



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

OFFICE OF THE CITY ATTORNEY
Samuel J. Clark, City Attorney

*Civil Division
400 City Hall
15 West Kellogg Blvd.
Saint Paul, Minnesota 55102*

*Telephone: 651 266-8710
Facsimile: 651 298-5619*

February 10, 2017

NOTICE OF ADMINISTRATIVE HEARING

Charles Belcher, Owner
Best Buy Auto Sales
1414 Arcade Street
St. Paul, MN 55106

RE: Second Hand Dealer – Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Best Buy Auto Sales for the premises located at 1414 Arcade Street in Saint Paul
License ID #20100004369
OAH Docket No.: 71-6020-34198

Dear Licensee:

Please take notice that an administrative hearing has been scheduled for the following date, time and location concerning the Second Hand Dealer – Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Best Buy Auto Sales for the premises located at 1414 Arcade Street in Saint Paul.

Date: Thursday, March 9, 2017
Time: 9:30 a.m.

Location: Office of Administrative Hearings
600 Robert Street North
St. Paul, MN 55101

The hearing will be presided over by an Administrative Law Judge from the State of Minnesota Office of Administrative Hearings:

Name: Judge Jessica Palmer-Denig
Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101

Telephone: (651) 361-7881

The Council of the City of Saint Paul has the authority to provide for hearings concerning adverse action against such licenses, under Chapter 310, including sections 310.05 and 310.06, of the Saint Paul Legislative Code. Adverse action may include revocation, suspension, denial, fines and other penalties or conditions

Evidence will be presented to the administrative law judge that may lead to adverse action against the Second Hand Dealer – Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Best Buy Auto Sales for the premises located at 1414 Arcade Street in Saint Paul:

On November 7, 2016, a DSI inspector came to your licensed premises for an inspection, based on a complaint received, and found the following license condition violations:

1. Twenty-five (25) vehicles were parked on the lot in violation of license condition #10: *"A maximum of fifteen (15) total vehicles may be parked outdoor on the property at any time: no more than twelve (12) for sale vehicles may be displayed/parked, and at least three (3) customer/employee spaces shall be available on the property....."*
2. Cars were not parked according to the approved site plan (i.e., cars parked in the drive lanes, obstructing the maneuvering capabilities of the vehicles driving in and out of the lot) in violation of license condition #10: *".....All vehicles must be parked according to the approved site plan on file with DSI."*
3. Customers of the used car lot were parking on the adjacent business's lot due to the over capacity of the car lot in violation of license condition #10: *".....All vehicles must be parked according to the approved site plan on file with DSI."*
4. The lot was not striped in violation of license condition #11: *"All parking spaces on the property associated with the auto sales business shall be striped, clearly designated with signage, and maintained according to the approved site plan on file with DSI dated 10/3/08, prior to the issuance of the license. Labeling of parking shall include the spaces for customer, employee, and for-sale vehicles."*

This is the second (2nd) violation to your license conditions with the past twelve (12) months; therefore, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$1,000.00 matrix penalty.

The licensee has the right to be represented by an attorney before and during the hearing or can represent him/herself. The licensee may also have a person of his/her choice representing his/her interests, to the extent not prohibited as unauthorized practice of law.

The hearing will be conducted in accordance with the requirements of Minnesota Statutes sections 14.57 to 14.62 and such parts of the procedures under section 310.05 of the Saint Paul Legislative Code as may be applicable.

At the hearing, the Administrative Law Judge will have all parties identify themselves for the record. The City will then present its witnesses and evidence, each of whom the licensee or attorney may cross-examine. The licensee may then offer in rebuttal any witnesses or evidence it may wish to present, each of whom the City's attorney may cross-examine. The Administrative Law Judge may in addition hear relevant and material testimony from persons not presented as witnesses by either party who have a substantial interest in the outcome of the proceeding; for example, the owners or occupants of property located in close proximity to the licensed premises may have substantial interest in the outcome of the proceeding. Concluding arguments may be made by the parties. Following the hearing, the Judge will prepare Findings of Fact, Conclusions of Law, and a specific recommendation for action to be taken by the City Council.

The licensee should bring to the hearing all documents, records and witnesses which may be needed to support its position. Subpoenas may be available to compel the attendance of witnesses or the production of documents in conformity with Minnesota Rules, part 1400.7000.

Best Buy Auto Sales
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If you think that this matter can be resolved or settled without a formal hearing, please contact the undersigned. If a stipulation or agreement can be reached as to the facts, that stipulation will be presented to the Administrative Law Judge for incorporation into his or her recommendation for Council action.

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true. If non-public data is received into evidence at the hearing, it may become public unless objection is made and relief requested under Minnesota Statutes, Section 14.60, subdivision 2.

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 any questions, you can call me at 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Judge Jessica Palmer-Denig, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620
Charles Belcher, 1069 Argyle Street, St. Paul, MN 55103
Lissa Jones-Lofgren, Interim Executive Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130, St. Paul, MN 55130

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 10th day of February she served the attached **NOTICE OF ADMINISTRATIVE HEARING** and a correct copy thereof in an envelope addressed as follows:


Charles Belcher, Owner
Best Buy Auto Sales
1414 Arcade Street
St. Paul, MN 55106

Judge Jessica Palmer-Denig
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

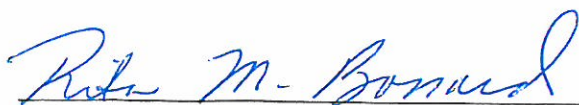
Charles Belcher
1069 Argyle Street
St. Paul, MN 55103

Lissa Jones-Lofgren, Interim Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130
St. Paul, MN 55130

(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 10th day of February, 2017


Notary Public

