



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

June 11, 2015

NOTICE OF INTENT TO SUSPEND LICENSES AND IMPOSE PENALTY

Mr. Mark J. Kosmas  
Ray Vinzant Plumbing  
541 Wheeler Street North  
Saint Paul, MN 55104

RE: All licenses held by Ray Vinzant Plumbing d/b/a Ray Vinzant Plumbing for the premises located at 541 Wheeler Street North in Saint Paul  
License ID #20110001218

Dear Mr. Kosmas:

The Department of Safety and Inspections (DSI) has recommended suspension of all licenses held by Ray Vinzant Plumbing d/b/a Ray Vinzant Plumbing for the premises located at 541 Wheeler Street North in Saint Paul. The basis for the recommendation is as follows:

**On March 10, 2014, a Mechanical Inspector observed two of your employees, Emmanuel I. Howes and Justin W. Palmer, installing a gas furnace at 653 Wheelock Parkway West.**

**No permits had been obtained for this work, in violation of Saint Paul Legislative Code § 33.03 (a): “Building and general construction. No person shall construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure without first obtaining a building permit from the building official.”**

**In addition, neither Mr. Howes nor Mr. Palmer possessed a Gas Certificate of Competency, in violation of Saint Paul Legislative Code § 370.18: “No master's certificate of competency holder shall allow or authorize any employee or other person to do work for which a certificate of competency is required pursuant to this chapter unless such employee or other person holds the appropriate certificate of competency or is a registered trade worker. Any violation of this section is a misdemeanor.”**

**DSI was contacted by a homeowner at 1596 ½ Taylor Avenue in early December with venting concerns after she had a Hot Water Boiler installed by Ray Vinzant Plumbing.**

DSI records show the boiler was installed without the appropriate permits in violation of Saint Paul Legislative Code § 33.03 (a): *“Building and general construction. No person shall construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure without first obtaining a building permit from the building official.”*

In January 2015, DSI discovered that a Hot Water Boiler was installed at 1375 Lafond Avenue without the appropriate permits in violation of Saint Paul Legislative Code § 33.03 (a).

You did not contest any of the above determinations when notified by DSI.

April 18, 2014, Jeremy Hall, Fire Safety Inspector I, contacted a homeowner inquiring about the Existing Fuel Burning Equipment Safety Test performed April 16, 2014 at a residence located at 61 North Dale Street. The homeowner stated only one person came out to do the test. Jason Martin, HVAC Manager, reportedly performed the test, but Carleton Bradley signed off on the form stating he performed the test. Mr. Martin does not possess the Gas Certificate of Competency required to perform this test. Witnesses indicate that Carlton Bradley was not present at the time of the test.

On April 28, 2014, an Existing Fuel Burning Equipment Safety Test was performed at 2014 Highwood. A call to the residence on May 8, 2014 found that the homeowner’s father stated Jason Martin, HVAC Manager, performed the test, but again Carlton Bradley signed off on the form stating he performed the test. Witnesses indicate that Carlton Bradley was not present at the time of the test.

On July 3, 2014, an Existing Fuel Burning Equipment Safety Test was performed at 1174 – 4<sup>th</sup> Street. A witness observed Jason Martin, HVAC Manager, performing the test, but once again, Carlton Bradley signed the form stating he performed the test. Witnesses indicate that Carlton Bradley was not present at the time of the test.

These instances are a violation of Saint Paul Legislative Code § 370.17 (e) (1): *“A supervising journeyman or master certificate of competency holder in the type of work being performed by a registered trade worker and employed by the same employer shall be physically present and immediately available for assistance and direction.....”*

Also, a violation of the ratios required by Saint Paul Legislative Code § 370.17 (f) (1) (a): *“Fuel burner equipment and system installation and repair: Gas: No more than one (1) registered trade worker for three (3) journeyman or master certificate holders.”*

Due to the egregiousness of these continued violations, per Saint Paul Legislative Code §310.05 (m) (2), the licensing office will recommend a ten (10) day suspension of your licenses and a \$2,000.00 matrix penalty.

At this time, you have three (3) 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, June 22, 2015**, 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.

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 me a letter with a statement admitting the facts and requesting a public hearing. I will need to receive your letter by **Monday, June 22, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your licenses for ten (10) days and impose the \$2,000.00 matrix penalty. 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, June 22, 2015**. 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 or DSI by Monday, June 22, 2015, I will assume that you do not contest the ten (10) day suspension of your licenses and imposition of the \$2,000.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.**

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Geoffrey Karls  
Assistant City Attorney

Cc: Dan Niziolek, DSI Deputy Director  
James Vinzant, 6842 – 270<sup>th</sup> Street, Wyoming, MN 55092  
Kevin Chapdelaine, DSI - Senior Mechanical Inspector

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 11<sup>th</sup> day of June she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES AND IMPOSE PENALTY** and correct copy thereof in an envelope addressed as follows:

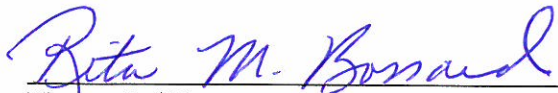
Mr. Mark J. Kosmas  
Ray Vinzant Plumbing  
541 Wheeler Street North  
Saint Paul, MN 55104

James Vinzant  
6842 – 270<sup>th</sup> Street  
Wyoming, MN 55092

(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 11<sup>th</sup> day of June, 2015

  
\_\_\_\_\_  
Notary Public

