds for appeal will be that there has been an error of law in the grant, issuance, or renewal of the license.
3. The appeal will be in writing and will set forth in particular the alleged errors of law.
4. The council will conduct a public hearing on the appeal within thirty (30) days of the date of filing and will notify the licensee and the appellant at least ten (10) days prior to the hearing date.
5. The procedures set forth in section 310.03, insofar as is practicable, will apply to this hearing. Following the hearing, the council may affirm or remand the matter to the director, may reverse the director's decision, or place conditions upon the license based on the council's determination that the director's decision was based on an error of law.
6. The filing of an appeal will not stay the issuance of the license.

(g) *Renewal procedures.*

1. Class R Licenses may be automatically renewed by the director.
2. No waiver by renewal. The renewal of a Class R License will not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

2) *Class N Licenses.*

(a) *Application.*

1. *Form.* All applicants for a Class N License issued pursuant to these chapters will make both original and renewal applications to the director on such forms as are provided by the department. Such applications will not be received by the director until the director deems the application meets the substantially complete criteria. Subsequently, issuance of a license cannot occur until insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below are received and approved.
2. *Taxes.* No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the director determines that said applicant has paid 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.
3. Notwithstanding the previous paragraph, the council or the director may issue or renew a license if it is found that:
 - (a) The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;

- (b) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
- (c) 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 (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. *Additional information.* the director will 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 director will 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.
5. *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minn. Stats. § 364.03, subd. 3, no applicant 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.
6. *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 will 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.

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

(b) *New application investigation and review.* the director will determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minn. Stats., chapter 364, and is otherwise available by law. The director will 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 will request, where appropriate, the assistance of DSI divisions and 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 will be reviewed by the zoning administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the building official or their designee and inspections for investigation and recommendation.

1. *Verification of Class N License District Council Notification Form.* the director must take reasonable efforts to ensure that the district council has notified the department by email that the Class N License District Council Notification Form has been received.

(c) *Application denial.*

1. Denial of a Class N License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

(d) *Notice.*

1. Upon receipt of an application for a Class N License, the notification requirements outlined in ENS Chapter A-11(11)(c) must be followed.

The application must then be reviewed and once the director deems the application fully reviewed as required by these chapters and makes a recommendation, both the notice requirements outlined in ENS Chapter A-11 (14) and the required mailing must be provided. Notices must describe the license application received, staff recommendations (e.g., any conditions) and the process for public comment and objections.

(a) Required mailing. The director must notify by mail all owners and occupants who own property or reside within three hundred fifty (350) feet of the establishment to which the license is to be issued, of any such application, said three hundred fifty (350) feet

being calculated and computed as the distance measured in a straight line from the property line of the building where the prospective license will be located to the property line owned, leased or under the control of the resident and owners of the existence of an application and set the deadline for public comment at least fifteen (15) days after the date of mailing. The director must submit to the council a list of the names and addresses of each person or organization to whom notice was sent, and certification of such list by the director will be conclusive evidence of such notice and such notice will be attached to the resolution before council.

- (b) The failure to give mailed notice to owners or occupants residing within three hundred fifty (350) feet, or to community organizations, or defects in the notice, does not invalidate the council approval provided a bona fide attempt to comply with this section has been made. A bona fide attempt is evidenced by a notice addressed to "owner" and to "occupant" of the listed address. Only one (1) notice need be mailed to each house or each rental unit within a multiple-family dwelling regardless of the number of occupants.
- (c) *Notice requirement not applicable in downtown business district.* The notification requirements of this section shall not be applicable where the license is to be transferred to a place located within the downtown business district. For purposes of this section, downtown business district shall include all that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to the Wabasha Bridge, the Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Chestnut Street with Shepard Road. The location and legal description of "Line A" is indicated on the map attached hereto and incorporated and adopted herein by reference.
- (e) *Levels of Approval.*
 1. *Approval with or without conditions.* All Class N Licenses require council approval. If there are no conditions or the prospective licensee does not object to the proposed conditions, the director will request that the matter be placed on the council consent agenda. The director will notify the prospective licensee.
 - 2.

If the prospective licensee objects to the conditions proposed by the director and/or the conditions added by the legislative hearing officer after a hearing, the director must follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03 and refer the matter to a hearing examiner.

3. *Revocation or suspension.* If the director determines that the application for renewal does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class N License, the director must follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

(f) *Objections.* If the director is recommending issuance of the Class N License, but the affected neighborhood organization(s) or other interested persons give notice within the fifteen (15) day period for public comment of objection to issuance of the license, the director must refer the matter for a hearing before the legislative hearing officer.

a. The legislative hearing officer will set a hearing date and give notice of the time, place, and date of the hearing to the affected neighborhood organizations(s) and the applicant.

b. At the hearing, the legislative hearing officer will take testimony from all interested persons.

c. If the applicant cannot agree with license conditions suggested by the legislative hearing officer, the legislative hearing officer will 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 310.03.

d. After the legislative hearing, the legislative hearing officer must prepare a report and recommendations for council and set the matter on the council consent agenda.

If no objections are received, the legislative hearing officer will notify the director and have the matter placed on the council consent agenda. The director will notify the applicant and the affected neighborhood organizations established for citizen participation purposes of the placement of the application on the council agenda.

(g) *Renewal procedures.*

1. *Renewal procedures.* Class N Licenses may be automatically renewed by the director.

2. *No waiver by renewal.* The renewal of a Class N License will not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

3) *Class T Licenses (Temporary).*

(a) *Application.*

1.

Form. All applicants for a Class T License issued pursuant to these chapters will make original applications to the director on such forms as are provided by the department. Such applications will not be received by the director until the director deems the application meets the substantially complete criteria.

Subsequently, issuance of a license cannot occur until insurance policies, bonds, deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph 2 below are received and approved.

2. *Taxes.* No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances hereafter required, the director determines that said applicant has paid 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.
3. Notwithstanding the previous paragraph, the council or the director may issue a license if it is found that:
 - a. The applicant has made an agreement satisfactory to the Ramsey County Attorney to pay delinquent taxes in periodic installments;
 - b. The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of their property, and has made all partial payments required by law in connection with such proceeding; or
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If a license is issued because of the existence of an agreement as described in subsection (a) above, the license may be revoked if the licensee defaults upon such agreement.

4. *Additional information.* the director will 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 director will 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.
5. *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minn. Stats. 364.03, subd. 3, no applicant 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.

6. *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 will 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.

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

(b) *New application investigation and review.* the director will determine the sufficiency and accuracy of each new application and obtain any pertinent criminal history information as may be used under Minn. Stats., chapter 364, and is otherwise available by law. The director will 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 will request, where appropriate, the assistance of DSI divisions and 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 will be reviewed by the zoning administrator or their designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license will be granted without full compliance with said requirements. All new applications involving a premise, location, building or structure will be reviewed by the building official or their designee for investigation and recommendation.

(c) *Application denial.*

a. Denial of a Class T License application is adverse action and the procedures for notice and hearing outlined in Saint Paul Legislative Code Section 310.03 must be followed.

- (d) *Notice.* There is no notice requirement for Class T licenses.
- (1) Temporary liquor license applications do not require notification action by the director upon receipt of an application under Chapter A-11. Notification requirements, if any, are handled by the applicant as part of the application process as outlined in the relevant section of the Saint Paul Legislative Code.
- (e) *Levels of approval.*
- (1) *Approval recommended without conditions.* Where an application for the grant or issuance of a Class T License meets all the requirements of law, and there exists no grounds for denial, revocation suspension of, or the imposition of conditions upon such license, the director must grant or issue said license in accordance with the application.
- (2) *Approval recommended with conditions.* If upon review of an application for the grant, or issuance of a Class T License the director determines that there exist grounds for imposition of conditions the director must provide the applicant or licensee notice and an opportunity to be heard in accordance with the hearing procedures outlined in Saint Paul Legislative Code Section 310.03.
- (f) *Objections.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class T License provided that:
1. The appeal must be filed with the city clerk within thirty (30) days after the action by the director.
 2. The only grounds for appeal will be that there has been an error of law in the grant, issuance, or renewal of the license.
 3. The appeal will be in writing and will set forth in particular the alleged errors of law.
 4. The council will conduct a hearing on the appeal within thirty (30) days of the date of filing and will notify the licensee and the appellant at least ten (10) days prior to the hearing date.
 5. The procedures set forth in section 310.05, insofar as is practicable, will apply to this hearing. Following the hearing, the council may affirm or remand the matter to the director, may reverse the director's decision or place conditions upon the license based on the council's determination that the director's decision was based on an error of law.
 6. The filing of an appeal will not stay the issuance of the license.
- (g) *Renewal procedures.* Class T Licenses are not automatically renewed. If a licensee wishes to Renew a Class T License, they must file a new application for a new Class T License.

(Ord 22-46, § 5, 11-9-22; Ord 23-32, § 3, 9-6-23)

Sec. 310.03. - 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 must be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended 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 must be notified in writing that adverse action may be taken against the license or application, and that they are entitled to a hearing before action is taken by the council. The notice must be served or mailed a reasonable time before the hearing date, and must state the place, date and time of the hearing. The notice must 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 director 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 must be held before the council. Otherwise the hearing must 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 must 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 will hear all evidence as may be presented on behalf of the city and the applicant or licensee, and must present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council will consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and may 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 must 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 must determine what, if any, adverse action should be taken, which action must 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 will prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, means and includes 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 must 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 must be complied with and supersede inconsistent provisions of these chapters. This includes, without limitation by reason of this specific reference, Minn. Stats., Chapter 364 and Minn. Stats., § 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 must be prepared by the director 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 intoxicating liquor; nonintoxicating malt liquor; presumptive penalty matrix in subsection (m) below; 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 must be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision must 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, the general presumptive penalty matrix applies to all license types, except that in the case of a violation involving a liquor license the penalty matrix for intoxicating liquor; nonintoxicating malt liquor applies and for a violations involving tobacco, the penalty matrix for tobacco applies. 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 must provide written reasons that specify why the penalty selected was more appropriate.

1. **General presumptive penalties matrix**—The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.
2. **Intoxicating liquor; malt liquor; presumptive penalty matrix.**

Presumptive penalties for intoxicating liquor and nonintoxicating malt liquor violations. If a violation is not covered under this penalty matrix, the general presumptive penalty matrix should be used. Penalties for convictions or violations 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 must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

- (a) For on-sale intoxicating liquor establishments with a seating capacity of one hundred fifty (150) or more, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (b) For off-sale intoxicating liquor establishments with five thousand one (5,001) or more square feet of retail space, the monetary penalty for any violation (including violations found in chapter 310) must be doubled.
- (c) *Other penalties.* Nothing in this section restricts or limits the authority of the council to suspend licenses for up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars (\$2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section 310.02 of this Code.

- (d) *Effect of responsible business practices in determining penalty.* In determining the appropriate penalty, the council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a hearing examiner in a contested hearing upon which findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sales to intoxicated persons and sales to minors.
- (1) For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:
- a) Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises;
 - b) Promote availability of nonalcoholic beverages and food;
 - c) Promote safe transportation alternatives other than driving while intoxicated;
 - d) Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employees or agents;
 - e) Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;
 - f) Implement comprehensive training procedures;
 - g) Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;
 - h) Establish a standardized method for hiring qualified employees;
 - i) Reprimand employees who violate employer policies and procedures; and
 - j) Show that the licensee has enrolled in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.
- 2) For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in subsection (1) and the following:
- a) Management policies that are implemented at the time of service and that ensure that proof of identification (as established by state law) is examined for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;
 - b) Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification; and
 - c)

Enrollment by the licensee in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

3. Tobacco presumptive penalties matrix.

Tobacco presumptive penalties. Penalties for convictions or violations 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 must provide written reasons that specify why the penalty selected was more appropriate (unless specified, numbers below indicate consecutive days' suspension):

- (a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, length of license suspensions and the propriety of revocations for licensees. 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 which make it appropriate to do so, except, the council may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate. Where no penalty is listed below, the presumptive penalty under the general presumptive penalty matrix will apply.
- (b) *Presumptive penalties for licensees for violations.* Adverse penalties for licensees for violations or convictions shall be presumed as follows:
- (c) *Computation of time for violations under the tobacco presumptive penalties matrix.* If a violation is not covered under this penalty matrix, the general presumptive penalty matrix should be used. Except as otherwise provided by Minn. Stats. § 461.12, subd. 2, subsequent tobacco violations are subject to the following:
 - (1) *Second, third and fourth appearances for violations under the tobacco presumptive penalties matrix.* . A second violation within twenty four (24) months must be treated as a second appearance, a third within twenty four (24) months treated as a third appearance, and a fourth within twenty four (24) months treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (2) *Any appearance not covered by subsections (1) above must be treated as a first appearance for violations under the tobacco presumptive penalties matrix.* Measurement of the twenty four (24) month period must 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.

- (i) *Fines payable without hearing.*
 - A. Notwithstanding the provisions of section 310.03(c), a licensee who would be making a first or second appearance on a violation that calls for a monetary fine 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.
- (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 the Penalty Matrixes above. The occurrence of multiple violations is 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) up to twenty (20) days before the hearing, and may in that case be treated as though part of the "1st Appearance" unless grounds for upward deviation from the presumptive penalties outlined in the presumptive penalty matrix outlined in 310.03(m) are included in the amended notice of the violation. In all other cases, violations occurring after the date of the formal notice of hearing must be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures must 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.
- (v) *Computation of time.*

- (1) *Second appearance.* A second violation within twelve (12) months must be treated as a second appearance for the purpose of determining the presumptive penalty.
- (2) *Third appearance.* A third violation within eighteen (18) months must 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 must 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 must be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period is as follows: The beginning date shall be the earliest violation's date of appearance before the council or payment of the fine related to the violation, 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 must 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 must be counted as a third appearance regardless of how much time has passed since the first or second appearance.
- (6) Violations of the general presumptive penalty matrix, the intoxicating liquor, malt liquor presumptive penalty matrix and the tobacco presumptive penalty matrix are meant to be cumulative. For the purpose of a second, third or fourth appearance under this section, "violation" shall must mean either one of those violations listed in paragraph (m)1, 2, or 3.

(Ord 22-46, § 3, 11-9-22)

Chapter 423. - Automobile Repair Garage and Body Shop

Footnotes:

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Editor's note— *The license under this chapter, formerly codified as Ch. 315, derived from Code 1956, §§ 345.01—345.03, as amended by Ord. No. 16883, adopted Feb. 11, 1982, and was reclassified from Class I to Class III license by Ord. No. 17207, adopted Jan. 31, 1985, and recodified as Ch. 423.*

Cross reference— *Motor vehicle and parts dealers, Ch. 401; junkyards and junk dealers, Ch. 408; motor vehicle salvage dealer, Ch. 422.*

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. 423.02. - Fee.

- (a) *Automobile repair garage.* The fee required for an automobile repair garage, which is one in which motor vehicles are repaired, shall be established by ordinance as specified in section 310.09(b).

(b) *Body repair or body painting shop.* The fee required for an automobile body repair shop or an automobile body painting shop shall be established by ordinance as specified in section 310.09(b).

(C.F. No. 94-1562, § 2, 11-16-94; C.F. No. 99-1227, § 1, 1-26-00)

Cross reference— Annual increases in license fees, § 310.16.

Sec. 423.03. - Business hours.

Where a reasonable basis is found by the council to exist and to protect the adjacent property and the public peace, health and safety, the council, upon issuing a new license or renewing a license, may impose as a condition on the license a limitation as to the hours when the business may remain open.