



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

July 6, 2017

NOTICE OF VIOLATION

Irma Ortega, Owner  
3B Auto Sales  
1176 Dale Street North  
St. Paul, MN 55117

RE: Second Hand Dealer – Motor Vehicle and Auto Repair Garage licenses held by Phoenix Auto d/b/a/ 3B Auto Sales for the premises located at 1176 Dale Street North in Saint Paul  
License ID #20170000815

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Second Hand Dealer – Motor Vehicle and Auto Repair Garage licenses held by Phoenix Auto d/b/a/ 3B Auto Sales for the premises located at 1176 Dale Street North in Saint Paul. The basis for the recommendation is as follows:

Based on a complaint received on June 21, 2017, two (2) inspectors from the Department of Safety and Inspections conducted an inspection your licensed premises on June 22, 2017 and documented the following five (5) license condition violations:

1. Seventy-seven (77) vehicles were parked on the lot in violation #3: “..... *No more than 45 parking spaces shall be striped....*”
2. Vehicles parked in the alley and maneuvering lane in violation of license condition #3: “*No vehicles shall be parked outside of the striped areas.*”
3. Vehicles parked on unimproved surfaces in violation of approved site plan on file with DSI and license conditions #3: “*Parking areas and driveways shall be paved with a permanent, durable and dustless surface, and striped for parking according to the 3/13/17 approved site plan.* Also license condition #13: “*Licensee agrees to maintain the site in accordance with the approved site plan dated 3/13/17. This includes, but is not limited to the striping of vehicle parking spaces, the parking space signage, fencing and planter boxes.*”
4. Vehicles marked “For Sale” are being parked in areas designated as customer parking in violation of license condition #3: “*The 7 spaces along the Dale Street frontage are reserved specifically for vehicles displaying “For Sale” signage. No vehicle other than a “For Sale vehicle may be parked along the Dale Street Frontage.*” and license condition #14: “*A minimum of thirteen (13) parking spaces shall be designated with weather resistant signage clearly stating “customer/employee parking only”, one of which shall have signage identifying it as “Handicap parking.*”
5. Planter not placed according to Site Plan in violation of license condition #13: “*Licensee agrees to maintain the site in accordance with the approved site plan date 3/13/17. This includes, but is not limited to the striping of vehicle parking spaces, the parking space signage, fencing and planter boxes.*”

As a result of these license condition violations, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 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, July 17, 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. You can pay the \$500.00 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, July 17, 2017**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 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, July 17, 2017**. The matter will then be scheduled before the City Council to determine whether to 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 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, July 17, 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 by **Monday, July 17, 2017**, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. 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 four (4) options, please feel free to contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda  
Assistant City Attorney

cc: Irma Ortega, 990 Payne Avenue, St. Paul, MN 55130  
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

STATE OF MINNESOTA)  
 ) ss.

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

COUNTY OF RAMSEY )

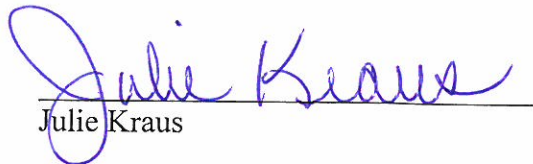
Julie Kraus, being first duly sworn, deposes and says that on the 6<sup>TH</sup> day of July she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Irma Ortega, Owner  
3B Auto Sales  
1176 Dale Street North  
St. Paul, MN 55117

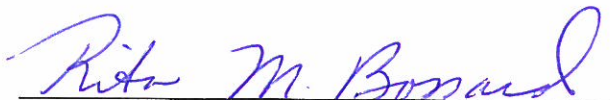
Irma Ortega  
990 Payne Avenue  
St. Paul, MN 55130

Kerry Antrim, Executive Director  
District 6 Planning Council  
171 Front Avenue  
St. Paul, MN 55117

(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 6<sup>TH</sup> day of July, 2017

  
Notary Public

