

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

June 28, 2018

NOTICE OF VIOLATION

Jorge Samper Zelaya
Sunray BP
344 Ruth Street North
St. Paul, MN 55119

RE: Auto Repair Garage, Gas Station and Cigarette/Tobacco licenses held by Sunray Gas, LLC d/b/a Sunray BP for the premises located at 344 Ruth Street North in Saint Paul
License ID #20150000438

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage, Gas Station and Cigarette/Tobacco licenses held by Sunray Gas, LLC d/b/a Sunray BP for the premises located at 344 Ruth Street North in Saint Paul. The basis for this recommendation is as follows:

On June 5, 2018, an inspector from the Department of Safety and Inspections came to 344 Ruth Street North for a re-inspection based on a complaint from last fall. During the inspection, he found the following two (2) license condition violations which were documented with photographs:

- 1. Vehicles were not parked according to the site plan. Five (5) vehicles were parked across four spaces and an Chevrolet HHR was parked in an unapproved area in violation of license condition #1:** "All customer, business and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 02/25/2015. A maximum of eight (8) vehicles may be parked on the property at any time."
- 2. Exterior storage of tires and a gas tank on the north and northeast side of the building in violation of license condition #3:** "There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc, shall be in accordance with the Ramsey County Hazardous Waste regulations."

This is the second incident of violations to your license condition within the past twelve (12) months; therefore, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$1,000,000 matrix penalty.

You have four (4) options to proceed:

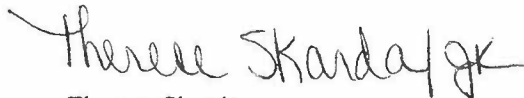
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, July 9, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **July 25, 2018** City Council Agenda for approval of the proposed remedy.
2. You can pay the \$1,000.00 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 \$1,000.00 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 \$1,000.00 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 \$1,000.00 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: Jorge Samper Zelaya, 433-7th Street South, Unit 2027, Minneapolis, MN 55415-1643
Betsy Vowry Moss, Executive Director, District 1 Community Council, SunRay Shopping Center
2105 ½ Old Hudson Road, St. Paul, MN 55119
J & R Holdings, LLC, 433-7th Street South, Unit 2027, Minneapolis, MN 55415-1643

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:

Jorge Samper Zelaya
Sunray BP
344 Ruth Street North
St. Paul, MN 55119

Jorge Samper Zelaya
433-7th Street South, Unit 2027
Minneapolis, MN 55415-1643

Betsy Vowry Moss, Executive Director
District 1 Community Council
SunRay Shopping Center
2105 ½ Old Hudson Road
St. Paul, MN 55119

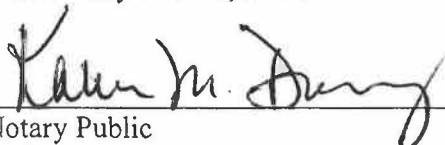
J & R Holdings, LLC
433-7th Street South, Unit 2027
Minneapolis, MN 55415-1643

(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

