



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

September 13, 2010

**NOTICE OF VIOLATION and
NOTICE OF INTENT TO SUSPEND LICENSES**

Jerry Castillo
Amigos Auto Center & Sales
1445 Arcade Street
St. Paul, MN 55106

RE: All licenses held by Jerry Castillo d/b/a Amigos Auto Center & Sales for the premises located at 1445 Arcade Street in Saint Paul
License ID #20060003581

Dear Mr. Castillo:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Jerry Castillo d/b/a Amigos Auto Center & Sales for the premises located at 1445 Arcade Street in Saint Paul. The basis for this determination is as follows:

On August 25, 2010, an inspector from the Department of Safety and Inspections came to your establishment based on a complaint and found the following license condition violations:

- 1) The inspector noted cars in excess of eleven (11) on the lot in violation of license condition #1 which states: *"The number of vehicles displayed "for sale" outdoors shall not exceed eleven (11), all display vehicles on the site must be parked as shown on the approved site plan on file in LIEP, dated 12/19/06."*
- 2) There was exterior storage of tires, auto parts and trash including an S10 pickup with trash in violation of license condition #4 which states: *"There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stores in a covered dumpster."*
- 3) The inspector noted there was repair work being done on a white vehicle outside of the building in violation of license condition #9 which states: *"No auto repair of vehicles may occur on the exterior the lot or in the public right-of-way. All repair work must occur within an enclosed building."*

- 4) **There were stacks of tires (more than 30) on the exterior of the building that are not being brought in at night in violation of license condition #16 which states: *“All tires must be brought inside the building at night. Outdoor display of tires on the lot is permitted during business hours only, is limited to a maximum of thirty (30) tires.”***

- 5) **Tires are being stored behind the building in violation of license condition #17 which states: *“The outdoor tire display area on the lot is restricted to against the east building wall that is on either side of the northern most repair bay entry door.”***

This is the second violation to your license conditions within the past seven (7) months; therefore, per Saint Paul Legislative Code §310.05 (m) (1) the licensing office will recommend a \$1,000.00 matrix penalty and require that you comply with your license conditions and storage requirements within thirty (30) days.

At this time, you have three options on how to proceed:

- 1. You can pay the \$1,000.00 matrix penalty. If this is your choice, you will need to send your payment to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, September 23, 2010**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty and compliance with license conditions and storage requirements will be considered a waiver of the hearing to which you are entitled.

You will also need to contact Kristina Schweinler, Senior License Inspector at (651) 266-9110 to schedule a re-inspection in order to verify that all of the violations have been corrected and you are in compliance within thirty (30) days. If the violations have not been corrected within thirty (30) days, the matter will then be placed on the City Council Consent Agenda for suspension of your licenses.

- 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. We will need to receive your letter by **Thursday, September 23, 2010**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 matrix penalty and license suspensions. You will have an opportunity to appear before the Council and make a statement on your own behalf.

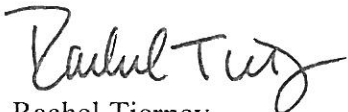
- 3. If you dispute the above facts, you can request a hearing before an Administrative Law Judge. At that hearing both you and the City will be able to appear and present witnesses, evidence and cross-examine each other's witnesses. The St. Paul City Council will ultimately decide the case. If this is your choice, please advise me no later than **Thursday, September 23, 2010**, and I will take the necessary steps to schedule the administrative hearing.

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If you have not contacted me by that date, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty and license suspensions. In that case, the matter will be placed on the Council's 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,



Rachel Tierney
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Jerry Castillo, 1621-7th Street East, St. Paul, MN 55106
Leslie McMurray, Exec. Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130, St. Paul, MN 55130

STATE OF MINNESOTA
, ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

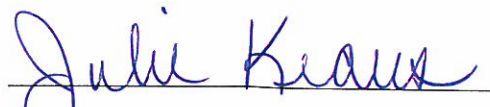
Julie Kraus, being first duly sworn, deposes and says that on the 13th day of September, she served the attached **NOTICE OF VIOLATION** and **NOTICE OF INTENT TO SUSPEND LICENSES** by placing a true and correct copy thereof in an envelope addressed as follows:

Jerry Castillo
Amigos Auto Center & Sales
1445 Arcade Street
St. Paul, MN 55106


Jerry Castillo
1621-7th Street East
St. Paul, MN 55106

Leslie McMurray, Exec. Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130
St. 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 13th day of September, 2010


Notary Public

