

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
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June 28, 2018

NOTICE OF VIOLATION

Bee Lee & Tou Yang
MC Auto Repair & Tire Services
1202 Dale Street North
St. Paul, MN 55117

RE: Auto Repair Garage and Second-Hand Dealer-Motor Vehicle Parts licenses held by Bee Lee & Tou Yang d/b/a MC Auto Repair & Tire Services for the premises located at 1202 Dale Street North in Saint Paul
License ID #20160000541

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage and Second-Hand Dealer-Motor Vehicle Parts licenses held by Bee Lee & Tou Yang d/b/a MC Auto Repair & Tire Services for the premises located at 1202 Dale Street North in Saint Paul. The basis for this recommendation is as follows:

On May 11, 2018 an inspector from the Department of Safety and Inspections came to 1202 Dale Street North for a site visit based on a complaint regarding too many vehicles on the lot. During the site visit, the following eight (8) license condition violations were observed and documented with photographs:

- 1. Twenty-four (24) vehicles were parked on the lot in violation of license condition #1:** "A maximum of eighteen (18) total vehicles (customer/employee/business) may be parked on the property at any time (one shall be designated and marked for handicapped parking) as indicated on the approved site plan, on file with DSI dated 7/13/2016."
- 2. Cones and a vehicle were blocking the driveway on Dale Street in violation of license condition #2:** "Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward as indicated on the approved site plan on file with DSI dated 7/13/2016. Backing from the street or on to the street from the property is prohibited."

3. **The lot has not been striped and landscaped in accordance with the July 13, 2016 site plan. The eight (8) foot wide landscaped area must contain four (4) medium trees along Dale Street. These trees were not present during the site visit in violation of license condition #3:** “The building shall be painted and maintained in good condition. The lot must be striped and landscaped in accordance with the approved site plan on file with DSI dated 7/13/2016. As identified, in the approved site plan, an 8-foot wide landscaped area and four medium sized trees shall be installed along the sidewalk on Dale Street prior to license issuance, and maintained thereafter.”
4. **A white inoperable van was stored on the lot in violation of license condition #4:** “There will be no exterior storage of inoperable vehicles.”
5. **Exterior storage was found in various locations on the lot and a large pile of tires was stored on the north side of the building in violation of license condition #5:** “There will be no exterior storage of vehicle parts, tires, oil, batteries or similar items. All trash must be stored in a covered dumpster or indoors.”
6. **Major body parts were missing on three (3) vehicles in violation of license condition #6:** “All vehicles parked outdoors on the lot must appear to be completely assembled with no major body parts missing.”
7. **No sign permit was on file for the business sign on the south side of the building in violation of license condition #11:** “All signs must conform to the zoning code standard. A sign permit application is required for all exterior signs visible from the public right-of-way.”
8. **The tires displayed outdoors were not confined to the approved display area on the southwest corner of the property. Tires were on the north side of the building and stacked on the south side of the building in front of garage doors in violation of license condition #17:** “Tires displayed outdoors for sale must be stored inside the building when the building is closed. Outdoor display of tires shall be confined to the area shown on the approved site plan on file with DSI dated 7/13/2016 (the southwest corner of the property) and shall not project into the public right-of-way.”

On June 6, 2018, the inspector returned for a re-inspection and found the following seven (7) repeat license condition violations which were documented with photographs:

1. **Twenty-one (21) vehicles were parked on the lot and a vehicle was parked in the handicap loading zone in violation of license condition #1:** “A maximum of eighteen (18) total vehicles (customer/employee/business) may be parked on the property at any time (one shall be designated and marked for handicapped parking) as indicated on the approved site plan, on file with DSI dated 7/13/2016.”
2. **The lot has not been striped and landscaped in accordance with the July 13, 2016 site plan. The eight (8) foot wide landscaped area must contain four (4) medium trees along Dale Street. These trees were not present during the site visit and neither was the striping in violation of license condition #3:** “The building shall be painted and maintained in good condition. The lot must be striped and landscaped in accordance with the approved site plan on file with DSI dated 7/13/2016. As identified, in the approved site plan, an 8-foot wide landscaped area and four medium sized trees shall be installed along the sidewalk on Dale Street prior to license issuance, and maintained thereafter.”

3. **A white sedan appeared to be inoperable in the parking lot with airbags deployed and major damage to the front of the vehicle in violation of license condition #4:** "There will be no exterior storage of inoperable vehicles."
4. **Exterior storage was found in various locations on the lot and a large pile of tires was still stored on the north side of the building and on the south side of the building between the garage doors an open garbage bag was visible in violation of license condition #5:** "There will be no exterior storage of vehicle parts, tires, oil, batteries or similar items. All trash must be stored in a covered dumpster or indoors."
5. **Major body parts were missing on two (2) vehicles in violation of license condition #6:** "All vehicles parked outdoors on the lot must appear to be completely assembled with no major body parts missing."
6. **No sign permit was on file for the business sign on the south side of the building in violation of license condition #11:** "All signs must conform to the zoning code standard. A sign permit application is required for all exterior signs visible from the public right-of-way."
7. **The site visit took place at 9:38 p.m. when business was closed and there were tires displayed for sale outside the building in violation of license condition #17:** "Tires displayed outdoors for sale must be stored inside the building when the building is closed. Outdoor display of tires shall be confined to the area shown on the approved site plan on file with DSI dated 7/13/2016 (the southwest corner of the property) and shall not project into the public right-of-way."

Because of these numerous repeat license condition violations, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

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, July 9, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **July 25, 2018** City Council Agenda for approval of the proposed remedy.
2. You can pay the \$500.00 matrix penalty. If this is your choice, you should send your payment to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, MN 55101-1806 no later than **Monday, July 9, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the 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, July 9, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **Monday, July 9, 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).

If you have not contacted me by Monday, July 9, 2018, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the July 25, 2018 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. 024989

cc: Bee Lee & Tou Yang, 1261 Ingerson Road, Arden Hills, MN 55118
Kerry Antrim, Executive Director, North End Neighborhood Organization
171 Front Avenue, St. Paul, MN 55117
Timothy R. McGuigan, 3011 Country Drive, Little Canada, MN 55117

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 28th day of June she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:


Bee Lee & Tou Yang
MC Auto Repair & Tire Services
1202 Dale Street North
St. Paul, MN 55117

Bee Lee & Tou Yang
1261 Ingerson Road
Arden Hills, MN 55118

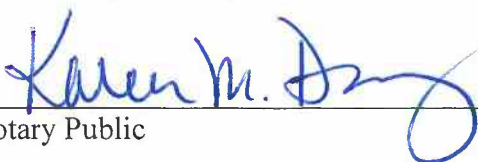
Kerry Antrim, Executive Director
North End Neighborhood Organization
171 Front Avenue
St. Paul, MN 55117

Timothy R. McGuigan
3011 Country Drive
Little Canada, 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.


Julie Kraus

Subscribed and sworn to before me
this 28th day of June, 2018


Notary Public

