

OFFICE OF THE CITY ATTORNEY

Sara Grewing, City Attorney



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

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February 20, 2014

NOTICE OF VIOLATION

Donald Buckrey, President
More 4 A Buck
1176 Dale Street North
St. Paul, MN 55117

RE: Auto Repair Garage and Second Hand Dealer – Motor Vehicle licenses held by More 4 A Buck, Inc. d/b/a More 4 A Buck for the premises located at 1176 Dale Street North in Saint Paul.
License ID #: 20100001573

Dear Mr. Buckrey:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Repair Garage and Second Hand Dealer – Motor Vehicle licenses held by More 4 A Buck, Inc. d/b/a More 4 A Buck for the premises located at 1176 Dale Street North in Saint Paul. The basis for the recommendation is as follows:

On February 13, 2014, a DSI Code Inspector came to your licensed premises for an inspection and found numerous license condition violations:

1. Cars parked on the lot with parts missing in violation of license condition #3: *"All vehicles parked outdoors must be completely assembled with no parts missing."*
2. Vehicle parts and windshields and other trash being stored outdoors in violation of license condition #4: *"Vehicles parts, partially disassembled vehicles, tires, oil, vehicle hoist or similar items will not be stored outdoors. Trash will be stored in the covered dumpster shown on the site plan at the rear of the building."*
3. Vehicles are not parked in accordance with the site plan in violation of license condition #8: *"Licensee agrees to maintain the site in accordance with the approved site plan on file with DSI dated 10/27/99. This includes but is not limited to the striping of vehicle parking spaces, landscaping, fencing, bollards and chains, etc."*
4. Some of the vehicles were completely covered in snow and there were no markings on any of the vehicles to indicate what is for-sale in violation of license condition #11: *"Vehicles intended for-sale must at all times be clearly marked with easily identifiable signage designating them as for-sale vehicles."*

As a result of these license condition violations, per Saint Paul Legislative Code § 310.05(m), the licensing department will recommend a \$500.00 matrix penalty. Further, you will need to bring the establishment into compliance with the conditions on your license with no further violations.

At this time, you have three options how to proceed:

1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, March 3, 2014**. 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 **Monday, March 3, 2014**. 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 **Monday, March 3, 2014**. 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, March 3, 2014, 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 Kristina Schweinler, Senior License Inspector – DSI
Donald Buckrey, 7035 Dupre Road, Centerville, MN 55038
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, Saint 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 20th day of February she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Donald Buckrey, President
More 4 A Buck
1176 Dale Street North
Saint Paul, MN 55117

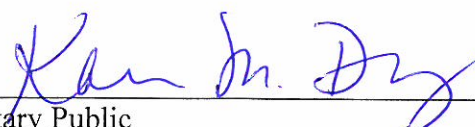
Donald Buckrey
7035 Dupre Road
Centerville, MN 55038

Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
Saint 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 20th day of February 2014


Notary Public

