

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

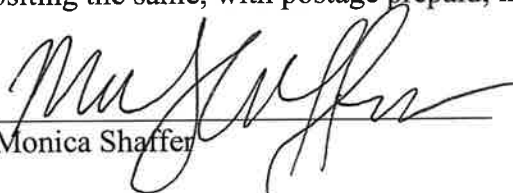
Monica Shaffer, being first duly sworn, deposes and says that on the 29th day of December she served the attached **CITY OF SAINT PAUL DEPARTMENT OF SAFETY AND INSPECTIONS CLOSING ARGUMENT** and a correct copy thereof in an envelope addressed as follows:

M F K Enterprise Inc
d/b/a M F K Enterprise
830 Robert Street South
Saint Paul, MN 55107
Attn: Moe Faryaneh Kia

Moe Faryaneh Kia
9133 Utica Avenue South
Bloomington, MN 55437

Judge, Megan McKenzie
Office of Administrative Hearings
600 Robert St N.
P.O. Box 64620
Saint Paul, MN 55164-0620

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

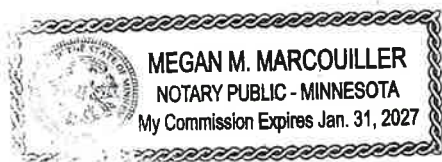


Monica Shaffer

Subscribed and sworn to before me
This 29th day of December 2025



Notary Public



STATE OF MINNESOTA

ADMINISTRATIVE HEARING

COUNTY OF RAMSEY

In re auto repair garage and second hand dealer motor-vehicle license held by MFK Enterprise Inc d/b/a MFK Enterprise at the premises located at 830 Robert Street South in Saint Paul; License ID # 57957.

CAH No. 25-6020-40909

**CITY OF SAINT PAUL DEPARTMENT
OF SAFETY AND INSPECTIONS
CLOSING ARGUMENT**

At the hearing before Judge McKenzie on December 16, 2025, the City of Saint Paul Department of Safety and Inspections (City) proved that MFK Enterprise Inc d/b/a MFK Enterprise (Licensee), located at 830 Robert Street South (Licensed Premises), violated various provisions of the Saint Paul Legislative Code (SPLC) and that the presumptive \$1,000 matrix penalty is proper. The City also demonstrated that the recommended additional conditions are reasonable. The City recognizes the importance of the Licensee's business but must acknowledge the ongoing concerns and complaints of the neighbors who have a right to enjoy their property and the neighborhood's interest in being free from unnecessary hazards that have been created by the Licensee's improper maintenance of its Licensed Premises and conducting of its business.

The City may take adverse action against a licensee when a licensee violates any ordinance, statute, or license condition. SPLC §§ 310.01 (defining adverse action), 310.04(a), (b)(5)-(6) (explaining basis for adverse action) (2025). The City proved that adverse action was taken against the Licensee on January 12, 2024, and Mr. Hudak testified as to the City's interpretation of the SPLC—that a second adverse action, on any basis outlined in SPLC § 310.04(b) (2025), commenced within 24 months of the first action is considered a second appearance under SPLC § 310.03(m)(1) (2025). *Exh. 4; Rec.*¹ at 31:40-32:05. Therefore, the City proved that the current

¹ "Rec." indicates the audio recording of the Hearing held at the Court of Administrative Hearings on December 16, 2025.

adverse action should be considered a second appearance under SPLC § 310.03(m)(1), and the presumptive \$1,000 matrix penalty should be applied so long as the City proved that the Licensee violated a current license condition or the SPLC.

Here, the City has proved that the Licensee violated four current license conditions and two sections of the SPLC through evidence and testimony presented relating to inspections on October 3, 2024, and November 14, 2024; furthermore, Mr. Kia admitted under oath that he was responsible for several of these recorded violations. *Rec. at 3:35:15-3:49:50*. First, current license condition one dictates that parking on the Licensed Premises must be consistent with the site plan, and Exhibit 12, pages 12-21 and 12-22, demonstrate that there was a vehicle improperly parked on the Licensed Premises. *Exhs. 13, 14*. Second, current license condition four requires that all service of vehicles take place inside the garage building, not on the surface lot, and in Exhibits 9 and 12 vehicles can be seen in need of service and parked on the surface lot, specifically on pages 9-4, 9-14, 12-21. *Exh. 13*. Third, current license condition five prohibits the storage of vehicle parts on any exterior portion of the Licensed Premises, and Exhibit 9, page 9-11, shows a violation of this condition. *Exh. 13*. And fourth, current license condition six requires storage of vehicle fluids in accordance with Ramsey County Hazardous Waste Regulations, and Exhibit 12, page 12-10, shows a large drum marked anti-freeze/coolant being stored improperly on the Licensed Premises. *Exh. 13*.

In addition to these photos indicating violations of four current license conditions, which were admitted to by the Licensee, these photos also indicate violations of two sections of the SPLC. First, external storage of any items by auto repair shops is prohibited. SPLC § 65.705(d) (2025). Second, the presence of garbage, solid waste, and refuse on the Licensed Premises is prohibited outside of collection bins. SPLC § 34.32 (2025), *see* SPLC § 34.03 (2025) (explaining section

34.32 applies to nonresidential properties). Photos in Exhibits 9 and 12 indicate that section 34.32 was violated because there was an accumulation of garbage, solid waste, and refuse on the Licensed Premises, as seen on pages 9-12, 12-7, 12-11, 12-13, 12-16, 12-17, 12-18, 12-19, 12-20, and 12-23 (bottom photo). Because the City has demonstrated that the Licensee violated four current license conditions and two sections of the SPLC, there was sufficient basis for adverse action; and because the basis for adverse action is the second appearance within 24 months, the presumptive \$1,000 matrix penalty should be imposed.

In addition to the presumptive matrix penalty, the City requests the imposition of additional conditions on the License. The SPLC permits the imposition of license conditions if there is a reasonable basis for the conditions and the conditions are to be imposed “for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods.” SPLC § 310.04(c) (2025).

The City proposed the addition of three conditions to the License, *Exh. 13*, which were based on the complaints received from neighbors and the observations of Inspectors Vang and Voyda during inspections of the Licensed Premises. Proposed conditions four and six relate to parking vehicles on the street to wait for service or repairing vehicles on the street. *Exh. 13*. During the hearing, Inspector Vang testified at various points that he was told by people who identified themselves as the Licensee’s employees or the employees of the other license holder on the property that the cars on the street, and the employees working on them, were connected to the Licensee. *Rec. at 1:15:00, 1:22:40, 1:24:25, 1:33:30*. Although the Licensee asserted at the hearing that the employees lied, Inspector Vang testified that he had seen the employees on previous visits, did not have a reason to believe that the employees were lying to him, and observed

several employees go in and out of the Licensee's office. *Rec. at 1:35:00-1:36:40*. Furthermore, Mr. Hudak testified that proposed condition six is now recommended for all auto repair shop and second-hand dealer licenses due to the nature of these businesses. *Rec. at 44:05-45:00*. Both recommended license conditions four and six promote public safety and eliminate public nuisance. The use of public roadways for delivery of or service to vehicles is dangerous for other drivers and the individuals working on the vehicles, thus the conditions promote public safety. The use of public roadways for parking or servicing vehicles also makes it so that neighbors cannot use the public parking, thus the conditions eliminate public nuisance. The site plan for the Licensed Premises provides space for the Licensee to conduct business. *Exh. 14*. Because proposed conditions four and six are supported by a reasonable basis and promote public safety and eliminate public nuisance, these should be imposed on the License.

Proposed condition eight is recommended because Inspectors Vang and Voyda observed vehicle parts and fluids being placed on the Licensed Premises in violation of the Ramsey County Hazardous Waste regulations. *Rec. at 1:45:30-1:47:00*. The improper storage of hazardous materials such as these create a public nuisance and endanger anyone or anything who may enter the property; these hazards can leech into the soil and contaminate surrounding properties if these materials are not properly stored. Because proposed condition eight is supported by a reasonable basis and promotes public safety and eliminates public nuisance, it should be imposed on the License.

The Licensee asserted at the Hearing that the violations were the responsibility of the other license holder's business on the property. However, the Licensee did not bring any evidence, such as the manager of the other business, to support his assertion at the Hearing, despite bringing that manager to the City Council meeting that led to this hearing. The Licensee also never responded

to the City's request for discovery, requesting that he disclose his defenses, so that the City could respond to these arguments at the hearing. The City's witnesses had no reason to disbelieve employee statements or lie during testimony about observations of the Licensed Premises, and the City has received dozens of complaints over the years about the Licensee's business.

In sum, the City has proved that it had a basis for adverse action and that this was a second appearance, therefore the imposition of the presumptive \$1,000 matrix penalty is proper. Furthermore, the City has proved that the three recommended conditions are supported by a reasonable basis and promote public safety and eliminate nuisance. Because the City has met its burden, the City respectfully requests that the Court impose the recommended penalty and conditions against the Licensee.

LYNDSEY M. OLSON
City Attorney

Dated: December 29, 2025

s/ Monica Shaffer
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*Attorney for the City of Saint Paul Department of
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