



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 10, 2015

NOTICE OF INTENT TO SUSPEND LICENSE

Robert Eberhard, President  
Eberhard Construction, Inc.  
7491 Stillwater Boulevard North  
Oakdale, MN 55128

RE: Sidewalk Contractor license held by Eberhard Construction, Inc., d/b/a Eberhard Construction, Inc.  
for the City of Saint Paul  
License ID #20130004930

Dear Mr. Eberhard:

The Department of Safety and Inspections (DSI) has recommended suspension of the Sidewalk Contractor license held by Eberhard Construction, Inc., d/b/a Eberhard Construction, Inc. for the City of Saint Paul. The basis for the recommendation is as follows:

**On July 29, 2015, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections (DSI) stating that you submitted a license fee payment of \$178.00 on June 30, 2014 to cover the renewal period from June 1, 2014 through June 1, 2015. However the license was never issued because you failed to submit the required information to renew your license.**

**In order to renew your license for the period of June 1, 2014 through June 1, 2016 you were asked to return the enclosed information along with your \$178.00 license fee:**

- **A completed Sidewalk Contractor Bond form executed by your bonding company covering the following periods of time: August 20, 2014 through August 20, 2015 and August 20, 2015 through August 20, 2016 (enclosed).**
- **A completed Certificate of Compliance Minnesota Workers' Compensation Law form (enclosed).**

**You were given until August 21, 2015, to pay the delinquent license and late fees and submit the required information. As of today's date, neither has been received.**

In addition to the suspension of your Sidewalk Contractor license, per Saint Paul Legislative Code §310.05 (m) (2), the licensing office will also recommend a \$500.00 matrix penalty for failure to submit the required information in order to maintain your license.

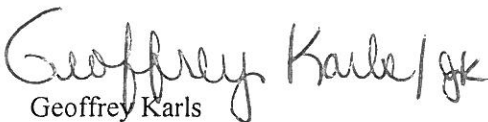
At this time, you have four (4) options to proceed:

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, September 21, 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. You can pay the delinquent license and late fees and submit the required information. If this is your choice, you need to contact the Department of Safety and Inspections (DSI) to determine the total amount due. You may then send in the payment and information directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, September 21, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent license and late fees and submission of the required information will be considered to be a waiver of the hearing to which you are entitled.
3. 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, September 21, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your Sidewalk Contractor license and impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you no longer wish to do business in the City of Saint Paul, you will need to send a written statement to that effect to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, September 21, 2015**. Information should be directed to the attention of Dan Niziolek.

**If you have not contacted me or DSI by Monday, September 21, 2015, I will assume that you do not contest the suspension of your Sidewalk Contractor license and imposition of the \$500.00 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  
Robert Eberhard, 11042 – 95<sup>th</sup> Street, Glencoe, MN 55336

Return To:  
City of St Paul  
Department of Safety & Inspection  
375 Jackson Street, suite 220  
Saint Paul, MN 55101

Bond Number

Sidewalk Contractor Bond

KNOW ALL MEN BY THESE PRESENTS:

That we,  
of the CITY OF SAINT PAUL, in the COUNTY OF RAMSEY, and State of Minnesota, as principal, and  
\_\_\_\_\_ as surety, are held and firmly bound jointly and  
severally, unto the CITY OF SAINT PAUL in the sum of Five Thousand (\$ 5,000.00 ) good and lawful money of the  
United States, to be paid to said CITY OF SAINT PAUL, for which payment in full, well and truly to be made, we do  
hereby bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by  
theses presents.

Sealed with our seals, and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Whereas, the above bounden \_\_\_\_\_ has made application for Sidewalk  
Contractor=s license pursuant to Ordinance No. 8442, approved April 1, 1943.

NOW, THEREFORE, the conditions of the above bounden obligation are such that if the principal herein named  
shall be granted such license, and shall full and faithfully meet and perform all of the conditions in and by the terms, of said  
Ordinance No. 8442 upon \_\_\_\_\_ imposed, and shall also save harmless and defend the CITY OF SAINT  
PAUL and the interested property owner from all claims, judgements, suits, costs, charges, damages and expenses that may  
accrue to persons or property on account of or arising by reason of the default or neglect of said principal pertaining to the  
construction, maintenance, operation, use, presence or removal of concrete and / or finish cement work, and the building or  
repairing of public sidewalks, curbs, driveways, trap-doors, coal holes, tunnels, or areaways, performed by, for, or under the  
supervision of said principal as such licensee, within said CITY OF SAINT PAUL during the period of said license, and  
shall also comply with all requirements of law, either of ordinance or statute, with reference to the same, then the above  
bounden obligation shall be void; otherwise to remain in full force and effect.

Liability of the surety on this bond shall be terminates for any act or acts of said principal occurring after  
( the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ ) OR (Continuous until Notice of Cancellation filed  
as provided herein)\*. (Note: Strike one.)\*

Signed, Sealed, and Delivered in Presence of

(SEAL)

(SEAL)

as to principal

(SEAL)

(SEAL)

State of Minnesota )

) ss. Acknowledgment as to Principal (Individual)

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, came before me personally \_\_\_\_\_, to me well known to be the persons who executed the foregoing bond, and each severally acknowledged the same to be his own act and deed.

Notary Public, \_\_\_\_\_ County, MN  
My Commission expires

State of Minnesota )

) ss. Acknowledgment as to Principal (Corporation)

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_, before me appeared \_\_\_\_\_, to me personally known, who, being duly sworn, did say that he is the \_\_\_\_\_ of the \_\_\_\_\_, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, \_\_\_\_\_ County, MN  
My Commission expires

State of Minnesota )

) ss. Acknowledgment as to Surety

County of \_\_\_\_\_ )

\_\_\_\_\_, severally, being duly sworn, each for himself says he is one of the sureties to the above bond, and that he is a resident of the State of Minnesota, and that he is seized in fee of real estate situate in said state and not exempt by law from sale on execution, of the value and worth, over and above all encumbrances thereon, the sum specified in the foregoing bond. Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public, \_\_\_\_\_ County, MN  
My Commission expires

The foregoing bond is hereby approved as to form and execution, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Asst. Corporation Counsel

hereby approved the within bond as to surety thereon, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Commissioner of Finance

STATE OF MINNESOTA)  
 ) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

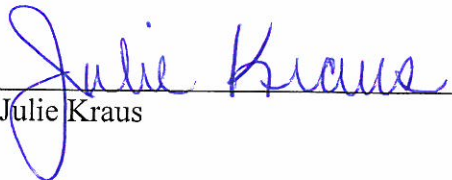
COUNTY OF RAMSEY )

Julie Kraus, being first duly sworn, deposes and says that on the 10<sup>th</sup> day of September she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and correct copy thereof in an envelope addressed as follows:

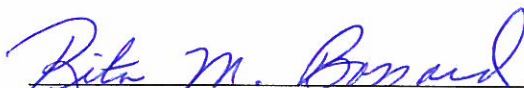
Robert Eberhard, President  
Eberhard Construction, Inc.  
7491 Stillwater Boulevard North  
Oakdale, MN 55128

Robert Eberhard  
11042-95<sup>th</sup> Street  
Glencoe, MN 55336

(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 10<sup>th</sup> day of September, 2015

  
Notary Public

