



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

May 14, 2015

NOTICE OF VIOLATION  
NOTICE OF INTENT TO SUSPEND LICENSE

Souvan Moua, Owner  
Superior Auto Repair  
1324 Arcade Street  
Saint Paul, MN 55106

RE: Auto Repair Garage license held by Superior Auto Repair, Inc. d/b/a Superior Auto Repair for the premises located at 1324 Arcade Street in Saint Paul.  
License ID #: 20120000708

Dear Souvan Moua:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Repair Garage license held by Superior Auto Repair, Inc. d/b/a Superior Auto Repair for the premises located at 1324 Arcade Street in Saint Paul. The basis for the recommendation is as follows:

On April 24, 2015, a DSI Inspector came to your licensed premises and documented the following license condition violations:

1. Numerous cars parked on the street across from the licensed premises in violation of license condition #1: "All customer or employee vehicles awaiting repair or that have been repaired and are awaiting pick-up, must be parked in the area designated in the plan on file with DSI dated 02/27/2012. Such vehicles may not be parked or stored in the public right-of-way (e.g. alley, street, sidewalk, boulevard, etc.)."
2. A black truck with a trailer attached (License Plate #987 PMU) was parked on the street next to the licensed premises in violation of license condition #1: "All customer or employee vehicles awaiting repair or that have been repaired and are awaiting pick-up, must be parked in the area designated in the plan on file with DSI dated 02/27/2012. Such vehicles may not be parked or stored in the public right-of-way (e.g. alley, street, sidewalk, boulevard, etc.)."
3. A car and a Mac Tools truck double-parked on the street delivering tires and parts in violation of license condition #1: "All customer or employee vehicles awaiting repair or that have been repaired and are awaiting pick-up, must be parked in the area designated in the plan on file with DSI dated 02/27/2012. Such vehicles may not be parked or stored in the public right-of-way (e.g. alley, street, sidewalk, boulevard, etc.)."
4. A trailer being hooked up to a truck on the sidewalk in violation of license condition #4: "No auto repair of vehicles may occur on the exterior of the premises or in the public right-of-way. All repair work must occur within an enclosed building."

5. A white Mercedes (License Plate #914 KWP) previously parked at 1228 Arcade at the last inspection was moved and now parked on the street in violation of license condition #6: *“Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the property as permitted by law.”*

This is the third violation of your license conditions documented by DSI within the past eighteen (18) months; therefore, the licensing office will recommend a \$2,000.00 matrix penalty and a ten (10) day suspension of your Auto Repair Garage license.

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, May 25, 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 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. I will need to receive your letter by **Monday, May 25, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$2,000.00 matrix penalty and ten (10) day suspension of your Auto Repair Garage license. 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, May 25, 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, May 25, 2015**, I will assume that you do not contest the imposition of the \$2,000.00 matrix penalty and ten (10) day suspension of your Auto Repair Garage license. 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  
Souvan Moua, 2100 Highwood Avenue, Saint Paul, MN 55119  
Gregory Sneller, 24204 Rutgers Street NE, Stacy, MN 55079  
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council, 506 Kenny Road, Ste. 130  
Saint Paul, MN 55130

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 14th day of May she served the attached **NOTICE OF VIOLATION and NOTICE OF INTENT TO SUSPEND LICENSE** and correct copy thereof in an envelope addressed as follows:

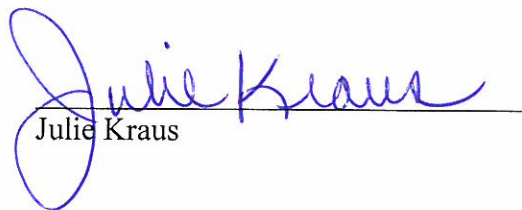
Souvan Moua, Owner  
Superior Auto Repair  
1324 Arcade Street  
Saint Paul, MN 55106

Souvan Moua  
2100 Highwood Avenue  
Saint Paul, MN 55119

Gregory Sneller  
24204 Rutgers Street NE  
Stacy, MN 55079

Leslie McMurray, Executive Director  
Payne Phalen District 5 Planning Council  
506 Kenny Road, Ste. 130  
Saint Paul, MN 55130

(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 14th day of May, 2015

  
Notary Public

