

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

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

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

September 6, 2018

NOTICE OF INTENT TO DENY LICENSE

Mary Ferguson, Owner
Thrifty Nifty, LLC
741 University Avenue West
St. Paul, MN 55104

RE: Second Hand Dealer license application submitted by Thrifty Nifty, LLC d/b/a Thrifty Nifty, LLC for the premises located at 741 University Avenue West in Saint Paul
License ID #: 20180002916

Dear Applicant:

The Department of Safety and Inspections will recommend denial of the Second Hand Dealer license application submitted by Thrifty Nifty, LLC d/b/a Thrifty Nifty, LLC for the premises located at 741 University Avenue West in Saint Paul. The recommendation is based on the following information:

On August 8, 2018, you submitted an application for a Second Hand Dealer license with the Department of Safety and Inspections. During a routine criminal history check as part of the application process, DSI discovered several convictions between 1992 and 2015 that you failed to disclose on the Personal Affidavit form you submitted with your application.

Saint Paul Legislative Code § 310.06 (b) (2) states the basis for adverse action: "The applicant or one acting in his or her behalf made oral or written misstatement or misrepresentations of material facts in or accompanying the application."

You have four (4) options on how to proceed:

1. If I have not heard from you by **Monday, September 17, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **October 3, 2018** City Council Agenda for approval of the proposed remedy.

2. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **Monday, September 17, 2018**. The matter will then be scheduled before the City Council to determine whether to deny your Second Hand Dealer license. You will have an opportunity to appear before the City 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, September 17, 2018**. 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.

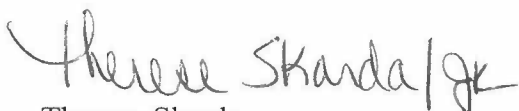
Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

4. You can withdraw your Second Hand Dealer 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, September 17, 2018**.

If you have not contacted me by Monday, September 17, 2018, I will assume that you do not contest the denial of your Second Hand Dealer license. In that case, the matter will be placed on the October 3, 2018 City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,



Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Mary Ferguson, 3109 Bloomington Avenue South, Minneapolis, MN 55407
Cathy Royce, Co-Executive Director, Frogtown Neighborhood Association (District 7)
501 Dale Street North, Suite 300, St. Paul, MN 55103
S & K Properties, 1412 Hubbard Avenue, St. Paul, MN 55104-1322

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 6TH day of September, she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:


Mary Ferguson, Owner
Thrifty Nifty, LLC
741 University Avenue West
St. Paul, MN 55104

Mary Ferguson
3109 Bloomington Avenue South
Minneapolis, MN 55407

Caty Royce, Co-Executive Director
Frogtown Neighborhood Association (District 7)
501 Dale Street North, Suite 300
St. Paul, MN 55103

S & K Properties
1412 Hubbard Avenue
St. Paul, MN 55104-1322

(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 6TH day of September 2018


Notary Public

