

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

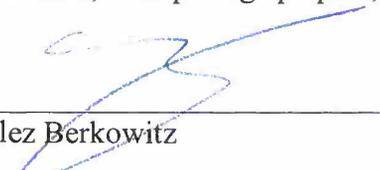
Alan Tellez Berkowitz, being first duly sworn, deposes and says that on the sixth day of November he served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Minnesota Tree Experts LLC
d/b/a Minnesota Tree Experts
7527 Oliver Avenue North
Brooklyn Park, MN 55444

Jacob Gall,
7527 Oliver Avenue North,
Brooklyn Park MN 55444

Uriah Ward, Executive Director
SunRay Shopping Center
2105 1/2 Old Hudson Road
Saint 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.

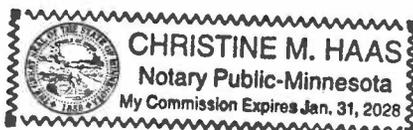


Alan Tellez Berkowitz

Subscribed and sworn to before me
This sixth day of November 2023



Notary Public





November 6, 2023

NOTICE OF INTENT TO DENY LICENSE

Minnesota Tree Experts LLC
d/b/a Minnesota Tree Experts
7527 Oliver Avenue North
Brooklyn Park, MN 55444

RE: Tree Trimmer, Tree Trimmer Vehicle, and Tree Trimmer Additional Vehicle license applications submitted by Minnesota Tree Experts LLC d/b/a Minnesota Tree Experts for the premises located at 7527 Oliver Avenue North Brooklyn Park, MN 55444
License ID #: 20230000536

Dear Applicant:

The Department of Safety and Inspections will recommend denial of the Tree Trimmer, Tree Trimmer Vehicle, and Tree Trimmer Additional Vehicle license applications submitted by Minnesota Tree Experts LLC d/b/a Minnesota Tree Experts ("Licensee") located at 7527 Oliver Avenue North in Brooklyn Park.

Legal Basis for Adverse Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."



Saint Paul Legislative Code §310.03 requires that new license applications be investigated and reviewed stating:

“The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law.”

Saint Paul Legislative Code §310.04(a) states: “Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.”

Saint Paul Legislative Code § 362.01 states: “No person shall fell, cut, or trim any tree for hire in Saint Paul, or engage in the business of so doing without a license. This shall apply only to the felling, cutting, or trimming of trees, limbs and branches which are two (2) inches or more in diameter at the point of cutting or severance.”

Saint Paul Legislative Code § 362.03(a) states: “In addition to other required information, the application shall state the . . . make and style of trucks or vehicles to be used by the applicant in carrying on the business of tree trimmer.” Saint Paul Legislative Code § 362.03(c) goes on to state: “The department of safety and inspections shall furnish the licensee with a sticker for each vehicle licensed”.

Adverse Action Recommendation:

Because you have been notified several times that your license application needed to include a vehicle inspection and because you cannot be reached due to an incorrect or inactive email and your failure to respond to phone calls attempted by the Department, the Department of Safety and Inspections will recommend denial of the Tree Trimmer and Tree Trimmer Vehicle license applications based on violation to Saint Paul Legislative Code § 310.03 and § 310.04(a).

Factual basis for denial of Auto Repair Garage license:

On March 17, 2023, you submitted Class “R” License Applications for a tree trimming, tree trimmer vehicle, and tree trimmer additional vehicle licenses.

On April 28, 2023, an Inspector from the Department emailed you at mntrees@msn.com regarding the need to have the vehicles inspected and asked you where your Tree Trimmer Vehicles would be stored.



On May 23, 2023, an Inspector from the Department left a voicemail with Jacob James Gall, the license applicant regarding the need to get vehicle inspections scheduled.

On October 3, 2023, an Inspector from the Department left a voicemail regarding the need to get vehicle inspections scheduled. The inspector gave you a deadline to respond by, October 17, 2023.

On October 3, 2023, DSI Licensing Inspector Vang sent an email to mntrees@msn.com asking you to submit the following information: a copy of the most recent DOT Inspection report for each vehicle, pictures of the vehicles, a certificate of insurance showing current insurance, proof of Minnesota Department of Agriculture Tree Care registration, a copy or picture of your registered arborists current certification, a completed workers' compensation insurance certification form, a completed vehicle information form, and a DOT inspection form. Inspector Vang gave you until October 17, 2023, to respond.

On October 23, 2023, an Inspector from the Department left a voicemail giving you a last chance to provide all the information regarding the licenses.

The email and voicemails stated that if you failed to take appropriate action in this matter, the Department of Safety and Inspections would recommend that adverse action be taken to deny your license applications.

As of today, the Department of Safety and Inspections has not been contacted with the information requested to continue processing your license applications.

You have five (5) options on how to proceed:

1. If I have not heard from you by **November 16, 2023**, 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 and denial of you license application.
2. Submit the required information requested to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **November 16, 2023**.



3. If you wish to admit the facts but you contest the penalty, you may have a 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 no later than **November 16, 2023**. The matter will then be scheduled before the City Council to determine whether or not your Tree Trimmer, Tree Trimmer Vehicle, and Tree Trimmer additional vehicle license applications should be denied. You will have an opportunity to appear before the City 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 **November 16, 2023**. 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 hearing will need to be scheduled before the City Council. 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 recommend that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code §310.05 (k).

5. You can withdraw your Tree Trimmer and Tree Trimmer Vehicle license applications. Complete and return the attached REQUEST TO WITHDRAW REQUEST FOR REFUND form to the Department of Safety and Inspections (DSI), located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **November 16, 2023**.

If you have not contacted me by November 16, 2023, I will assume that you do not contest the denial of your Tree Trimmer and Tree Trimmer Vehicle license applications. 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 options, please contact my Law Clerk, Alan Tellez Berkowitz at (651) 266-8744 or alan.tellez@ci.stpaul.mn.us.

Sincerely,



Therese Skarda
Assistant City Attorney
License No. 0402652

Cc: Jacob Gall, 7527 Oliver Avenue North, Brooklyn Park MN 55444
Uriah Ward, Executive Director, SunRay Shopping Center
2105 1/2 Old Hudson Road St. Paul, MN 55119

Attachment: Copy of Class R license Application dated 03/17/2021
License Group Comments Text Screenshot
Requirement Comments Text Screenshot
Email from Linda Koran to mntrees@msn.com
Email from Allan Vang to mntrees@msn.com
310.03 – St. Paul, MN Code of Ordinance
310.04 – St. Paul, MN Code of Ordinance
362.01 – St. Paul, MN Code of Ordinance
362.03 – St. Paul, MN Code of Ordinance

194 + 79



CITY OF SAINT PAUL
Department of Safety and Inspections
Ricardo X. Cervantes, Director
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101
Phone: 651-266-8989
Web: www.stpaul.gov/dsi

Received

MAR 2 2023

Class "R" License Application

LICENSES ARE NOT TRANSFERRABLE

Payment must be received with Each Application
This application is subject to review by the public.

Types of License(s) being applied for:

City of Saint Paul - DSI

Fee(s):

- a. Tree Service - Tree Trimmer / 1 Vehicle 194 + 79
- b. (1) Each Additional Vehicle _____
- c. _____
- d. _____

Total: \$ 273 .

Business/Applicant Information

Business Address: 7527 Oliver Aven Brooklyn Park MN 55444
Street City State Zip

Mail To Address: 7527 Oliver Aven. B.P. MN 55444
Street City State Zip

Company Name: Minnesota Tree Experts LLC Doing Business As: Minnesota Tree Experts

Company Type: Corporation Partnership _____ Sole Proprietorship _____

Licensee/Owner Name: JACOB JAMES GALL
(Responsible Party) First Middle Last

Title: OWNER

Date of Birth: [Redacted]

Applicant Home Address: [Redacted]
Home Phone #: [Redacted]
Fax #: [Redacted]

Supplemental Required Information

Business Manager, if different from Applicant

Manager's Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: / / Phone #: _____

Email Address: _____

Please list all other Person(s) to Appear on the Business License (Attach another sheet if applicable.)

Select Type: Officer _____ Partner _____ Shareholder _____

Officer Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone #: _____

Email Address: _____

Select Type: Officer _____ Partner _____ Shareholder _____

Officer Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone #: _____

Email Address: _____

Select Type: Officer _____ Partner _____ Shareholder _____

Officer Name: _____
First Middle Last

Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone #: _____

Email Address: _____

Select Type: Officer _____ Partner _____ Shareholder _____

Officer Name: _____
First Middle Last

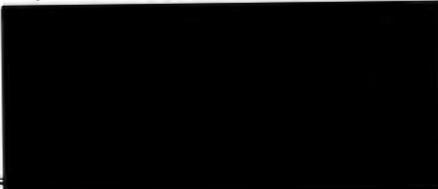
Home Address: _____
Street City State Zip

Date of Birth: _____ / _____ / _____ Phone #: _____

Email Address: _____

FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION

I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief. I hereby state further that I have received no money or other consideration by way of loan, gift, contribution, or otherwise, other than already disclosed in the application which I herewith submitted. I also understand this premise may be inspected by police, fire, health and other city officials at any time when the business is in operation.



Owner
Title

03-17-03
Date

Licensee: MINNESOTA TREE EXPERTS LLC

DBA: MINNESOTA TREE EXPERTS

License #: 20230000536

10/23/2023 Call and left a VM at 763-560-9616 for a last chance to forward photos for the truck inspections - deadline to respond 10/27/2023 JNV

10/23/2023 AA sent to JNV for review. AYV

10/3/2023 Left VM and emailed vehicle inspection requirements to LH. Deadline to respond is 10/17/23. AYV

5/23/2023 Left VM regarding vehicle inspection. AYV

Requirement Comments Text

10/23/2023

Licensee: MINNESOTA TREE EXPERTS LLC

DBA: MINNESOTA TREE EXPERTS

License #: 20230000536

04/28/2023 E-mailed for vehicle inspections and address of where vehicles will be stored. LKK

Allan Vang

From: Linda Koran
Sent: Friday, April 28, 2023 3:31 PM
To: MNTREES@MSN.COM
Cc: Allan Vang
Subject: Minnesota Tree Experts LLC Tree Trimmer License Application (License #20230000536)
Attachments: MNTreeExpertsLLCVehicleListing.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good Afternoon,

The below items are needed to complete your license application as follows:

1. The attached vehicles will need to be inspected. Please contact DSI Inspector Allan Vang to schedule an inspection. Allan can be reached at (651) 266-1915 allan.vang@ci.stpaul.mn.us
2. Please indicate the address of where your Tree Trimmer Vehicles will be stored.

Please e-mail Item 2. to me.

Thank you,

Linda Koran
Pronouns: she/her/hers
License Clerk
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
P: 651-266-9105
F: 651-266-9124
linda.koran@ci.stpaul.mn.us



SAINT PAUL
MINNESOTA

DSI Customer Service Counter is available 8:00 am - 4:00 pm (Mon - Fri).

Allan Vang

From: Allan Vang
Sent: Tuesday, October 3, 2023 11:12 AM
To: MNTREES@MSN.COM
Subject: Tree Trimmer pending application for the City of Saint Paul- Vehicle Inspection require
Attachments: Example of photos.docx; MN Worker's Comp Form - Fillable PDF 2022.pdf; VEHICLE INFORMATION FORM.doc

Hi Jacob,

I am contacting you regarding your pending application for Tree Trimmer & additional vehicles for the City of Saint Paul. To continue with the application process we would need vehicle inspection done to all listed that will be operating in the City of Saint Paul.

Minnesota Tree Experts, have until October 17, 2023, to respond regarding vehicle inspection or submit requirements. If fail to respond by the requesting date, the application will be forward to the City Attorney's Office for denial. If you have any questions I may be reach at 651-266-1915 or allan.vang@ci.stpaul.mn.us

The following steps below for vehicle inspection and all attachment will need to be submit back if you have not done so.

To complete the license, you need to **submit the following information:**

1. For the vehicles that will need to be license (**add all photos as an attachment file** and must be clearly readable):
 - a. A copy of the most recent DOT inspection report for each vehicle.
 - b. Pictures as follows for each vehicle:
 - Front picture showing vehicle and license plate.
 - Back picture showing vehicle and license plate.
 - Both side of the vehicle picture showing the entire vehicle, including printed name/DOT #/phone number of company on the vehicle. (Must be permanently attached to the vehicle with a minimum of 3" in size)
 - Picture of VIN # of each vehicle (If possible)
2. A Certificate of Insurance showing current Insurance with general liability in the amount of \$100,000 for bodily injury and \$100,000 for property damage. The Certificate Holder listed must be City of St Paul – DSI, 375 Jackson St Suite 220, St Paul MN 55101
3. Proof of MN Dept of Agriculture Tree Care registration
4. A copy or picture of your registered arborist current certification
5. A completed Workers' Compensation Insurance certification form (see attached).
6. A completed "Vehicle Information" form (See attached)
7. DOT Inspection form(s)

Respectfully,

Allan Vang

Inspector I

Department of Safety and Inspections (DSI)

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

Tel: 651-266-1915 Fax: 651-266-9124

General Information & Complaints 651-266-8989

[Business Licenses And Permits | Saint Paul Minnesota \(stpaul.gov\)](http://stpaul.gov)



SAINT PAUL
MINNESOTA

Sec. 310.03. - Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

Sec. 310.04. - Levels of approval; recommendations.

- (a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.
- (b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.
- (c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.
- (d) *Class N licenses.*
- (1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in

section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal*. The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses*. An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal*. The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

Sec. 362.03. - Licensing requirements.

- (a) *Application.* In addition to other required information, the application shall state the name and address of the applicant; whether the applicant is an individual, partnership, firm or corporation; the number, and make and style of trucks or vehicles to be used by the applicant in carrying on the business of tree trimmer.
- (b) *Insurance.* An applicant must submit evidence of insurance issued by an insurance company authorized to do business in the State of Minnesota, insuring said applicant in a sum of at least one hundred thousand dollars (\$100,000.00) for bodily injuries to or death of any person or persons not covered by the workers' compensation law, and in a sum of at least one hundred thousand dollars (\$100,000.00) for damage to or destruction of property.
- (c) *License plates and register.* The department of safety and inspections shall furnish the licensee with a sticker for each vehicle licensed, which shall be displayed on the licensed vehicle and which shall indicate the month and date of the license expiration. The name of the company, the license number, and a telephone contact number must be displayed permanently on the vehicles.
- (d) *Registration with the commissioner of agriculture.* Any individual or company licensed under this chapter shall be registered with the commissioner of agriculture as required by Minn. Stat. § 18G.07, and proof thereof shall be provided to the department of safety and inspections with all license applications and renewals.
- (e) *Compliance with recognized industry standards.* All licensees performing work under this chapter must comply with the American National Standards Institute (ANSI) Standard A300. Effective within one (1) year from the date of the adoption of these amendments, any new or renewal license applications shall require that the licensee employ an individual who possesses current certification as an arborist from the International Society of Arboriculture (ISA).
- (f) *Advertising.* The license number of a licensee under this chapter must appear in any advertising by that licensee including but not limited to signs, vehicles, business cards, published display ads, flyers, brochures, web sites, and internet ads.

(Code 1956, §§ 263.02—263.04; Ord. No. 11-107, § 1, 11-9-11)

Sec. 362.01. - License required.

No person shall fell, cut or trim any tree for hire in Saint Paul, or engage in the business of so doing without a license. This shall apply only to the felling, cutting or trimming of trees, limbs and branches which are two (2) inches or more in diameter at the point of cutting or severance.

(Code 1956, §§ 263.01, 263.06)