



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

October 31, 2017

NOTICE OF VIOLATION
NOTICE OF INTENT TO SUSPEND LICENSE

Charles Belcher, Owner
Payless Auto Sales
1414 Arcade Street
St. Paul, MN 55106

RE: Second Hand Dealer–Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Payless Auto Sales for the premises located at 1414 Arcade Street in Saint Paul
License ID #20100004369

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Second Hand Dealer–Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Payless Auto Sales for the premises located at 1414 Arcade Street in Saint Paul. The basis for the recommendation is as follows:

On October 18, 2017, a DSI inspector came to the licensed premises for an inspection and documented the following five (5) license condition violations:

1. Eighteen (18) vehicles were parked on the lot in violation of license condition #10: *"A maximum of fifteen (15) total vehicles may be parked outdoor on the property at any time: no more than twelve (12) for sale vehicles may be displayed/parked, and at least three (3) customer/employee spaces shall be available on the property. All vehicles must be parked according to the site plan on file with DSI."*
2. Parking spaces were not striped violation of license condition #11: *"All parking spaces on the property associated with the auto sales business shall be striped, clearly designated with signage, and maintained according to the approved site plan on file with DSI dated 10/3/08, prior to the issuance of the license. Labeling of parking shall include the spaces for customer, employee, and for-sale vehicles."*
3. There were signs on the side of the building, on the canopy and a temporary sign on the property without the appropriate permits in violation of license condition #13: *"Prior written approval and necessary permit(s) shall be obtained from DSI before the installation of any signage. This shall include both permanent and temporary signage."*
4. A pennant and banner were present on the property in violation of license condition #14: *"No banners, pennants and/or stringers shall be permitted."*

5. The forty (40) inch high ornamental metal fence has not been installed in violation of license condition #16: "A forty (40) inch high ornamental metal fence must be installed along Arcade Street from the building to the new driveway. Behind the fence a four (4) foot landscaped area, running the length of the fence, must be planted with hardy shrubs (such as Alpine Currant or Black Chokeberry) that are a minimum of 18" in height. All landscaping must be maintained and/or replaced as needed."

This is the third (3rd) violation of your license conditions within the past eighteen (18) months; therefore, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$2,000.00 matrix penalty and a ten (10) day suspension of your licenses.

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 **Friday, November 10, 2017**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the next available 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 **Friday, November 10, 2017**. The matter will then be scheduled before the City Council to determine whether to impose the \$2,000.00 matrix penalty and ten (10) day suspension of your licenses. 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 **Friday, November 10, 2017**. 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 Friday, November 10, 2017, I will assume that you do not contest the imposition of the \$2,000.00 matrix penalty and ten (10) day suspension of your licenses. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Julie Kraus, my Legal Assistant at 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Charles Belcher, 1069 Argyle Street, St. Paul, MN 55103
Lissa Jones-Lofgren, Interim Executive 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 31ST day of October she served the attached **NOTICE OF VIOLATION and NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

Charles Belcher, Owner
Payless Auto Sales
1414 Arcade Street
St. Paul, MN 55106

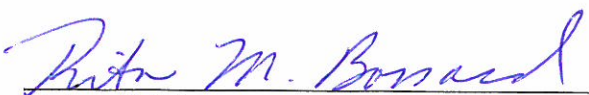
Charles Belcher
1069 Argyle Street
St. Paul, MN 55103

Lissa Jones-Lofgren, Interim Executive 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 31ST day of October, 2017


Notary Public

