



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 13, 2017

NOTICE OF VIOLATION

Jorge Samper Zelaya  
Sunray BP  
344 Ruth Street North  
St. Paul, MN 55119

RE: Gas Station, Auto Repair Garage and Cigarette/Tobacco licenses held by Sunray Gas, LLC d/b/a Sunray BP for the premises located at 344 Ruth Street North in Saint Paul  
License ID #20150000438

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Gas Station, Auto Repair Garage and Cigarette/Tobacco licenses held by Sunray Gas, LLC d/b/a Sunray BP for the premises located at 344 Ruth Street North in Saint Paul. The basis for the recommendation is as follows:

Based on a complaint received, an inspector from the Department of Safety and Inspections (DSI) conducted an inspection of your licensed premises on November 8, 2017 and documented the following four (4) license condition violations:

1. Thirteen (13) vehicles were parked on the premises which is five (5) vehicles over the maximum of eight (8) allowed. In addition, vehicles were parked the wrong way in the parking spaces and in spaces not approved for parking in violation of the site plan and license condition #1: *"All customer, business and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 02/25/2015. A maximum of eight (8) vehicles may be parked on the property at one time."*
2. Striping in the parking lot was changed without editing the plan on file with DSI specifically the handicap loading zone was removed in violation of the site plan and license condition #2: *"The parking lot shall be striped and maintained in accordance with the approved site plan on file with the Department of Safety and Inspections dated 02/25/2015. This includes signage/striping for one handicap parking space, and wheel stops in the southwest corner of the property. The striping of parking spaces and installation of handicap parking signage and wheel stops shall be completed by 06/01/2015."*
3. Tires were found outside in violation of license condition #3: *"There shall be no exterior storage of vehicle parts, tires, oil or any other similar material associated with the business..."*

4. Two (2) vehicles were parked in the public right-of-way (boulevard) on the grass in violation of license condition #4: *"At no time shall customer, employee, and/or business vehicles be parked in the driveway, in the public right-of-way (e.g. street, alley, sidewalk, boulevard, etc.) or extend into the public right-of-way. This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle."*

On November 17, 2017 you were sent an ENFORCEMENT NOTICE from the Department of Safety and Inspections concerning the license condition violations documented during the inspection on November 8, 2017. The letter required you to make the parking corrections by December 1, 2017 and the parking lot striping by June 1, 2018.

On December 4, 2017 the DSI inspector returned for a re-inspection and documented the following three (3) repeated license condition violations:

1. Ten (10) vehicles were parked on the premises which is two (2) vehicles over the maximum of eight (8) allowed. In addition, vehicles were parked the wrong way in the parking spaces and in spaces not approved for parking in violation of the site plan and license condition #1: *"All customer, business and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 02/25/2015. A maximum of eight (8) vehicles may be parked on the property at one time."*
2. Tires were found outside in violation of license condition #3: *"There shall be no exterior storage of vehicle parts, tires, oil or any other similar material associated with the business....."*
3. Evidence of vehicles continuing to be parked in the public right-of-way (boulevard) on the grass in violation of license condition #4: *"At no time shall customer, employee, and/or business vehicles be parked in the driveway, in the public right-of-way (e.g. street, alley, sidewalk, boulevard, etc.) or extend into the public right-of-way. This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle."*

As a result of these continued 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 **Tuesday, December 26, 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 **Tuesday, December 26, 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 **Tuesday, December 26, 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 **Tuesday, December 26, 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 Tuesday, December 26, 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 contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda  
Assistant City Attorney

cc: Jorge Samper Zelaya, 433 – 7<sup>th</sup> Street South, Unit #2027, Minneapolis, MN 55415  
Betsy Leach, Executive Director, District Community Council, SunRay Shopping Center  
2105 ½ Old Hudson Road, St. Paul, MN 55119

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 13<sup>th</sup> day of December she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Jorge Samper Zelaya  
Sunray BP  
344 Ruth Street North  
St. Paul, MN 55119

Jorge Samper Zelaya  
433 – 7<sup>th</sup> Street South, Unit #2027  
Minneapolis, MN 55415

Betsy Leach, Executive Director  
District Community Council  
SunRay Shopping Center  
2105 ½ Old Hudson Road  
St. Paul, MN 55119

(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 13<sup>th</sup> day of December, 2017

  
\_\_\_\_\_  
Notary Public

