



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

November 23, 2016

NOTICE OF VIOLATION

Charles Belcher, Owner
Best Buy 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 Best Buy 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 Best Buy Auto Sales for the premises located at 1414 Arcade Street in Saint Paul. The basis for the recommendation is as follows:

On November 7, 2016, a DSI inspector came to your licensed premises for an inspection, based on a complaint received, and found the following license condition violations:

1. Twenty-five (25) 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....."*
2. Cars were not parked according to the approved site plan (i.e., cars parked in the drive lanes, obstructing the maneuvering capabilities of the vehicles driving in and out of the lot) in violation of license condition #10: *".....All vehicles must be parked according to the approved site plan on file with DSI."*
3. Customers of the used car lot were parking on the adjacent business's lot due to the over capacity of the car lot in violation of license condition #10: *".....All vehicles must be parked according to the approved site plan on file with DSI."*
4. The lot was not striped in 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."*

This is the second (2nd) violation to your license conditions with the past twelve (12) months; therefore, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$1,000.00 matrix penalty.

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, December 5, 2016**, 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 recommended \$1,000.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, December 5, 2016**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
3. 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, December 5, 2016**. The matter will then be scheduled before the City Council to determine whether to impose the \$1,000.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. 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, December 5, 2016**. 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 Monday, December 5, 2016, I will assume that you do not contest the imposition of the \$1,000.00 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,



Therese Skarda
Assistant City Attorney

cc: Charles Belcher, 1069 Argyle Street, St. Paul, MN 55103
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council, 506 Kenny Road, Ste. 130
St. Paul, MN 55130

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

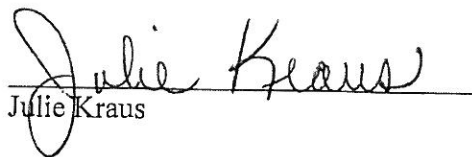
Julie Kraus, being first duly sworn, deposes and says that on the 23rd day of November she served the attached **NOTICE OF VIOLATION AND INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

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

Charles Belcher
1069 Argyle Street
St. Paul, MN 55103

Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 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 23rd day of November, 2016


Notary Public

