



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

December 3, 2013

NOTICE OF VIOLATION

Ivo Fru Tabukum
IT Auto Towing & Services
33 Acker Street East
Saint Paul, MN 55117

RE: Auto Repair Garage and Auto Body Repair Shop licenses held by Ivo Fru Tabukum d/b/a IT Auto Towing & Services for the premises located at 33 Acker Street East in Saint Paul
License ID #: 20130002927

Dear Ivo Fru Tabukum:

The Department of Safety and Inspections will recommend adverse action against the Auto Repair Garage and Auto Body Repair Shop licenses held by Ivo Fru Tabukum d/b/a IT Auto Towing & Services for the premises located at 33 Acker Street East in Saint Paul. The basis for the recommendation is based on the following information:

On November 7, 2013, you were sent a letter from the Department of Safety and Inspections regarding an inspection that took place that same day. During that inspection, photographs were taken indicating the following violations to your license conditions:

- 1. There were twenty-six (26) vehicles observed on the lot in violation of license condition #1 which states: "Maximum number of vehicles on the lot shall not exceed (17) seventeen."**
- 2. Vehicles were parked in the maneuvering lanes and not in compliance with approved site plan in violation of license condition #2 which states: "Seven (7) parking spaces on the property must be provided for customers and employees at all times. All customer cars waiting for pick-up and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated June 25, 2013."**

You were given until November 21, 2013 to bring your establishment into compliance with your license conditions. On November 26, 2013, an inspector from the Department of Safety and Inspections came to your establishment for a re-inspection. During that re-inspection, the inspector found the same license condition violations noted on November 7, 2013:

1. There were twenty-five (25) vehicles observed on the lot in violation of license condition #1 which states: *"Maximum number of vehicles on the lot shall not exceed (17) seventeen."*
2. Vehicles were parked in the maneuvering lanes and not in compliance with approved site plan in violation of license condition #2 which states: *"Seven (7) parking spaces on the property must be provided for customers and employees at all times. All customer cars waiting for pick-up and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated June 25, 2013."*

As a result of these repeat 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 two options on how to proceed:

1. You can pay the recommended \$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 **Friday, December 13, 2013**. 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.
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, December 13, 2013**. The matter will then be scheduled before the City Council for a public hearing 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.
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, December 13, 2013**. 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 or DSI by Friday, December 13, 2013, 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 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: Christine Rozek, Deputy Director of DSI
Ivo Fru Tabukum, 4059 Geneva Avenue North, Apt. #101, Oakdale, MN 55128
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

