



CITY OF SAINT PAUL  
Mayor Melvin Carter

Civil Division  
400 City Hall  
15 West Kellogg Blvd.  
Saint Paul, Minnesota 55102

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

April 8, 2019

**NOTICE OF COUNCIL HEARING**

David R. Forro  
Caldecott & Forro, P.L.C.  
Attorneys and Counselors  
4669 White Bear Parkway  
White Bear Lake, MN 55110

RE: Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) license applications submitted by Absolute Towing & Recovery, Inc. d/b/a Absolute Towing for the City of Saint Paul  
License ID #20190000202

Dear Mr. Forro:

Please take notice that this matter has been set on the Public Hearing Agenda for a City Council meeting on **Wednesday, April 17, 2019 at 5:30 p.m.**, in the City Council Chambers, Third Floor, Saint Paul City Hall and Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102.

Enclosed is a copy of the letter we received on March 4, 2019, indicating that your client was not contesting the facts related to the incident, but was requesting the opportunity to address the Council regarding the penalty, the resolution and any supporting documents. This information will be presented to City Council for their consideration.

This is an uncontested license matter related to a complaint-based inspection where an inspector from the Department of Safety and Inspections (DSI) observed and photographed signs posted at three different addresses within the City of Saint Paul that show Absolute Towing, Inc. as the entity responsible for towing unauthorized vehicles and records from the Saint Paul Police Department Emergency Communications Center indicating that Absolute Towing and Recovery had been operating unlicensed in the City of Saint Paul.

The licensing office will recommend denial of the licenses.

Sincerely,

Therese Skarda  
Assistant City Attorney  
License No. 0240989

Enclosure: April 17, 2019 Public Hearing Packet

STATE OF MINNESOTA)  
 ) ss.


AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)


Shawn McDonald, being first duly sworn, deposes and says that on the 8<sup>TH</sup> day of April, he served the attached **NOTICE OF COUNCIL HEARING** and a correct copy thereof in an envelope addressed as follows:

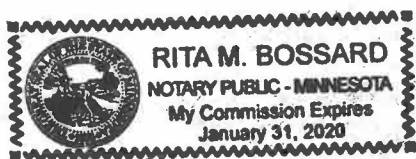
David R. Forro  
Caldecott & Forro, P.L.C.  
Attorneys and Counselors  
4669 White Bear Parkway  
White Bear Lake, MN 55110

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

  
Shawn McDonald

Subscribed and sworn to before me  
this 8<sup>TH</sup> day of April 2019

  
Notary Public



**UNCONTESTED LICENSE MATTER**

**Licensee Name:** Absolute Towing & Recovery, Inc. - Licensee  
d/b/a Absolute Towing

**Address:** 310-7<sup>th</sup> Avenue  
Newport, MN 55055

**Council Date:** Wednesday, April 17, 2019 at 5:30 p.m.

**Violation:** Applicant has been operating within the City of Saint Paul without the appropriate licenses in violation of Saint Paul Legislative Code §361.02.

**Recommendation of Assistant City Attorney on behalf of client, Department of Safety and Inspections:**

**Denial of Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) licenses**

**Attachments:**

1. Resolution
2. Class R License Application dated 1/03/2018 (2 pages)
3. Receipt For License Application dated 1/30/2019 (1 page)
4. Inspector's Report with photographs dated 2/13/2019 (12 pages)
5. Private Property Towing Order & Invoices dated 2/07/2019; 2/08/2019 and 2/09/2018 (3 pages)
6. Calls made into SPPD Emergency Communication Center between 8/2/2018 and 1/30/2019 (3 pages)
7. Notice of Intent to Deny Licenses with Affidavit of Service dated 2/21/2019 (4 pages)
8. Letter from licensee's attorney requesting a public hearing received 3/04/2019 (2 pages)
9. Letter from DSI to licensee dated 6/22/2017 (1 page)
10. Email from Kris Schweinler dated 3/04/2019 (1 page)
11. License Group Comments Text for License ID# 201900002202 dated 2/15/2019 (5 pages)
12. License Group Comments Text for License ID #20170002221 (1 page)
13. License Group Comments Text for License ID #20140001787 (1 page)
13. Saint Paul Legislative Code § 361.02
14. Saint Paul Legislative Code § 310.06

WHEREAS, the Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) license applications submitted by Absolute Towing & Recovery, Inc. d/b/a Absolute Towing (License ID# 20190000202) for the City of Saint Paul were the subject of a Notice of Intent to Deny Licenses ("Notice") dated February 21, 2019; and

WHEREAS, the Notice stated on February 13, 2019, a DSI Inspector followed up on a complaint received that the applicant was operating without a license at 83 Arlington Avenue, 66-65 West Hyacinth Avenue and 41 Arlington Avenue West in Saint Paul; and

WHEREAS, when the inspector arrived at each of the above-mentioned addresses he observed and documented with photographs signs posted that show the applicant as the entity responsible for towing unauthorized vehicles; and

WHEREAS, towing vehicles without the appropriate license(s) is in violation of Saint Paul Legislative Code § 361.02; and

WHEREAS, per Saint Paul Legislative Code § 310.06 (b)(6)(a) and (c), the licensing office recommended denial of the licenses; and

WHEREAS, an attorney representing the applicant responded to the Notice of Intent to Suspend Licenses on March 4, 2019 to request a public hearing which is scheduled on April 17, 2019; now therefore be it

RESOLVED, the Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) license applications submitted by Absolute Towing & Recovery, Inc. d/b/a Absolute Towing (License ID# 20190000202) for the City of Saint Paul are hereby denied.

2019000202



**CITY OF ST. PAUL**  
DEPARTMENT OF SAFETY AND INSPECTIONS  
375 JACKSON STREET, SUITE 220  
ST. PAUL, MINNESOTA 55101-1806  
Phone: 651-266-8989 Fax: 651-266-9124  
Visit our Web Site at www.stpaul.gov/dsl

**CLASS R LICENSE APPLICATION**  
LICENSES ARE NOT TRANSFERABLE  
Payment must be received with Each Application  
(This application is subject to review by the public)

Business Address  
**310 7th Ave** *Newport, mn 55055*  
(Street number/name, direction, etc.)

Name on Business Sign (DBA)  
**Absolute Towing & Recovery Inc**

Date  
**1-3-18**

Types of License(s) being applied for (Office Use Only)	Fees
<i>Tow Truck Wrecker / Operator</i>	<i>362.00</i>
<i>3 Tow Truck / Wrecker Vehicles</i>	<i>228.00</i>
Total	<i>\$590.00</i>

Licensee/Owner Name: *Timothy Michael Heidman* *President* Birth Date: *7/18/1980*  
(Responsible Party) First Middle Maiden Last Title

Have you used any other names? (list them here)

Home Address: *8423 Hennepin Ave, Cottage Grove, mn 55016* Home Phone: *651-239-5244*  
Street Number/Name City State Zip+4

Place of Birth: *St Paul, mn* Driver's License # *V922239065213*

Business Phone: *651-337-2149* Fax: *651-337-1023* E-Mail: *Absolutetowmn@gmail.com*

Company Name: *Absolute Towing* Circle Type:  Corporation  Partnership  Sole Proprietorship

Address (if different from Business Address):  
Street Number/Name City State Zip+4

Preferred Mailing Address: *310 7th Ave Newport, mn 55055*

Anticipated Date of Opening: *1/1/18*

Licensee Work History (list name, address and phone number of all employers for the previous 5 year period)  
*Absolute Towing 310 7th Ave 5 years*



**SUPPLEMENTAL LICENSE INFORMATION REQUIRED FOR THIS APPLICATION**

**Business Manager if different from Applicant**

Manager's Name: \_\_\_\_\_ Other Name(s) Used: \_\_\_\_\_  
First Middle Maiden Last Title

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ / \_\_\_\_\_ - \_\_\_\_\_  
Street Number/Name City State Zip+4

Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Place of Birth: \_\_\_\_\_ Driver's License # \_\_\_\_\_

**Other Person(s) to Appear on Business License (Circle Type: Shareholder Officer Partner)**

Name: \_\_\_\_\_ Other Name(s) Used: \_\_\_\_\_  
First Middle Maiden Last Title

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Street Number/Name City State Zip+4

Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Place of Birth: \_\_\_\_\_ Driver's License # \_\_\_\_\_

**Other Person(s) to Appear on Business License (Circle Type: Shareholder Officer Partner)**

Name: \_\_\_\_\_ Other Name(s) Used: \_\_\_\_\_  
First Middle Maiden Last Title

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Street Number/Name City State Zip+4

Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Place of Birth: \_\_\_\_\_ Driver's License # \_\_\_\_\_

The following additional information is required for your application to be complete: (check if received)

Zoning Worksheet + Floor plan & Site plan.

Property Lease Agreement or Proof of Ownership

**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. I hereby state further that I have received no money or other consideration, by way of loan, gift, contribution, or otherwise, other than already disclosed in the application which I herewith submitted. I also understand this premise may be inspected by police, fire, health and other city officials at any and all times when the business is in operation.

Applicant Signature (Required) \_\_\_\_\_ Title President Date 1-3-18

**NOTE: GROCERY, RESTAURANT OR OTHER BUSINESS LICENSES, REQUIRING ENVIRONMENTAL HEALTH APPROVAL ARE SUBJECT TO AN ADDITIONAL CHARGE FOR THE ENVIRONMENTAL PLAN REVIEW OF YOUR FOOD SERVICE BUSINESS. YOU WILL BE INVOICED SEPARATELY FOR THIS CHARGE.**

Revised 10/16/20

*9-11/30/19 Lab*



**RECEIPT FOR LICENSE APPLICATION**

Date Receipt Printed: Jan 30, 2019

License ID: 20190000202

**CITY OF SAINT PAUL**

Department of Safety & Inspections  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806  
Phone: 651-266-8989 Fax: 651-266-9124  
www.stpaul.gov/dsi

Received From: ABSOLUTE TOWING & RECOVERY INC  
ABSOLUTE TOWING  
310 7TH AVE  
NEWPORT MN 55055

*Kris  
Schweinler*

License application \$590.00  
Application Fees Owed \$0.00  
Total Amount Due \$590.00  
Amount Paid \$590.00  
Total Balance Due \$0.00

In application for:	Application Date	License Status	License Fee	Amount Paid	Balance on This License
Tow Truck/Wrecker (Operator) (1)	Jan 25, 2019	Pending	\$362.00	\$362.00	\$0.00
Tow Truck/Wrecker (Vehicle) (3)	Jan 25, 2019	Pending	\$228.00	\$228.00	\$0.00

Conditions:

There are no conditions placed on this license at this time.

Project Facilitator:

ANNETTE W. (651) 266-9118

Inspector(s):

Unmet Requirements:

Zoning Inspection (651-266-9008)

Vehicle Inspection

Automobile Liability Insurance

Letter stating location and security of the lot

Copy of Minimum non-contract fees

License application/affidavit

Administrative Hold

Property lease or proof of ownership

List of towing locations

List of tow order signees

**This is not a License to operate**

**NOTICE - The license(s) you have applied for may require you to pay an additional Environmental Health Change of Ownership fee or Environmental Health Plan Review/Remodeling fee. If any of these fees are required, a separate invoice for the amount due will be sent to you.**



CITY OF SAINT PAUL

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

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

**Inspector's Report**

Inspectors Name: \_\_\_Akbar R. Muhammad\_\_\_

Date: \_\_\_2/13/19\_\_\_

Business/Property Name \_\_\_Absolute Towing and Recovery\_\_\_

Property Address: \_\_\_310 7<sup>th</sup> Ave Newport 55055\_\_\_

Reason for Visit: \_\_\_follow up to compliant received\_\_\_

Observations: \_\_\_Observed a number signs for Absolute Towing and Recovery\_\_\_

Photos Taken: \_\_\_X Yes, location of the photos were taken at 83 Arlington West, 55-65 West Hyacinth Ave, and 41 Arlington Ave West.\_\_\_

\_\_\_No

Action Taken: \_\_\_Citation

\_\_\_Warning

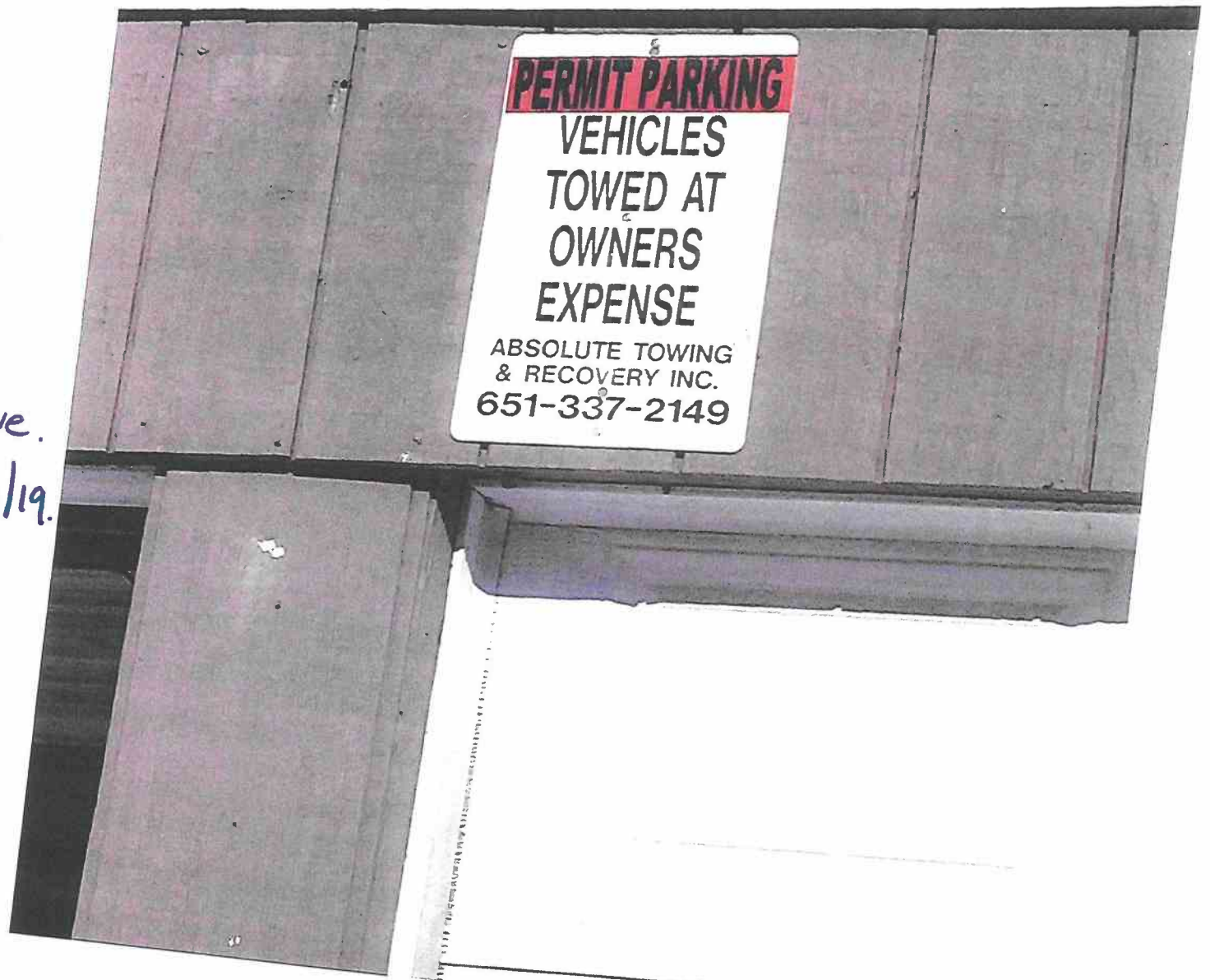
Other: pictures and notes were taken. \_\_\_\_\_

\_\_\_\_\_

Details of observations: On February 13, 2019, I followed up on a compliant that Absolute Towing and Recovery were operating without a license at the properties' addresses above. When I arrived at the 83 Arlington West I observed signs of Absolute Towing and Recovery in the back, where there is parking, and on the corners. The same was observed at the properties located at 55-65 Hyacinth Ave, and 41 Arlington Ave West. I also contacted SPPD Emergency Communication Center and found records indicating that Absolute Towing and Recovery had been operating unlicensed in the City of Saint Paul for the past six months



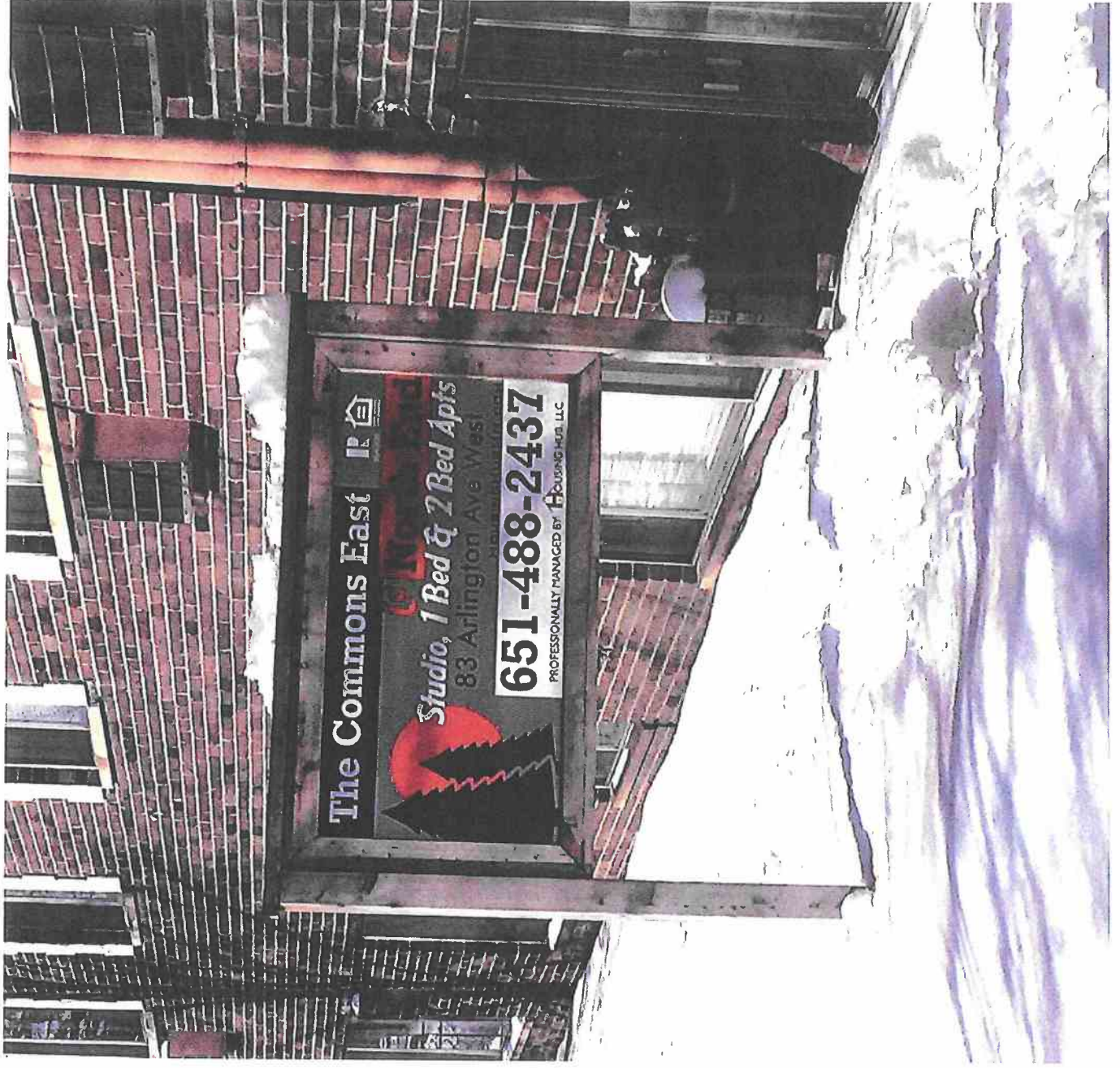
Signage  
located in  
back of  
41 Arlington Ave.  
West on 2/13/19.



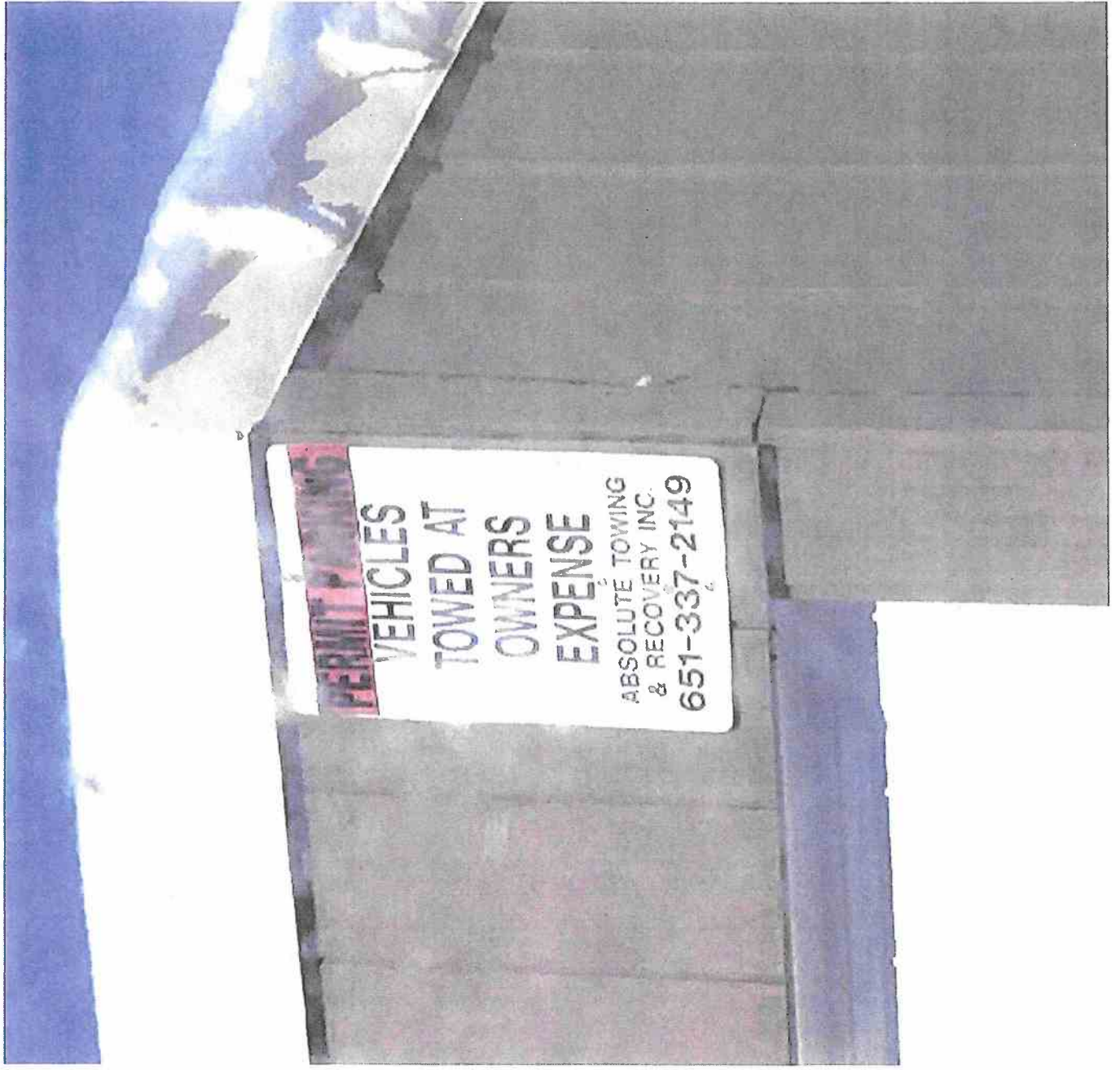
Signage  
located at  
41 Arlington Ave.  
West on 2/13/19.



Apts where  
Absolute Towing  
and Recovery  
has signage  
posted on 2/13/19



Absolute Towing  
and Recovery  
Signage located  
in back of  
apts at 83  
Arlington Ave  
West on 2/13/19.



Absolute Towing  
and Recovery  
located in back  
of parking lot  
at 83 Arlington  
Ave West on 2/13/19.



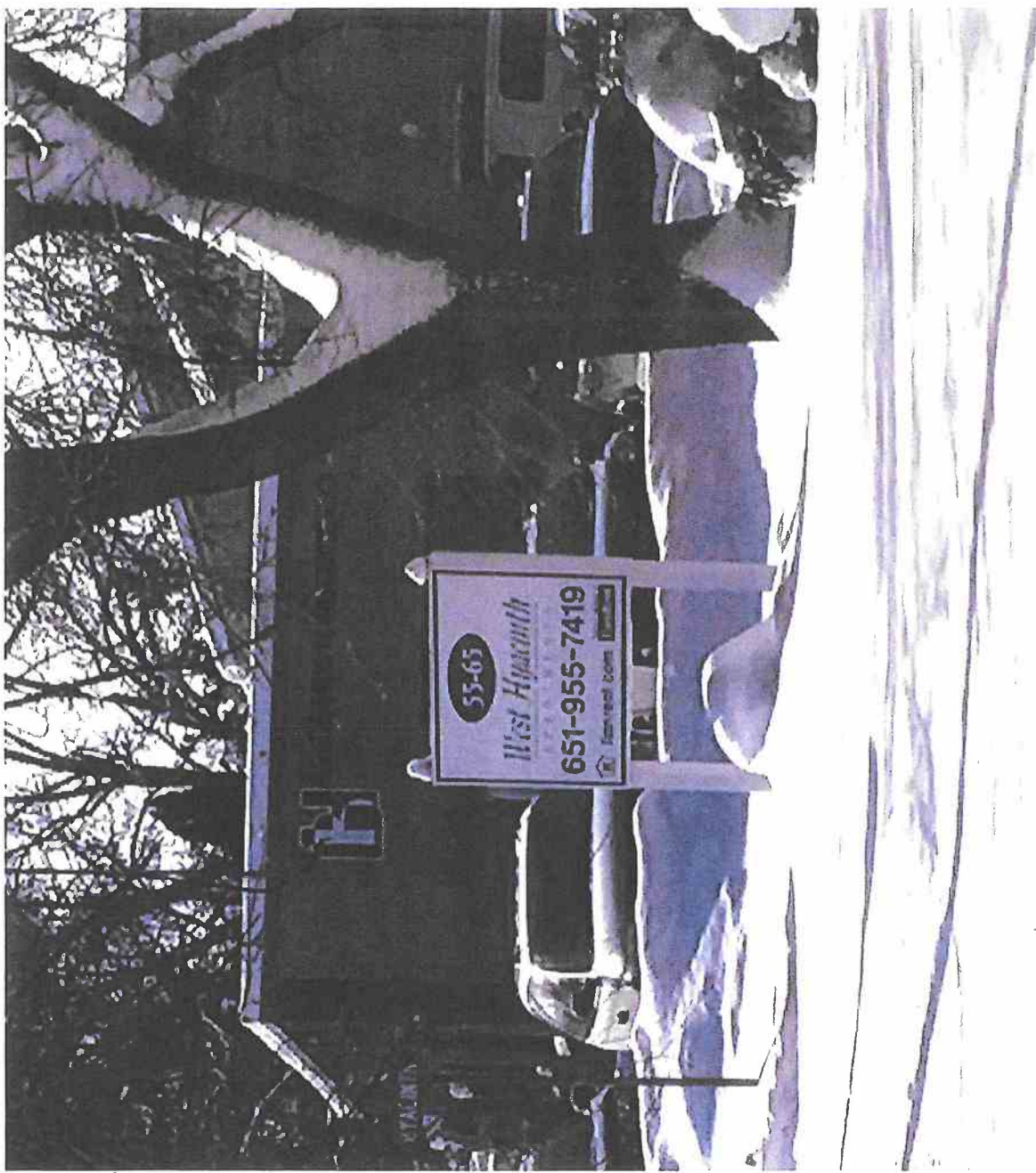
**NO  
PARKING  
TOWAWAY  
ZONE**

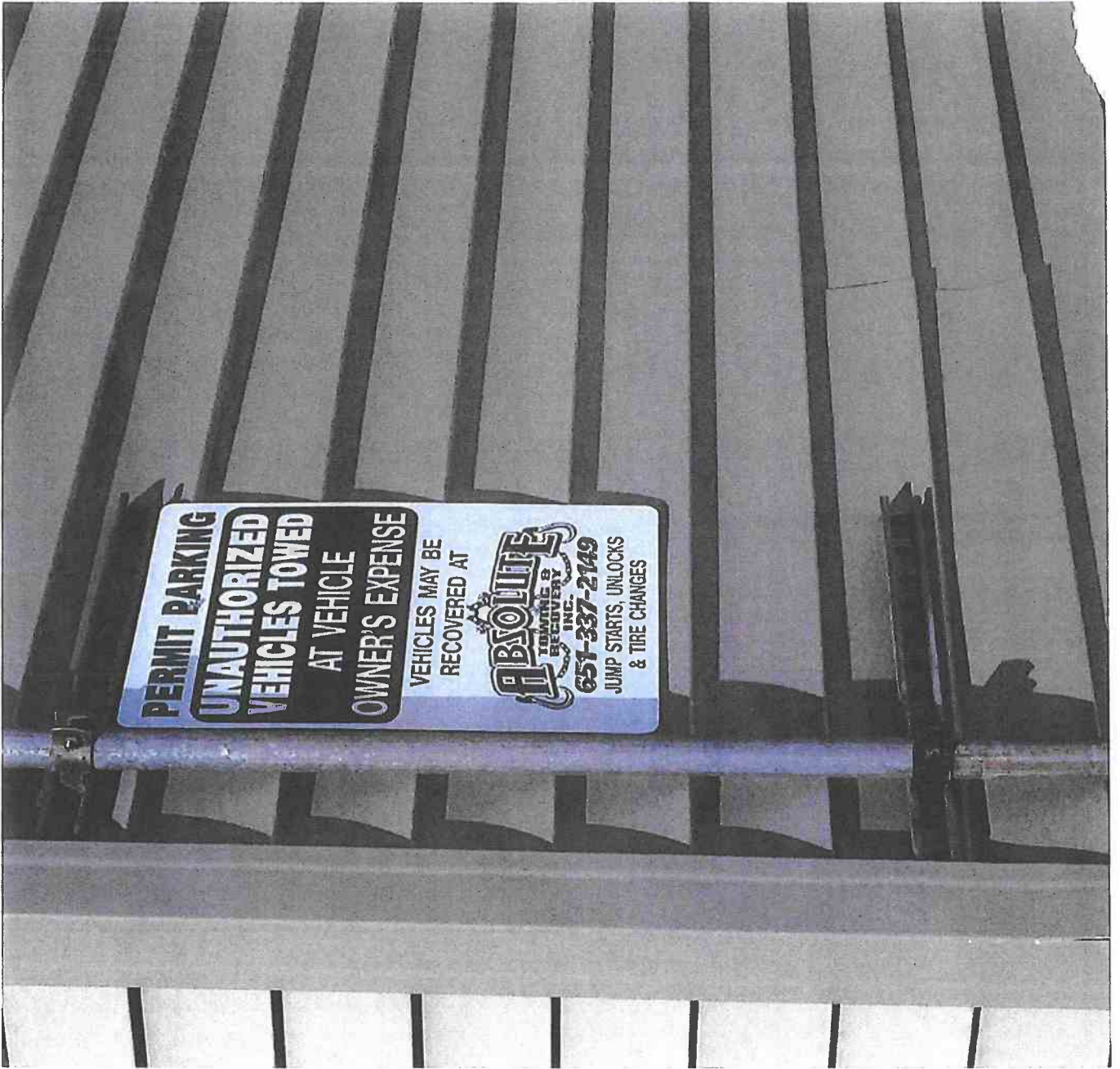
**PERMIT PARKING**

**VEHICLES  
TOWED AT  
OWNERS  
EXPENSE**

**ABSOLUTE TOWING  
& RECOVERY INC.  
651-337-2149**

Apts 55-65  
Where Absolute  
Towing and  
Recovery has signage  
posted on 2/13/19.





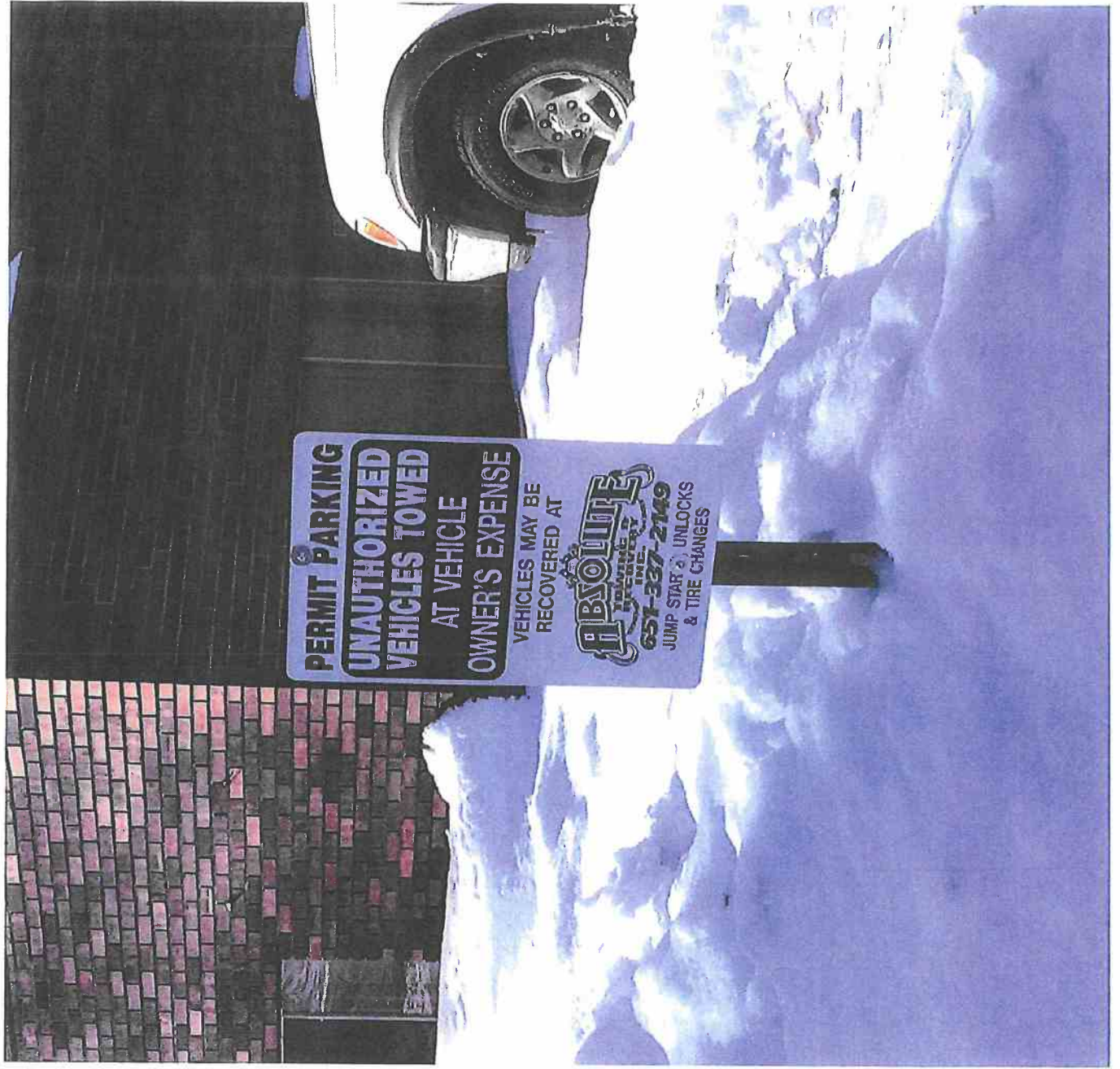
Apts. 55-65  
Absolute  
Towing and Recovery  
Sign in back  
of West Hyacinth  
Ave apartments  
on 2/13/19.

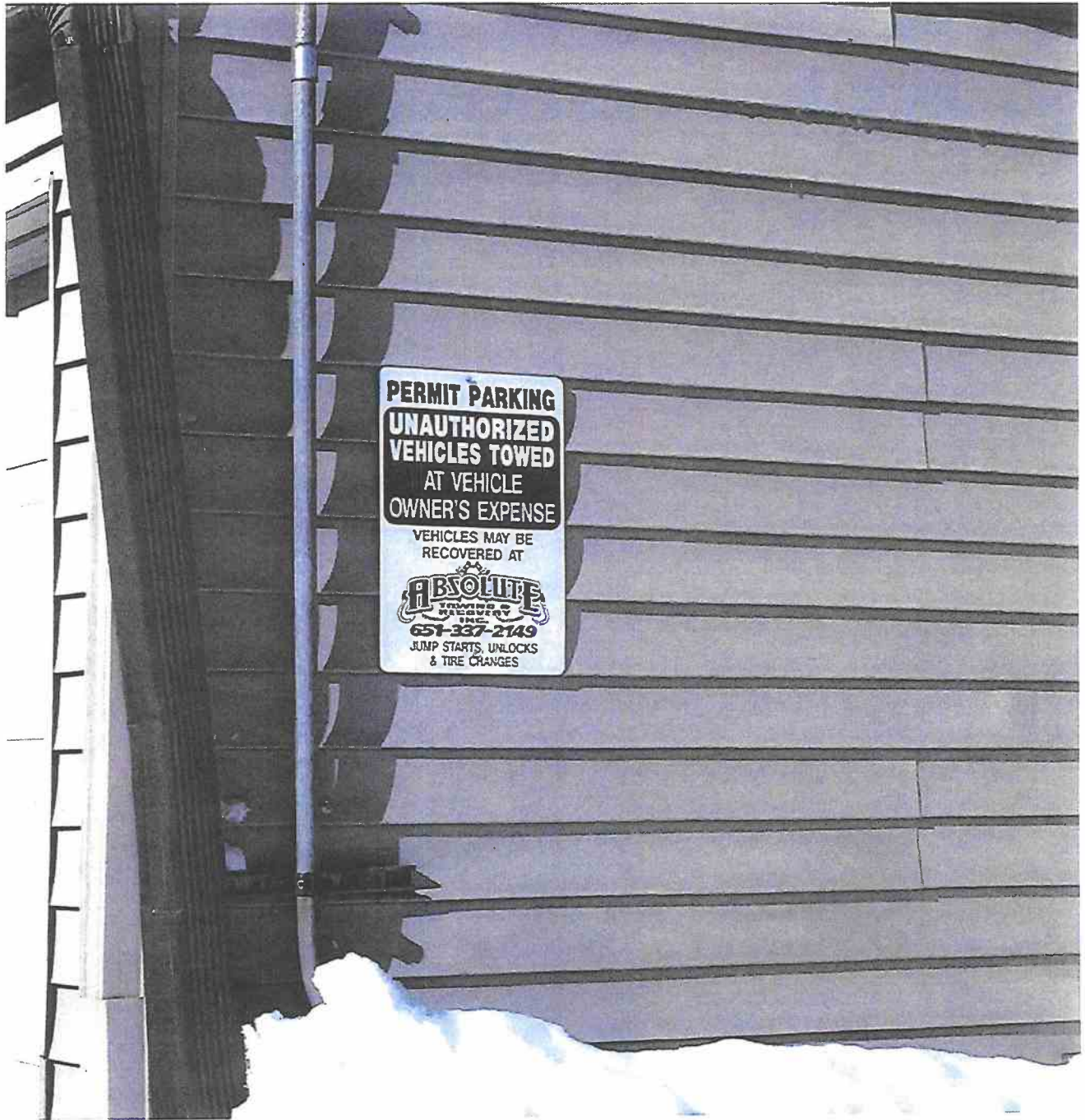
Apts. 55-65  
Absolute Towing  
and Recovery  
sign in front  
of West Hyacinth  
Ave. on 2/13/19





Apts 55-65  
Absolute Towing  
and Recovery sign  
on corner of  
West Hyacinth  
Ave apartments  
on 2/13/19.





**PERMIT PARKING**  
**UNAUTHORIZED**  
**VEHICLES TOWED**  
AT VEHICLE  
OWNER'S EXPENSE

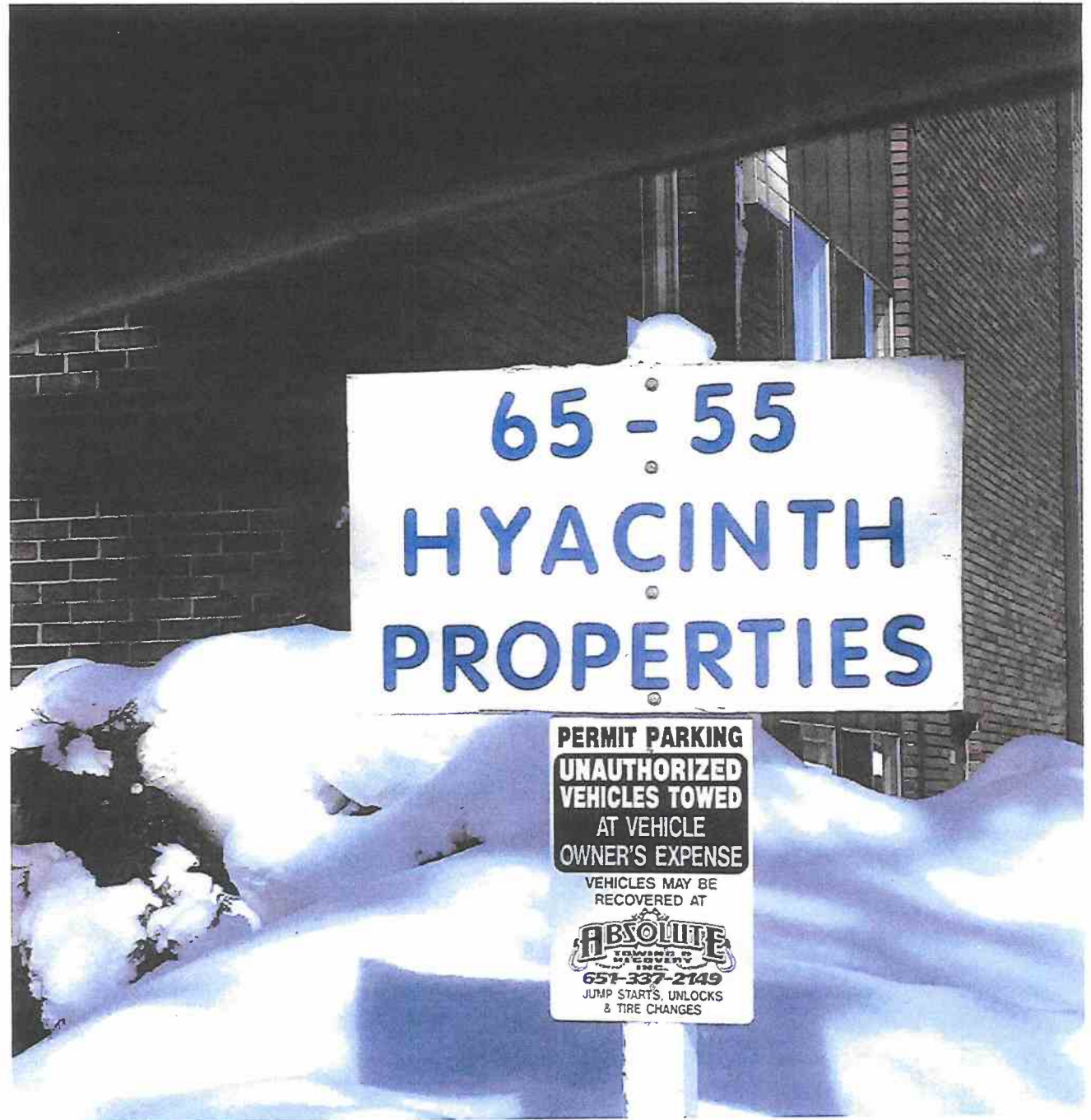
VEHICLES MAY BE  
RECOVERED AT

**ABSOLUTE**  
TOWING &  
RECOVERY  
INC.

651-337-2149

JUMP STARTS, UNLOCKS  
& TIRE CHANGES

Signage on  
the corner of  
West Hyacinth



65 - 55  
HYACINTH  
PROPERTIES

**PERMIT PARKING**  
**UNAUTHORIZED**  
**VEHICLES TOWED**  
AT VEHICLE  
OWNER'S EXPENSE  
VEHICLES MAY BE  
RECOVERED AT  
**ABSOLUTE**  
TOWNSHIP  
INC.  
651-337-2149  
JUMP STARTS, UNLOCKS  
& TIRE CHANGES



This is information  
showing that  
Absolute Towing &  
Recovery is operating  
in St. Paul.

PRIVATE PROPERTY TOWING ORDER & INVOICE



310 7th Avenue  
Newport, MN 55055  
651-337-2149

CARS • TRUCKS • ROAD SERVICE • TOWING • STARTING

P 3024

DATE AND TIME OF ORDER 2-8-19 7:00pm

MAKE GMC MODEL envoy

LICENSE # AYY 757 COLOR Black

VIN # 1GKEE7265646709623

DRIVER ME F-R \_\_\_\_\_ TK# 33

NAME PRINTED \_\_\_\_\_, the  Owner or Proprietor  Agent of the Owner or Proprietor

Signature \_\_\_\_\_  
the premises located at 795 E 6th St in the city of St Paul County of Ramsey

State of Minnesota, such premises being under my control, do hereby state that the vehicle described above has been placed, abandoned, or parked upon these premises without any permission or the permission of the owner or his agent, I therefore request that ABSOLUTE TOWING & RECOVERY INC., remove this vehicle to their storage lot. We, and/or ABSOLUTE TOWING & RECOVERY INC., are not responsible for damages to vehicle. Please inspect vehicle.

CHARGES	TOWING, HANDLING	_____
_____	ADMINISTRATION FEES	_____
_____	STORAGE _____ @ _____	_____
_____	ADDITIONAL CHARGE _____	_____
_____	DROP FEE _____	_____
_____	TAX _____	_____
_____	TOTAL _____	_____

RECEIPT FOR CHARGES

SIGNED \_\_\_\_\_

**PRIVATE PROPERTY TOWING ORDER & INVOICE**

P 3031



310 7th Avenue  
Newport, MN 55055  
651-337-2149

CARS • TRUCKS • ROAD SERVICE • TOWING • STARTING

DATE AND TIME OF ORDER

29-19 30

MAKE Hyundai

MODEL Sonata

LICENSE # 7456PN

COLOR black

VIN #

\_\_\_\_\_

DRIVER

*[Signature]*

F-R W TK# J

NAME PRINTED

SIGNATURE

the  Owner or Proprietor  Agent of the Owner or Proprietor

of the premises located at 1445 Minnesota Ave in the city of St Paul, County of Ransom  
State of Minnesota, such premises being under my control, do hereby state that the vehicle described above has been  
abandoned, or parked upon these premises without any permission or the permission of the owner or his agent, I the  
request that ABSOLUTE TOWING & RECOVERY INC., remove this vehicle to their storage lot. We, and/or ABSOLUTE TOWING  
& RECOVERY INC. are not responsible for damages to vehicle. **Please inspect vehicle.**

REMARKS Damage Above

TOWING, HANDLING

ADMINISTRATION FEES

STORAGE \_\_\_\_\_ @ \_\_\_\_\_

ADDITIONAL CHARGE \_\_\_\_\_

DROP FEE

TAX

TOTAL

VEHICLE RELEASED TO

RECEIPT FOR CHARGES

SIGNED \_\_\_\_\_

Calls made into the SPPD Emergency Communication Center

A	B	C	D	E	F	G	H	I	J	K	L	M
Master Incident Number	Response Date	Agency Type	Jurisdiction	Division	Response Area	Problem	Address	City	Postal Code	Call Back Phone	Caller Name	Call Disposition
1	20180802-0420221	LAW	SPPD	SPWS	WS6	TOW - Tow	2060 7th St W	St Paul	55116		ABSOLUTE	A - Advise/assist
2	20180802-0421471	LAW	SPPD	SPEA	EA4	TOW - Tow	1865 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
3	20180805-0426026	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
4	20180806-0427750	LAW	SPPD	SPEA	EA5	TOW - Tow	2244 Minnehaha Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
5	20180806-0427789	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
6	20180807-0429947	LAW	SPPD	SPWS	WS1	TOW - Tow	2000 Energy Park Dr	St Paul	55108		ABSOLUTE	A - Advise/assist
7	20180810-0439359	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	651-337-2149	ABSOLUTE	C2 - Cancel by ECC
8	20180811-0439583	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
9	20180814-0445652	LAW	SPPD	SPEA	EA4	TOW - Tow	1853 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
10	20180819-0456970	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
11	20180820-0460209	LAW	SPPD	SPCN	CN4	TOW - Tow	60 Livingston Ave	St Paul	55107	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
12	20180821-0461639	LAW	SPPD	SPEA	EA5	TOW - Tow	365 Winthrop St S	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
13	20180822-0463120	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
14	20180822-0463159	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
15	20180822-0463259	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	C2 - Cancel by ECC
16	20180823-0467041	LAW	SPPD	SPWS	WS4	TOW - Tow	298 University Ave W	St Paul	55103	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
17	20180824-0467893	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
18	20180826-0474403	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	C1 - Cancel by caller
19	20180827-0474549	LAW	SPPD	SPEA	EA2	TOW - Tow	701 3rd St E	St Paul	55106	(651) 337-2149	ABSOLUTE	C1 - Cancel by caller
20	20180827-0474565	LAW	SPPD	SPEA	EA2	TOW - Tow	701 3rd St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
21	20180827-0476478	LAW	SPPD	SPEA	EA1	TOW - Tow	Arlingwright St / Arlington Ave E	St Paul	55130		ABSOLUTE	C1 - Cancel by caller
22	20180828-0477594	LAW	SPPD	SPEA	EA2	PCN - Previous Case Follow-Up	710 Jessamine Ave E	St Paul	55106	(651) 337-2149	ABSOLUTE	R - Report
23	20180831-0484082	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
24	20180901-0488797	LAW	SPPD	SPEA	EA5	TOW - Tow	1949 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
25	20180905-0495435	LAW	SPPD	SPEA	EA5	TOW - Tow	1949 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOW	A - Advise/assist
26	20180908-0502197	LAW	SPPD	SPEA	EA5	TOW - Tow	1949 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
27	20180912-0510239	LAW	SPPD	SPEA	EA4	TOW - Tow	1878 Magnolia Ave E	St Paul	55119		ABSOLUTE	C2 - Cancel by ECC
28	20180913-0514452	LAW	SPPD	SPCN	CN1	TOW - Tow	55 Hyacinth Ave W	St Paul	55117	(651) 337-2149	ABSOLUTE	A - Advise/assist
29	20180916-0519586	LAW	SPPD	SPWS	WS1	TOW - Tow	1940 Marshall Ave	St Paul	55104	(651) 337-2149	ABSOLUTE	A - Advise/assist
30	20180917-0521404	LAW	SPPD	SPCN	CN2	TOW - Tow	415 Wabasha St N	St Paul	55102	(651) 337-2149	ABSOLUTE	A - Advise/assist
31	20180921-0529006	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	651-337-2149	ABSOLUTE TOWING	A - Advise/assist
32	20180921-0529916	LAW	SPPD	SPEA	EA3	TOW - Tow	940 3rd St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
33	20180922-0531345	LAW	SPPD	SPEA	EA3	TOW - Tow	1433 7th St E	St Paul	55106		ABSOLUTE	C2 - Cancel by ECC
34	20180922-0531354	LAW	SPPD	SPEA	EA3	TOW - Tow	1439 7th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
35	20180922-0531383	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
36	20180925-0539093	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
37	20180927-0543316	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
38	20180928-0545370	LAW	SPPD	SPEA	EA3	TOW - Tow	1440 Minnehaha Ave E	St Paul	55106	(651) 337-2149	ABSOLUTE	A - Advise/assist
39	20181004-0555911	LAW	SPPD	SPCN	CN1	TOW - Tow	83 Arlington Ave W	St Paul	55117	(651) 337-2149	absolute	A - Advise/assist
40	20181006-0559749	LAW	SPPD	SPEA	EA3	TOW - Tow	1766 Minnehaha Ave E	St Paul	55106	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
41	20181006-0559817	LAW	SPPD	SPCN	CN1	TOW - Tow	41 Arlington Ave W	St Paul	55117	(651) 337-2149	ABSOLUTE	A - Advise/assist
42	20181009-0565111	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOW	A - Advise/assist
43	20181009-0565120	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119		ABSOLUTE	C2 - Cancel by ECC
44	20181010-0567059	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	C2 - Cancel by ECC
45	20181012-0571102	LAW	SPPD	SPEA	EA4	TOW - Tow	1077 Van Dyke St	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
46	20181013-0574723	LAW	SPPD	SPEA	EA3	TOW - Tow	1766 Minnehaha Ave E	St Paul	55106		ABSOLUTE	C2 - Cancel by ECC
47	20181013-0574811	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
48	20181014-0574945	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
49	20181014-0576221	LAW	SPPD	SPEA	EA4	TOW - Tow	1846 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
50	20181015-0576278	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119		ABSOLUTE	C2 - Cancel by ECC
51	20181015-0576326	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
52	20181015-0576345	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
53	20181019-0585561	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
54	20181021-0588146	LAW	SPPD	SPWS	WS5	TOW - Tow	2526 7th St W	St Paul	55116	651-337-2149	ABSOLUTE TOWING	A - Advise/assist
55	20181022-0589849	LAW	SPPD	SPEA	EA3	TOW - Tow	1439 7th St E	St Paul	55106	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
56	20181022-0591593	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
57	20181023-0591709	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE	A - Advise/assist
58	20181023-0591734	LAW	SPPD	SPEA	EA5	TOW - Tow	2244 Minnehaha Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
59	20181025-0595744	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	651-337-2149	ABSOLUTE TOWING	A - Advise/assist
60	20181027-0598845	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	651-337-2149	ABSOLUTE TOWING	A - Advise/assist
61	20181027-0601555	LAW	SPPD	SPEA	EA4	TOW - Tow	1077 Van Dyke St	St Paul	55119		ABSOLUTE	C2 - Cancel by ECC
62	20181028-0601582	LAW	SPPD	SPEA	EA5	TOW - Tow	2258 Glenridge Ave	St Paul	55119		ABSOLUTE	C2 - Cancel by ECC
63	20181029-0603407	LAW	SPPD	SPEA	EA4	TOW - Tow	1252 Hazelwood St	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist





# Calls made by Absolute Towing into SPPD Emergency Communication Center

	A	B	C	D	E	F	G	H	I	J	K	L	M
129	20181209-0681232	12/09/2018 05:23:42	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
130	20181210-0683470	12/10/2018 14:31:51	LAW	SPPD	SPEA	EA4	TOW - Tow	847 White Bear Ave N	St Paul	55106	(651) 337-2149	JODI/ABSOLUTE TOW	A - Advise/assist
131	20181212-0686487	12/12/2018 01:14:21	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
132	20181212-0686587	12/12/2018 03:36:22	LAW	SPPD	SPEA	EA4	TOW - Tow	1419 Case Ave	St Paul	55106	651 337 2149	ABSOLUTE	C2 - Cancel by ECC
133	20181212-0687704	12/12/2018 16:38:42	LAW	SPPD	SPWS	WS1	TOW - Tow	2516 Wabash Ave	St Paul	55114	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
134	20181212-0688362	12/12/2018 23:18:16	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
135	20181213-0688538	12/13/2018 02:33:16	LAW	SPPD	SPEA	EA5	TOW - Tow	1949 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
136	20181216-0694263	12/16/2018 00:43:02	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
137	20181217-0695979	12/17/2018 04:26:19	LAW	SPPD	SPEA	EA3	TOW - Tow	1439 7th St E	St Paul	55106	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
138	20181220-0702112	12/20/2018 05:51:20	LAW	SPPD	SPEA	EA5	TOW - Tow	2196 Lower Afton Rd	St Paul	55119	651-337-2149	ABSOLUTE	A - Advise/assist
139	20181221-0703930	12/21/2018 00:41:08	LAW	SPPD	SPEA	EA5	TOW - Tow	2196 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
140	20181221-0704131	12/21/2018 05:49:21	LAW	SPPD	SPEA	EA4	TOW - Tow	1851 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
141	20181221-0705808	12/21/2018 23:51:02	LAW	SPPD	SPEA	EA4	TOW - Tow	1067 Van Dyke St	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
142	20181222-0706047	12/22/2018 03:07:59	LAW	SPPD	SPCN	CN1	TOW - Tow	1575 L'orient St	St Paul	55117	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
143	20181223-0707725	12/23/2018 01:58:56	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
144	20181224-0709299	12/24/2018 03:59:28	LAW	SPPD	SPEA	EA3	TOW - Tow	1540 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
145	20181226-0711985	12/26/2018 04:32:54	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
146	20181226-0712000	12/26/2018 05:29:00	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	651-337-2149	ABSOLUTE	A - Advise/assist
147	20181227-0714414	12/27/2018 14:03:05	LAW	SPPD	SPEA	EA5	TOW - Tow	365 Winthrop St S	St Paul	55119	(651) 337-2149	ABSOLUTE TOW	A - Advise/assist
148	20181229-0717382	12/29/2018 02:06:55	LAW	SPPD	SPEA	EA5	TOW - Tow	395 Luella St N	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
149	20181229-0717542	12/29/2018 06:04:32	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
150	20181229-0717926	12/29/2018 12:59:24	LAW	SPPD	SPCN	CN2	TOW - Tow	640 Jackson St	St Paul	55101	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
151	20181231-0720626	12/31/2018 03:51:02	LAW	SPPD	SPEA	EA2	APR - Recovered Property	795 6th St E	St Paul	55106		ABSOLUTE TOW	R - Report
152	20181231-0720631	12/31/2018 03:59:07	LAW	SPPD	SPEA	EA2	PCN - Previous Case Follow-Up	795 6th St E	St Paul	55106		ABSOLUTE TOW	A - Advise/assist
153	20190101-0001639	01/01/2019 23:47:51	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
154	20190102-0003566	01/02/2019 22:11:16	LAW	SPPD	SPEA	EA4	PCN - Previous Case Follow-Up	1252 Hazelwood St	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
155	20190105-0008493	01/05/2019 13:12:57	LAW	SPPD	SPWS	WS1	PCN - Previous Case Follow-Up	1940 Marshall Ave	St Paul	55104	(651) 337-2149	absolute towing	PCN - Previous CN
156	20190105-0009455	01/05/2019 23:35:29	LAW	SPPD	SPEA	EA5	TOW - Tow	2196 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
157	20190107-0011150	01/07/2019 02:33:54	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
158	20190108-0014860	01/08/2019 23:22:36	LAW	SPPD	SPCN	CN1	TOW - Tow	83 Arlington Ave W	St Paul	55117	(651) 337-2149	ABSOLUTE	A - Advise/assist
159	20190110-0016974	01/10/2019 00:55:48	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
160	20190111-0018952	01/11/2019 02:08:41	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
161	20190111-0019708	01/11/2019 13:11:02	LAW	SPPD	SPEA	EA5	TOW - Tow	400 Luella St N	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
162	20190112-0021111	01/12/2019 01:39:44	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
163	20190112-0021192	01/12/2019 03:09:30	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE	A - Advise/assist
164	20190112-0022708	01/12/2019 23:26:17	LAW	SPPD	SPCN	CN1	TOW - Tow	1575 L'orient St	St Paul	55117	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
165	20190113-0022998	01/13/2019 04:08:01	LAW	SPPD	SPEA	EA5	TOW - Tow	2196 Lower Afton Rd	St Paul	55119	651-337-2149	ABSOLUTE TOWING	A - Advise/assist
166	20190115-0028137	01/15/2019 23:11:29	LAW	SPPD	SPEA	EA5	TOW - Tow	1935 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
167	20190118-0032200	01/18/2019 03:47:31	LAW	SPPD	SPEA	EA4	TOW - Tow	1841 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
168	20190118-0032235	01/18/2019 05:25:22	LAW	SPPD	SPEA	EA4	TOW - Tow	1886 Magnolia Ave E	St Paul	55119	651-337-2149	ABSOLUTE TOWING	A - Advise/assist
169	20190119-0035774	01/19/2019 23:33:39	LAW	SPPD	SPEA	EA4	TOW - Tow	1067 Van Dyke St	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
170	20190120-0035854	01/20/2019 00:38:59	LAW	SPPD	SPEA	EA2	TOW - Tow	795 6th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOW	A - Advise/assist
171	20190120-0035911	01/20/2019 01:27:04	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
172	20190120-0035932	01/20/2019 01:42:18	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE	C2 - Cancel by ECC
173	20190121-0037533	01/21/2019 04:58:34	LAW	SPPD	SPEA	EA5	TOW - Tow	395 Luella St N	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
174	20190122-0040832	01/22/2019 23:42:53	LAW	SPPD	SPEA	EA4	TOW - Tow	1077 Van Dyke St	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist
175	20190126-0048051	01/26/2019 23:14:08	LAW	SPPD	SPEA	EA5	TOW - Tow	1949 Old Hudson Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
176	20190127-0048208	01/27/2019 01:28:46	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
177	20190127-0048227	01/27/2019 01:45:51	LAW	SPPD	SPEA	EA5	TOW - Tow	2236 Lower Afton Rd	St Paul	55119		ABSOLUTE	A - Advise/assist
178	20190128-0051142	01/28/2019 19:22:45	LAW	SPPD	SPEA	EA2	TOW - Tow	1055 4th St E	St Paul	55106	(651) 337-2149	ABSOLUTE	A - Advise/assist
179	20190128-0051191	01/28/2019 20:05:26	LAW	SPPD	SPEA	EA2	TOW - Tow	1055 4th St E	St Paul	55106	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
180	20190128-0051330	01/28/2019 21:41:11	LAW	SPPD	SPEA	EA5	TOW - Tow	1975 Wilson Ave	St Paul	55119	(651) 337-2149	ABSOLUTE TOWING	A - Advise/assist
181	20190129-0051599	01/29/2019 01:20:57	LAW	SPPD	SPEA	EA2	TOW - Tow	1055 4th St E	St Paul	55106	(651) 337-2149	ABSOLUTE	A - Advise/assist
182	20190129-0051612	01/29/2019 01:32:58	LAW	SPPD	SPEA	EA2	TOW - Tow	1055 4th St E	St Paul	55106	(651) 337-2149	TONY/ABSOLUTE	A - Advise/assist
183	20190130-0054450	01/30/2019 13:59:54	LAW	SPPD	SPEA	EA4	TOW - Tow	1846 Magnolia Ave E	St Paul	55119	(651) 337-2149	ABSOLUTE	A - Advise/assist



CITY OF SAINT PAUL  
Mayor Melvin Carter

Civil Division  
400 City Hall  
15 West Kellogg Blvd.  
Saint Paul, Minnesota 55102

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

February 21, 2019

## NOTICE OF INTENT TO DENY LICENSES

Absolute Towing & Recovery, Inc. - Licensee  
d/b/a Absolute Towing  
310-7<sup>th</sup> Avenue  
Newport, MN 55055  
Attn: Timothy Michael Heldman - President

RE: Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) license applications submitted by Absolute Towing & Recovery, Inc. d/b/a Absolute Towing for the City of Saint Paul  
License ID #: 20190000202

Dear Applicant:

The Department of Safety and Inspections (“Department”) will recommend denial of the Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) license applications submitted by Absolute Towing & Recovery, Inc. d/b/a Absolute Towing for the City of Saint Paul because the applicant has been operating without a license.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §361.02 by a preponderance of the evidence.

**On February 13, 2019, Inspector Muhammed followed up on a complaint that Absolute Towing and Recovery, Inc. was operating without a license at 83 Arlington Avenue, 66-65 West Hyacinth Avenue and 41 Arlington Avenue West in Saint Paul.**

**When Inspector Muhammed arrived at each of the above-mentioned addresses, he observed and documented with photographs, signs that show Absolute Towing and Recovery as the entity responsible for towing unauthorized vehicles.**

**Inspector Muhammed contacted the Saint Paul Police Department Emergency Communication Center and obtained records showing that Absolute Towing and Recovery had been operating and towing vehicles without a license for the past six (6) months.**

**The full text of Saint Paul Legislative Code § 361.02 states: “No person shall provide any wrecker or tow service as described in section 361.01 nor shall any person permit such service vehicles to be kept or maintained in the City of Saint Paul without being licensed under this chapter.”**

**Saint Paul Legislative Code §§ 310.06 (b) (6) (a) and (c) state the basis for adverse action:**

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

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

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, March 4, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **Wednesday, March 13, 2019** City Council Consent Agenda for approval of the proposed remedy.
2. If you wish to admit the facts but contest the penalty, you may have a public hearing before the Saint Paul City Council, you will need to send a letter with a statement admitting the facts and requesting a public hearing no later than **Monday, March 4, 2019**. The matter will then be scheduled before the City Council to determine whether to deny the Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 **Monday, March 4, 2019**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

4. You can withdraw your 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 **Monday, March 4, 2019**. A self-addresses envelope has been included for your convenience.

Absolute Towing & Recovery, Inc. - Licensee  
d/b/a Absolute Towing  
February 21, 2019  
Page 3

**If you have not contacted me by Monday, March 4, 2019, I will assume that you do not contest the denial of the Tow Truck Wrecker (Operator) and Tow Truck Wrecker (Vehicle) licenses. In that case, the matter will be placed on the Wednesday, March 13, 2019 City Council Consent Agenda for approval of the recommended penalty.**

If you have questions about these options, please contact Julie Kraus my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda  
Assistant City Attorney  
License No.: 0240989

Cc: Timothy Michael Heldman, 8423 Henna Avenue South, Cottage Grove, MN 55016-3116

Attachments Class R License Application dated January 3, 2018  
Receipt For License Application dated January 30, 2019  
Inspector's Report with photographs of signage dated February 13, 2019  
Private Property Towing Order and Invoices from Absolute Towing & Recovery dated February 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> 2019  
Calls made from Absolute Towing to SPPD Emergency Communication Center from August 2, 2018 through January 30, 2019  
Screenshots from DSI ECLIPS System dated February 15, 2019  
REQUEST TO WITHDRAW/REQUEST FOR REFUND  
Saint Paul Legislative Code § 361.02 and § 310.06

STATE OF MINNESOTA)  
 ) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 21<sup>st</sup> day of February, she served the attached **NOTICE OF INTENT TO DENY LICENSES** a correct copy thereof in an envelope addressed as follows:


Absolute Towing & Recovery, Inc. - Licensee  
d/b/a Absolute Towing  
310-7<sup>th</sup> Avenue  
Newport, MN 55055  
Attn: Timothy Michael Heldman – President

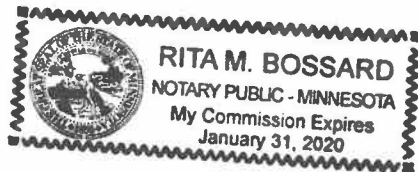
Timothy Michael Heldman  
8423 Henna Avenue South  
Cottage Grove, MN 55016-3116

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

  
Julie Kraus

Subscribed and sworn to before me  
this 21<sup>st</sup> day of February 2019

  
Notary Public



# CALDECOTT & FORRO, P.L.C.

*Attorneys and Counselors*

Richard R. Caldecott  
richardcaldecott@caldecottandforro.com

David R. Forro  
drforro@caldecottandforro.com

Westwood Lake Office Park  
8441 Wayzata Boulevard, Suite 285  
Golden Valley, Minnesota 55426  
\*\*\*\*\*

4669 White Bear Parkway  
White Bear Lake, Minnesota 55110

Golden Valley

Telephone: (612) 332-4455

Facsimile: (612) 332-4030

White Bear Lake

Telephone: (651) 429-5500

Facsimile: (651) 429-4161

**Reply to:**  **Golden Valley Office**  
 **White Bear Lake Office**

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March 1, 2019

VIA FAX (651) 298-5619 and  
U.S. MAIL

Ms. Therese Skarda, Assistant City Attorney  
Civil Division  
400 City Hall  
15 West Kellogg Blvd.  
Saint Paul, MN 55102

RECEIVED  
MAR 04 2019  
CITY ATTORNEY

RE: Absolute Towing & Recovery, Inc.  
License ID #: 20190000202

Dear Ms. Skarda:

The undersigned represents Absolute Towing & Recovery, Inc. regarding your Notice of Intent to Deny Licenses dated February 21, 2019.

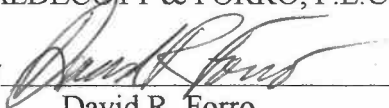
Our client fully believed that it had the requisite licenses for the business throughout 2018. We are presently investigating the no license allegation. However, the individual whose job included handling license compliance in 2018 is no longer an employee. We also believe this disgruntled former employee may be the source of the complaint that led to Inspector Muhammed's investigation. This has impeded our client's ability to either admit or deny the no license allegation by March 4, 2019 as your letter requests.

In view of the above, and because our client has numerous prior years of license compliance with the City of Saint Paul, my client is electing only to contest the proposed penalty (taking away his present license).

Please contact me to discuss the matter and scheduling before the City Council.

Very truly yours,

CALDECOTT & FORRO, P.L.C.

By   
David R. Forro

Cc: Client



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

June 22, 2017

Timothy Heldman  
Absolute Towing  
2757 Hudson Rd  
Oakdale MN, 55128

Mr. Heldman,

This letter is to notify you that your request for Council approval has been withdrawn from the Council agenda.

We have not received the payment for your Tow Truck Operator or Tow Trucks.  
The original bond is required and has not been submitted.

Also note that we have received several complaints along with a police report that you are impounding vehicles in St. Paul without a proper license. This activity must cease until you have obtained the permission from the City Council for an impound lot outside the city limits, and have a valid license for impounding vehicles.

Please contact me with any questions. I can be reached at (651)266-9110 or via email at [kristina.schweinler@ci.stpaul.mn.us](mailto:kristina.schweinler@ci.stpaul.mn.us)

Respectfully,

Kristina Schweinler  
Sr. License Inspector

Cc: Eric Hudak, License Manager  
Therese Skarda, Assistant City Attorney



## Kraus, Julie (CI-StPaul)

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**From:** Schweinler, Kristina (CI-StPaul)  
**Sent:** Monday, March 4, 2019 1:57 PM  
**To:** Kraus, Julie (CI-StPaul)  
**Subject:** Absolute Towing

Julie,

Below are the notes from Absolute Towing when they had a license and after they failed to complete the application for a new location.

2757 Hudson Blvd.

05/09/2018 Rec'd cancellation of bond #7900416032 with Nationwide Mut'l Ins. effective 5/27/2018. LAB

01/31/2018 Per KS never responded to 06/22/2017 letter and application should have been entered in without payment and should be withdrawn from ECLIPS. JWF

06/22/2017 Letter sent cannot accept application due to non-payment of license fee and must cease all operations within City limits (NOTE rcvd. complaints an police report they are operating) until fee payment is submitted. KS/jwf

06/08/2017 Credit card declined for payment, notified KS. LAB/jwf

6/7/2017 - Sent to CAO for resolution to Council to allow an impound lot outside the limits of the City of Saint Paul.

7500 Hudson Blvd. N.

5/10/17 Recd cancelation of lease from P.O. licensee has moved to 2757 Hudson Rd.KS

Recd. application from another towing comp at this address. Absoulte is now located at 2757 Hundson Rd.Have not been approved for this address.KS



**Kristina Schweinler**

**DSI III**

Dept. of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

P: 651 266-9110

The Most Livable  
City in America



Making Saint Paul the Most Livable City in America

***“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”***

Licensee: ABSOLUTE TOWING & RECOVERY INC

DBA: ABSOLUTE TOWING

License #: 20190000202

2/14/2019 - Sent to CAO for adverse action (license denial) Applicant is operating without the appropriate licenses. JAK

2/13/2019 - Emailed CP Brendmoen, Shari Moore and Katie Burger to withdraw RES #19-221 per DSI request. DSI will pursue adverse action against the application. JAK

2/1/19 To CAO for CC resolution approving out of city impound lot. KS

Address Licensee Contact License Cardholder

Licensee Name: ABSOLUTE TOWING & RECOVERY INC  
 DBA: ABSOLUTE TOWING  
 Sales Tax Id:

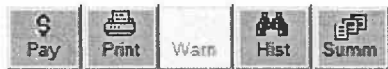
- Find Now
- OK
- Cancel
- New Search
- Help



SEARCH WINDOW

New Group... New Temp Grp... Copy Group... Add License... Properties...

License #	Tag #	Licensee Name	DBA	License Type	Status	Reason
190000202	0	ABSOLUTE TOWING & RECOVERY INC	ABSOLUTE TOWING	Tow Truck/Wrecker (Operator)	Pending	
				Tow Truck/Wrecker (Vehicle)	Pending	



Licensee: ABSOLUTE TOWING & RECOVERY INC  
 DBA: ABSOLUTE TOWING

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

Property 
  Licensee 
  Unofficial

Street #: 310  
 Street Name: 7TH  
 Street Type: AVE Direction:   
 Unit Ind: Unit #:   
 City: NEWPORT  
 State: MN Zip: 55055

Project Facilitator: WALD, ANNETTE

Adverse Action Comments

License Group Comments:  
 2/14/2019 - Sent to CAO for adverse action (license denial) Applicant is operating without the appropriate licenses. JAK  
 2/13/2019 - Emailed CP Brendmoen, Shari Moore and Katie Burger to withdraw RES #19-221 per DSI request.

Licensee: ABSOLUTE TOWING & RECOVERY INC  
 DBA: ABSOLUTE TOWING  
 Sales Tax Id: \*\*\*\*\* Bus Phone: (651) 337-2149

Licensee  
 Comments:

License Type	Class	Effective	Expiration	Conditions	License Fee
Tow Truck/Wrecker (Vehicle)	R	01/30/2019	01/30/2020	N	\$228.00
Tow Truck/Wrecker (Operator)	R	01/30/2019	01/30/2020	N	\$362.00
<b>Total:</b>					<b>\$590.00</b>

Properties For License 310 7TH AVE

Licensee: ABSOLUTE TOWING & RECOVERY INC  
 DBA: ABSOLUTE TOWING

Licensee Name: ABSOLUTE TOWING & RECOVERY INC   
 DBA: ABSOLUTE TOWING   
 Sales Tax Id: \*\*\*\*\* Non-Profit:  Worker's Comp: 01/01/2020  
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000  
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration		Reason	Active	Date

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	
Business/Mail To	01/25/2019	00/00/0000	ABSOLUTE TOWING & RECOVERY		
Other	01/25/2019	00/00/0000	HELDMAN	TIMOTHY MICHAEL	PR

License # 190000202

Properties for Licensee Contact

Name | Address | Phone | Email | Groups

Street #: 8423

Street Name: HENNA

Street Prg Direct: <All>

Street Type: AVE

Street Post Direct: South

Unit #:

Unit Abbrev:

P.O. Box #:

City: COTTAGE GROVE

State: MN

Country: U.S.A.

Zip Code: 55055

Zip+4:

Inter Office Address:

Override Formatted Address for Mailing

US Post Formatted Address:

Last Upload: 01/01/1997

OK | Cancel | Help | Save Changes to History

License Group Comments Text

Licensee: ABSOLUTE TOWING & RECOVERY INC

DBA: ABSOLUTE TOWING & RECOVERY INC

License #: 20170002221

2757 Hudson Rd  
Cokdale

02/12/2019

05/09/2018 Rec'd cancellation of bond #7900416032 with Nationwide Mut'l Ins. effective 5/27/2018. LAB  
01/31/2018 Per KS never responded to 06/22/2017 letter and application should have been entered in without payment and should be withdrawn from ECLIPS. JWF  
06/22/2017 Letter sent cannot accept application due to non-payment of license fee and must cease all operations within City limits (NOTE rcvd. complaints an police report they are operating) until fee payment is submitted. KS/jwf  
06/08/2017 Credit card declined for payment, notified KS. LAB/jwf  
6/7/2017 - Sent to CAO for resolution to Council to allow an impound lot outside the limits of the City of Saint Paul.

License Group Comments Text

Licensee: ABSOLUTE TOWING & RECOVERY INC

DBA: ABSOLUTE TOWING & RECOVERY INC

License #: 20140001787

1500 Hudson Blvd  
Oakdale

02/12/2019

5/19/17 Recd. letter from Prop. owner canceling lease. Licensee has move to a new location. KS.

07/16/2014 Council file #14-1177 approves request for an Impound lot to be located outside the City limits at 7500 Hudson Boulevard Suite 300 In Oakdale, MN. JWF

06/18/2014 Licenses prorated to expire with insurance. LAB



Sec. 361.02. - License required.

No person shall provide any wrecker or tow truck service as described in section 361.01 nor shall any person permit such service vehicles to be kept or maintained in the City of Saint Paul without being licensed under this chapter.

(C.F. No. 93-1795, § 2, 12-16-93)

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

- (a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.
- (b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:
- (1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.
  - (2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
  - (3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.
  - (4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.
  - (5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.
  - (6)
    - a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;
    - b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or
    - c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.
  - (7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.
  - (8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.
  - (9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.
  - (10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321

through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

- (11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.
- (12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.
- (13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.
- (14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

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

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

- (c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:
  - (1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;
  - (2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;
  - (3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;
  - (4) A requirement to provide off-street parking in excess of other requirements of law;

- (5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;
- (6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

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

- (d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:
  - (1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;
  - (2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;
  - (3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;
  - (4) The management practices of the licensee or applicant with respect to each of such licenses;
  - (5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;
  - (6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and
  - (7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

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