



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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November 6, 2015

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Shari Moore
City Clerk
City of St. Paul
310 City Hall
15 W Kellogg Blvd
Saint Paul, MN 55102

Re: *In the Matter of Superior Auto Repair, Inc d/b/a Superior Auto Repair*
OAH 8-6020-32560

Dear City Clerk Moore:

Enclosed and served upon you is the Administrative Law Judge's **REPORT AND RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE** in the above-entitled matter. The official record is also enclosed. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact my legal assistant Katie Lin at (651) 361-7911 or katie.lin@state.mn.us, or facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Eric L. Lipman" followed by a stylized flourish.

ERIC L. LIPMAN
Administrative Law Judge

ELL:ry
Enclosure
cc: Geoffrey S. Karls
Charles E. Bethel

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CITY ATTORNEY

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF ST. PAUL

In the Matter of Superior Auto Repair, Inc.
d/b/a Superior Auto Repair

**REPORT AND RECOMMENDATION OF
THE ADMINISTRATIVE LAW JUDGE**

This matter came before Administrative Law Judge Eric L. Lipman for an evidentiary hearing on November 5, 2015.

In lieu of proceeding to a hearing on that day, the parties stipulated to a resolution of their dispute – namely: (a) an acknowledgement of the violation by the Licensee; (b) a fine amount of \$1,000; and (c) a five-day suspension of the Licensee's business operations.

Geoffrey S. Karls, Assistant City Attorney, appeared on behalf of Department of Safety and Inspections of the city of St. Paul (City). Charles E. Bethel, Bethel Legal Services, P.A., appeared on behalf of the Licensee, Superior Auto Repair, Inc.

STATEMENT OF THE ISSUES

1. Did Superior Auto Repair, Inc. violate a condition of its Garage – Auto Repair license?
2. If so, is the stipulated penalty of a \$1,000 fine and a five-day suspension of business operations an appropriate licensing sanction?

SUMMARY OF CONCLUSIONS

The Administrative Law Judge concludes that the stipulated penalty of a \$1,000 fine and a five-day suspension of business operations is an appropriate licensing sanction and is well-grounded in the hearing record.

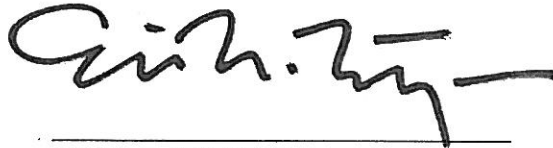
Based upon the evidence in the hearing record, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS RECOMMENDED that the St. Paul City Council take appropriate action against the licenses held by Superior Auto Repair, Inc. d/b/a Superior Auto Repair.

Additionally, and notwithstanding the presumptive penalties found in St. Paul Legislative Code § 310.05 (m) (2015), the imposition of a \$1,000 fine and a five-day suspension of business operations is an appropriate resolution of the matters in dispute.

Dated: November 6, 2015

A handwritten signature in black ink, appearing to read "Eric L. Lipman", with a horizontal line extending from the end of the signature.

ERIC L. LIPMAN
Administrative Law Judge

NOTICE

This Report is a recommendation, not a final decision. The Saint Paul City Council will make a final decision after a review of the record and may adopt, reject, or modify these Findings of Fact, Conclusions of Law, and Recommendation. Pursuant to Saint Paul Legislative Code § 310.05 (c-1), the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. Parties should contact Shari Moore, City Clerk, City of Saint Paul, 310 City Hall, 15 W. Kellogg Blvd., Saint Paul, Minnesota 55102, to ascertain the procedure for filing exceptions or presenting arguments.