



CITY OF SAINT PAUL
Mayor Melvin Carter

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

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

October 16, 2018

NOTICE OF COUNCIL HEARING

Moe Faryaneh Kia, Owner
M F K Enterprise
830 Robert Street South
St. Paul, MN 55107-3232

RE: Auto Repair Garage and Second-Hand Dealer – Motor Vehicle licenses held by M F K Enterprises, Inc. d/b/a M F K Enterprise for the premises located at 830 Robert Street South in Saint Paul
License ID #0057957

Dear Licensee:

Please take notice that this matter has been set on the Public Hearing Agenda for a City Council meeting on **Wednesday, November 7, 2018 at 5:30 p.m.**, in the City Council Chambers, Third Floor, Saint Paul City Hall and Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102.

Enclosed are copies of the letter you sent dated September 28, 2018, indicating that you were not contesting the facts related to the incident, but were requesting the opportunity to address the Council regarding the penalty, the resolution and any supporting documents. This information will be presented to City Council for their consideration.

This is an uncontested matter related to an inspection of the licensed premises on June 21, 2018 and a re-inspection on June 28, 2018, where an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs three (3) license condition violations.

Pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

Sincerely,

Therese Skarda
Assistant City Attorney

Cc: Moe Faryaneh Kia, 9133 Utica Avenue South, Bloomington, MN 55437-1851
Bahieh Hartshorn, Community Organizer, West Side Community Organization, Baker Center
209 Page Street West, St. Paul, MN 55107

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 16th day of October, she served the attached **NOTICE OF COUNCIL HEARING** and a correct copy thereof in an envelope addressed as follows:

Moe Faryaneh Kia, Owner
M F K Enterprise
830 Robert Street South
St. Paul, MN 55107-3232

Moe Faryaneh Kia
9133 Utica Avenue South
Bloomington, MN 55437-1851


Bahieh Hartshorn, Community Organizer
West Side Community Organization
Baker Center
209 Page Street West
St. Paul, MN 55107

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

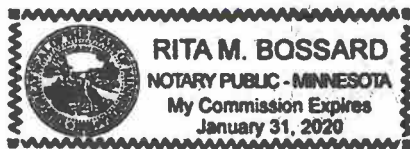


Julie Kraus

Subscribed and sworn to before me
this 16TH day of October 2018



Notary Public



UNCONTESTED LICENSE MATTER

Licensee Name: M F K Enterprise

Address: 830 Robert Street South
St. Paul, MN 55107-3232

Council Date: Wednesday, November 7, 2018 at 5:30 p.m.

Violation: During an inspection of the licensed premises on June 21, 2018 and a re-inspection on June 28, 2018, an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs three (3) license condition violations.

Recommendation of Assistant City Attorney on behalf of client, Department of Safety and Inspections:

\$500.00 matrix penalty

Attachments:

1. Resolution
2. Inspection Report with photographs dated 6/21/2018 (13 pages)
3. Inspection Report with photographs dated 6/28/2018 (8 pages)
4. Notice of Violation with Affidavit of Service dated 9/25/2018 (4 pages)
5. Letter from licensee requesting a public hearing dated 9/28/2018 (3 pages)
6. License Group Comments Text dated 8/30/2018 (4 pages)
7. Council File #99-989 adopted by City Council 10/13/1999 and signed by the Mayor on 10/21/1999 (2 pages)
8. Signed license condition affidavit dated 2/03/2000 (1 page)
9. Site Plan for 830 Robert Street South dated 2/03/2000 (1 page)
10. STAMP – Ownership/Zoning Information (1 page)
11. Saint Paul Legislative Code § 310.05 (m)

WHEREAS, the Auto Repair Garage and Second-Hand Dealer-Motor Vehicle licenses held by M F K Enterprises, Inc. d/b/a M F K Enterprise (License ID# 0057957) for the premises located at 830 Robert Street South were the subject of a Notice of Violation dated September 25, 2018; and

WHEREAS, the Notice stated that during an inspection of the licensed premises on June 21, 2018 and a re-inspection on June 28, 2018, an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs three (3) license condition violations; and

WHEREAS, this was first violation so pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office recommended a \$500.00 matrix penalty; and

WHEREAS, the licensee responded to the Notice of Violation to request a public hearing which was held on November 7, 2018; now therefore be it;

RESOLVED, M F K Enterprises, Inc. d/b/a M F K Enterprise (License ID# 0057957) for the premises located at 830 Robert Street South is hereby ordered to pay a matrix penalty of \$500.00 for the three (3) license condition violations observed and documented by a DSI Inspector during an inspection of the licensed premises on June 21, 2018 and June 28, 2018.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

Inspection Report

Date: 06/21/2018
Inspector: David Eide
License Address: 830 Robert St S
Licensee/ Violator: MFK Enterprises Inc, d/b/a MFK Enterprise
License Number: 0057957
Violation: License Conditions 1, 2, 5, 9

License Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

At the time of the visit, thirty-three (33) vehicles were on the lot. The license allows a maximum of twenty-eight (28) vehicles. Thus, the licensee had five (5) vehicles over the limit on the premises. Vehicles were parked not according to the site plan.

License Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

Eight (8) vehicles were parked in the drive lane at the time of the inspection. The drive lane was completely obstructed which did not allow thru vehicle access on the site.

License Condition #5: There shall be no exterior storage of vehicle parts.

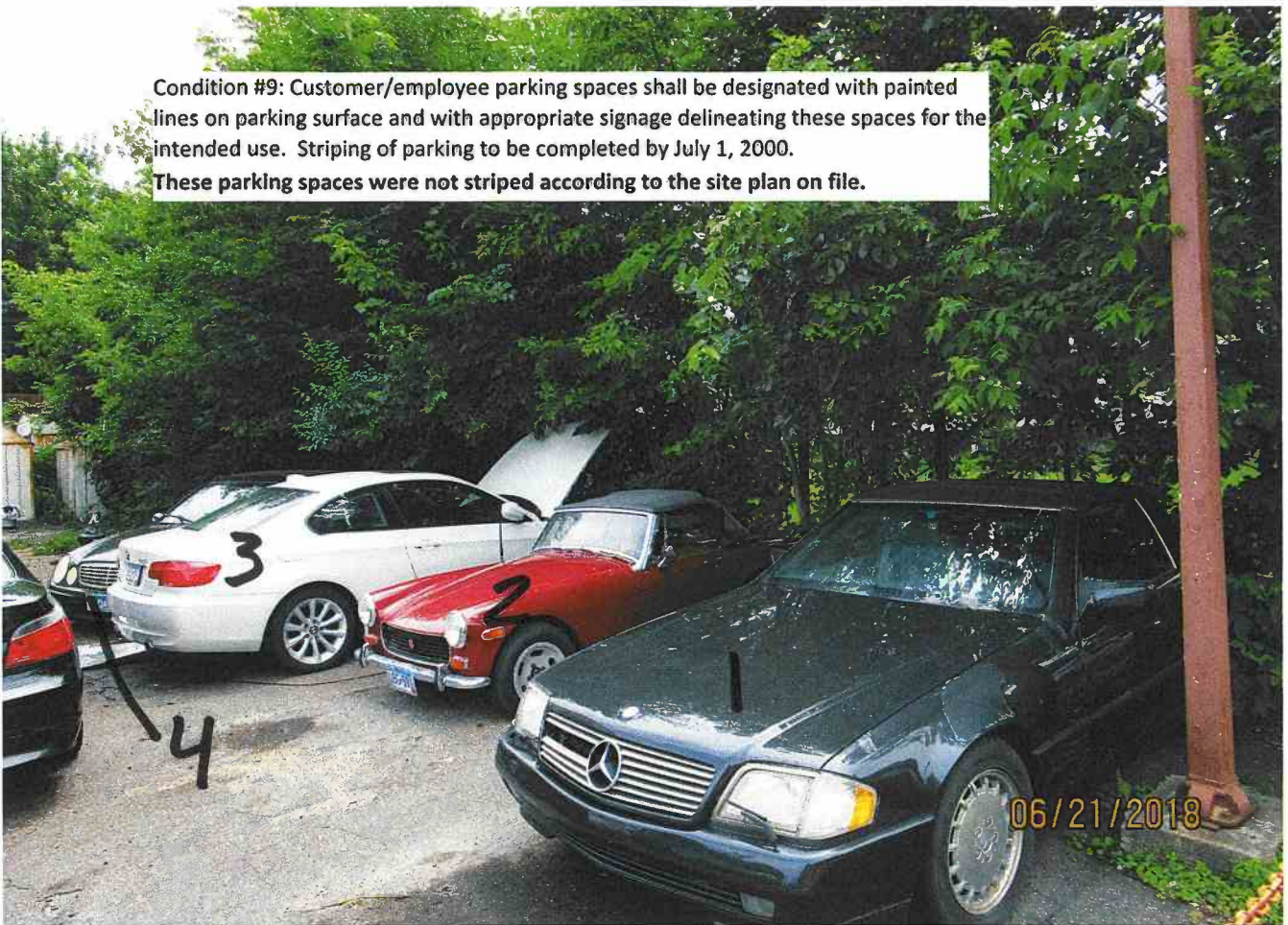
A bumper was stored on the east side of the building and tires were strewn in a couple of areas on the southern side of the property.

License Condition #9: Customer/employee parking spaces shall be designated with painted lines on parking surface and with appropriate signage delineating these spaces for the intended use. Striping of parking to be completed by July 1, 2000.

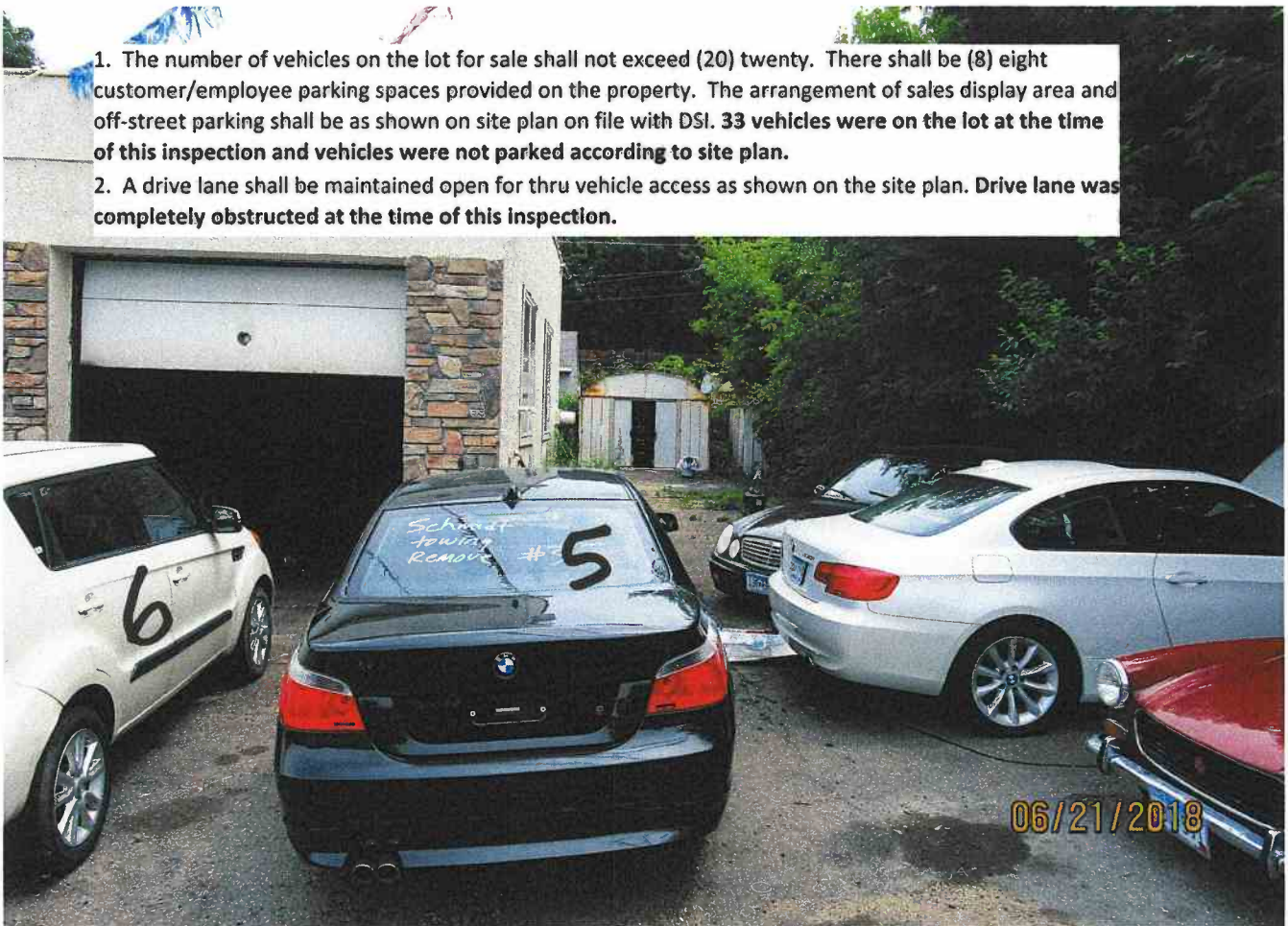
The painted lines were missing in the southern customer/employee parking area.

Visited the site Thursday, June 21, 2018 at 1:00PM. Witnessed violations of multiple license conditions attached to the license and gave verbal warning that we would be back to re-check the property to ensure that they come back into compliance.

Condition #9: Customer/employee parking spaces shall be designated with painted lines on parking surface and with appropriate signage delineating these spaces for the intended use. Striping of parking to be completed by July 1, 2000. These parking spaces were not striped according to the site plan on file.

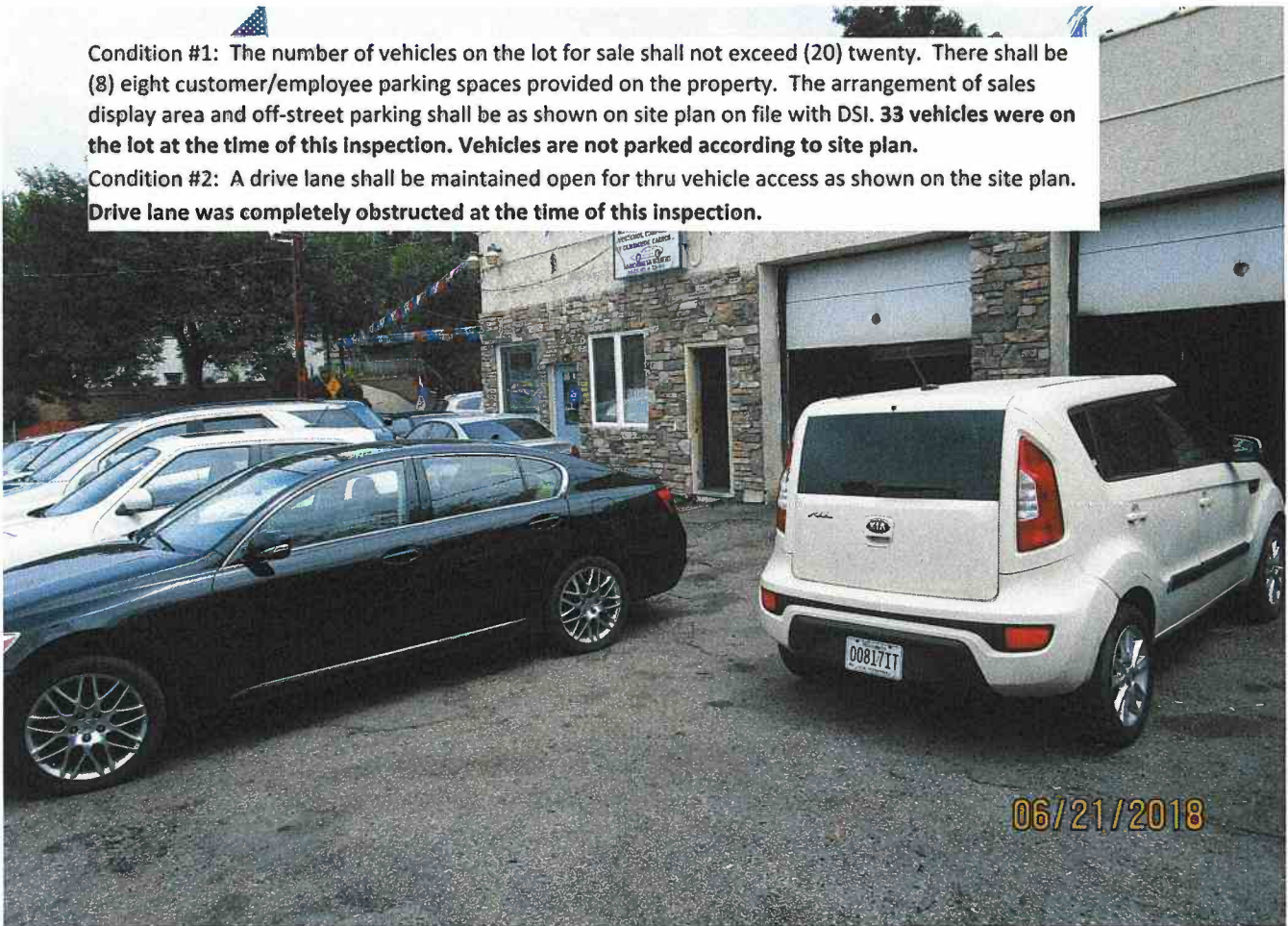


1. The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. 33 vehicles were on the lot at the time of this inspection and vehicles were not parked according to site plan.
2. A drive lane shall be maintained open for thru vehicle access as shown on the site plan. Drive lane was completely obstructed at the time of this inspection.



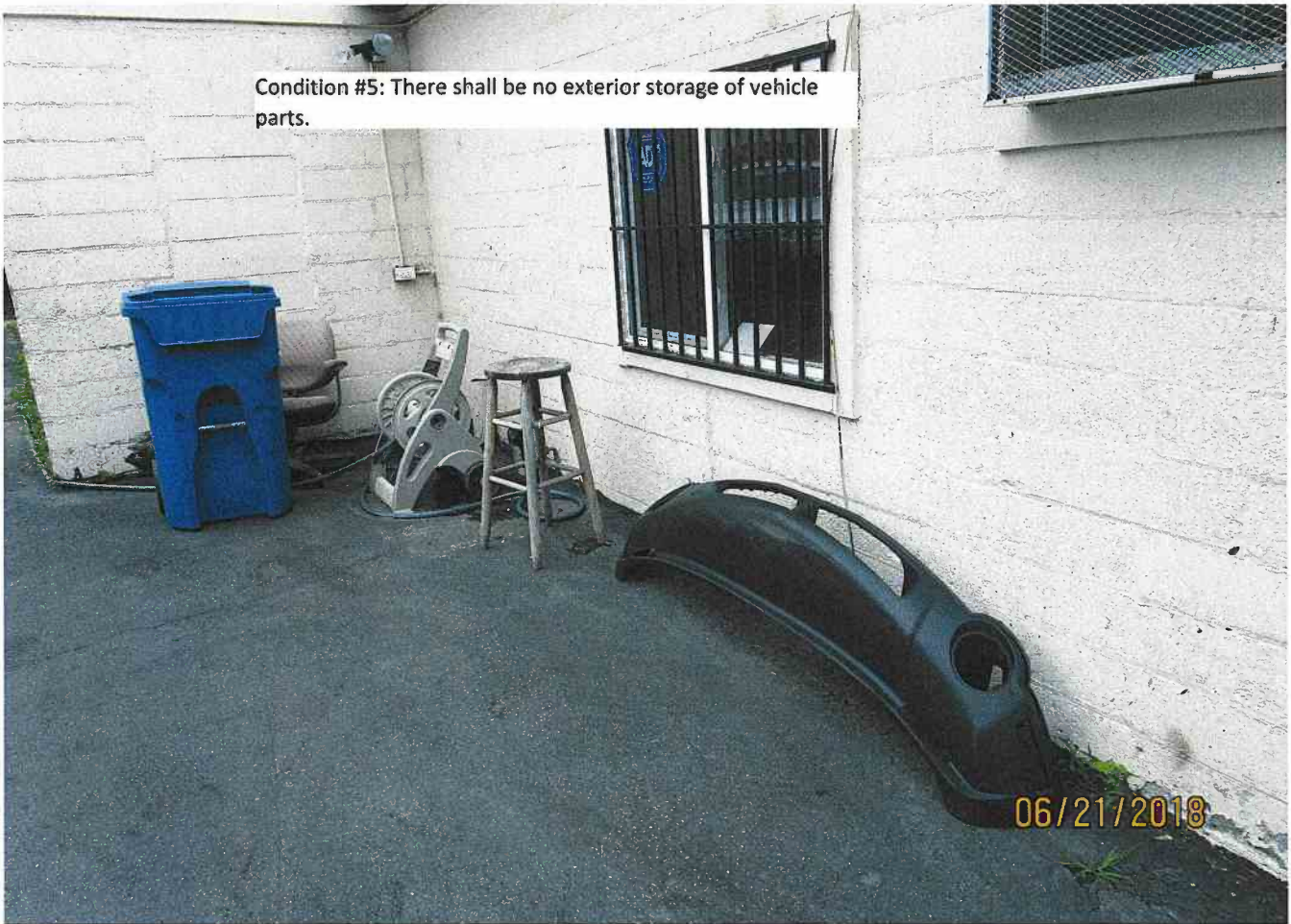
Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. **33 vehicles were on the lot at the time of this inspection. Vehicles are not parked according to site plan.**

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. **Drive lane was completely obstructed at the time of this inspection.**

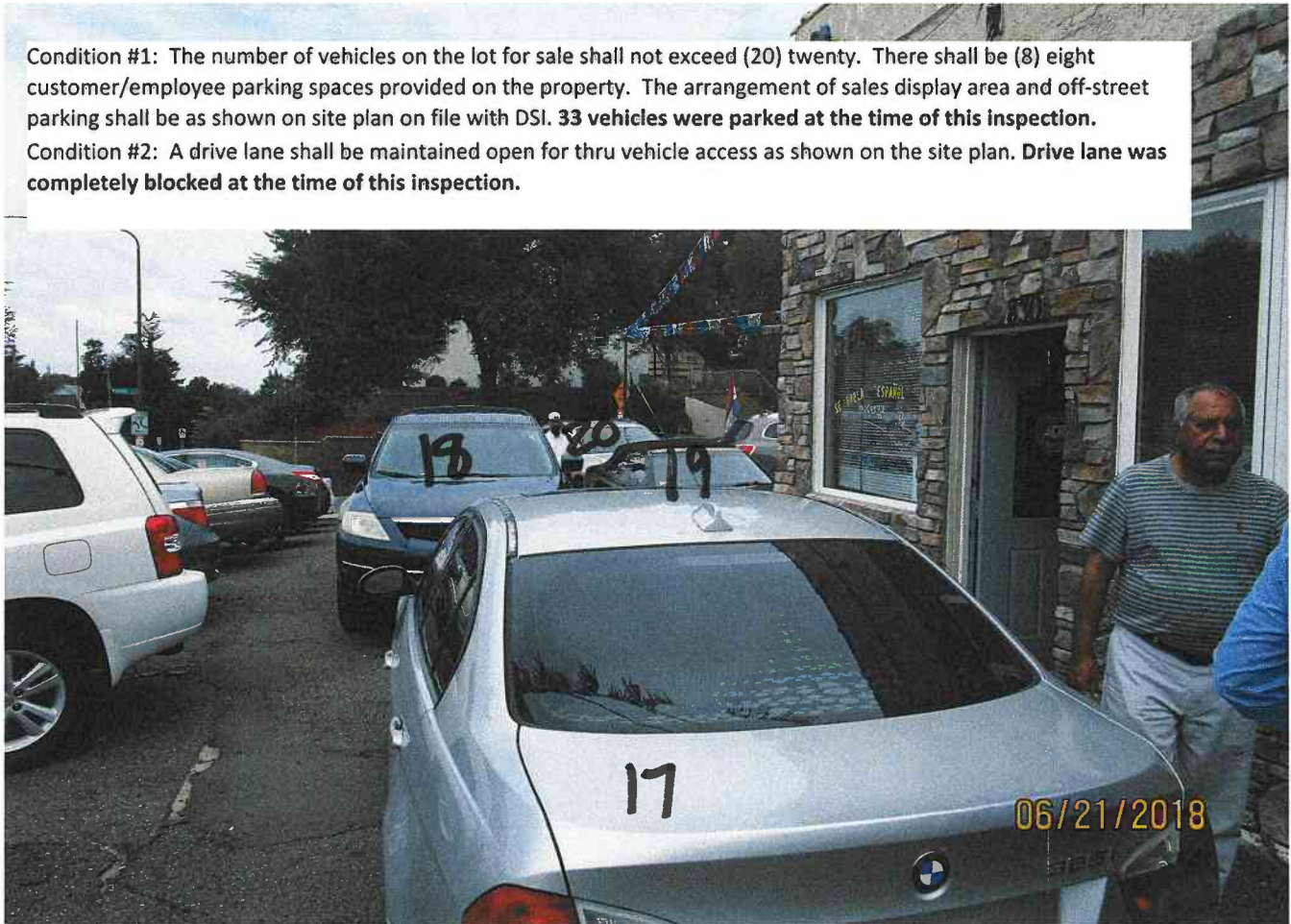




Condition #5: There shall be no exterior storage of vehicle parts.



Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. **33 vehicles were parked at the time of this inspection.**
Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. **Drive lane was completely blocked at the time of this inspection.**





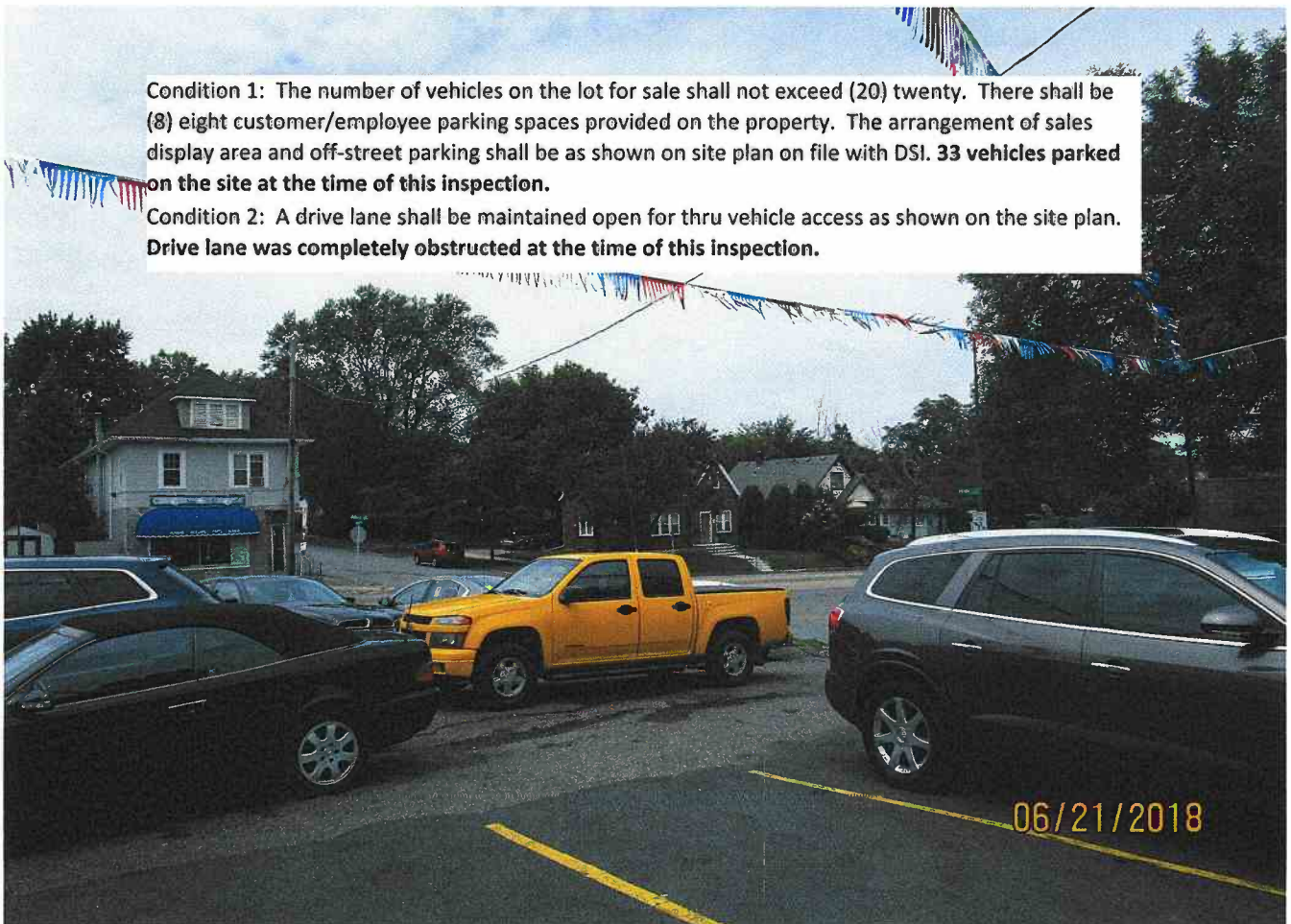
Condition 1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. **33 vehicles were on the lot at the time of the inspection- vehicles were not parked according to the site plan.**

Condition 2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. **Drive lane was completely obstructed as shown in this photo.**



Condition 1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. **33 vehicles parked on the site at the time of this inspection.**

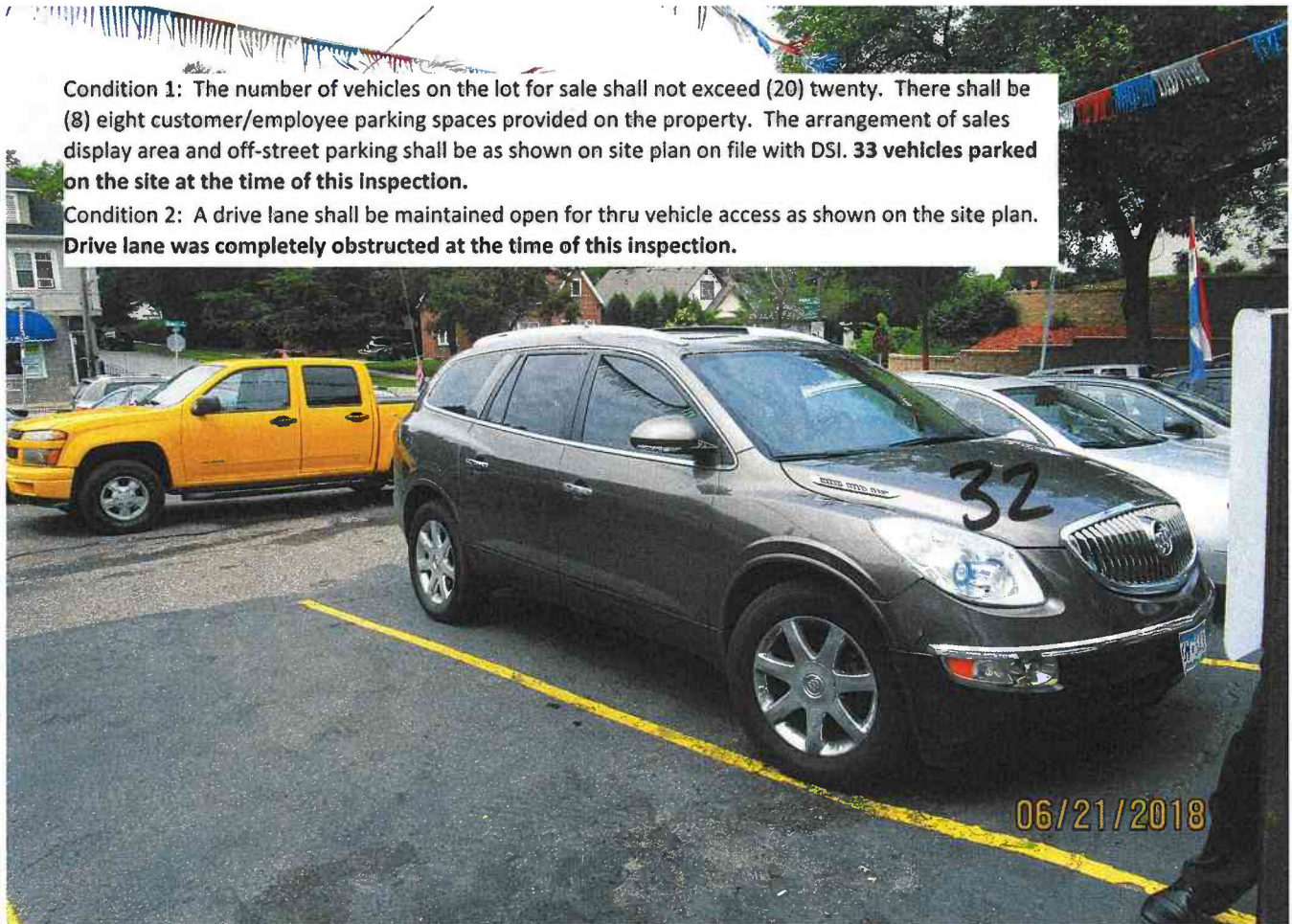
Condition 2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. **Drive lane was completely obstructed at the time of this inspection.**





Condition 1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. 33 vehicles parked on the site at the time of this inspection.

Condition 2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. Drive lane was completely obstructed at the time of this inspection.



Condition #5: There shall be no exterior storage of vehicle parts.



Condition #5: There shall be no exterior storage of vehicle parts.

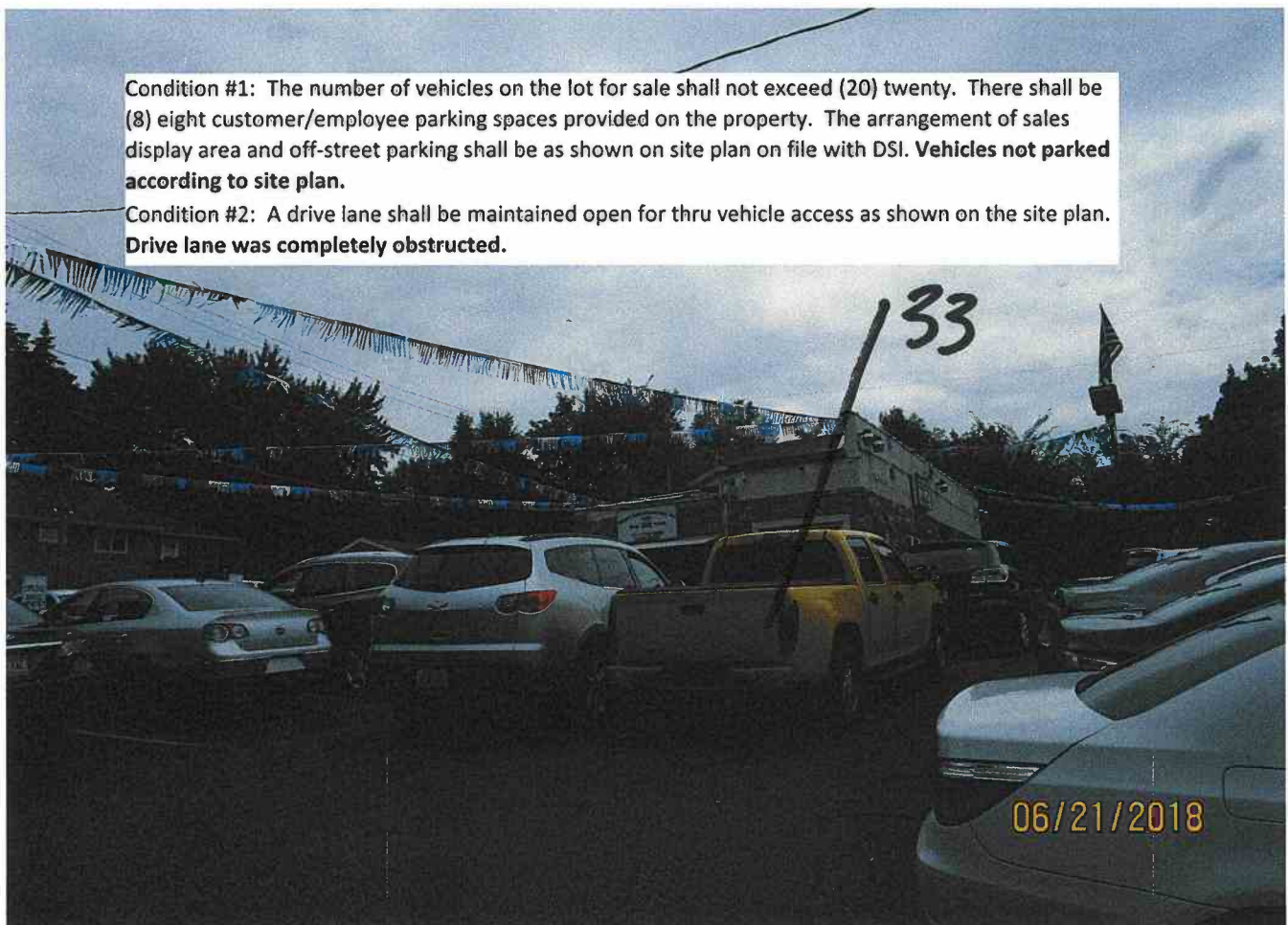






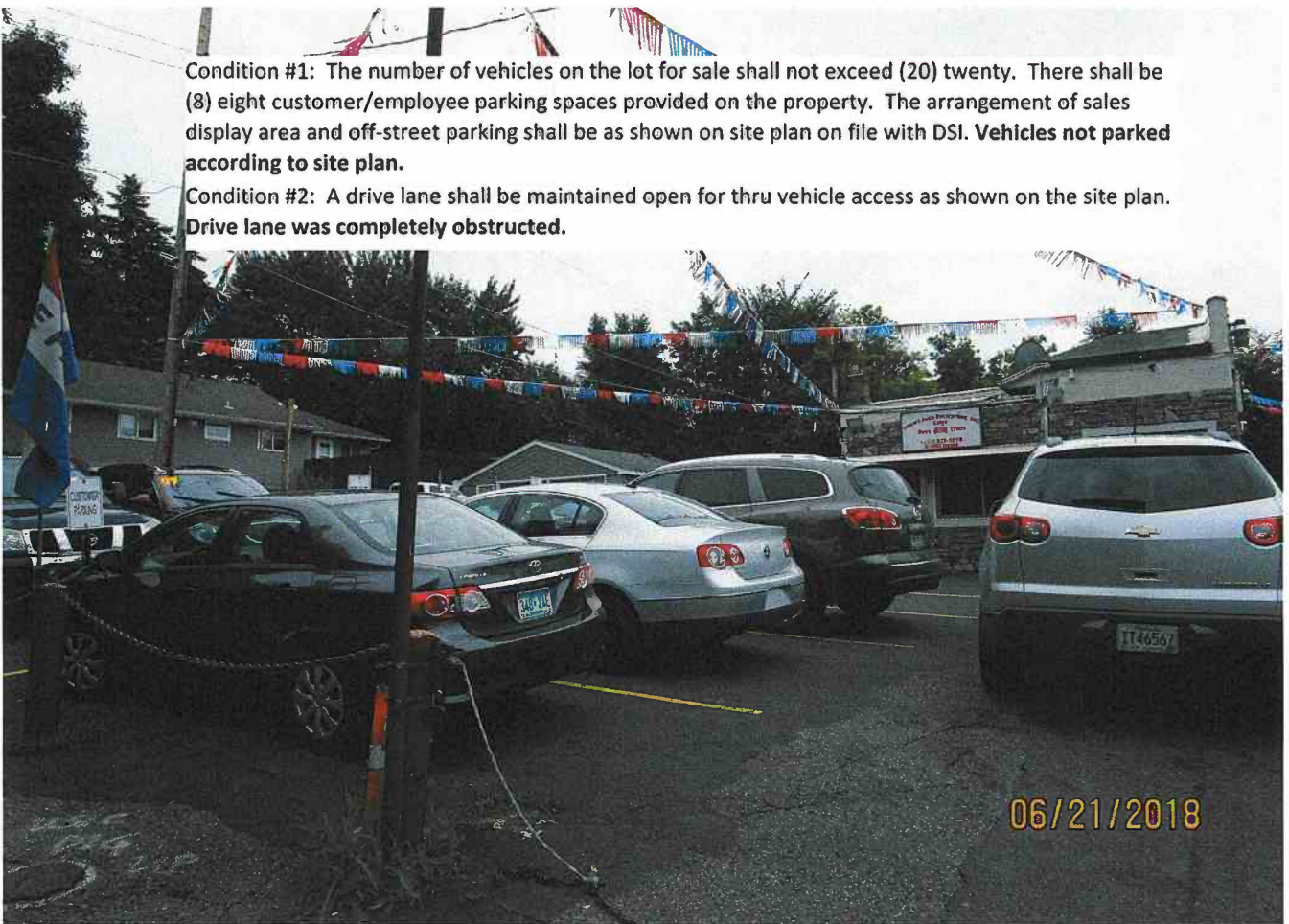
Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. **Vehicles not parked according to site plan.**

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. **Drive lane was completely obstructed.**



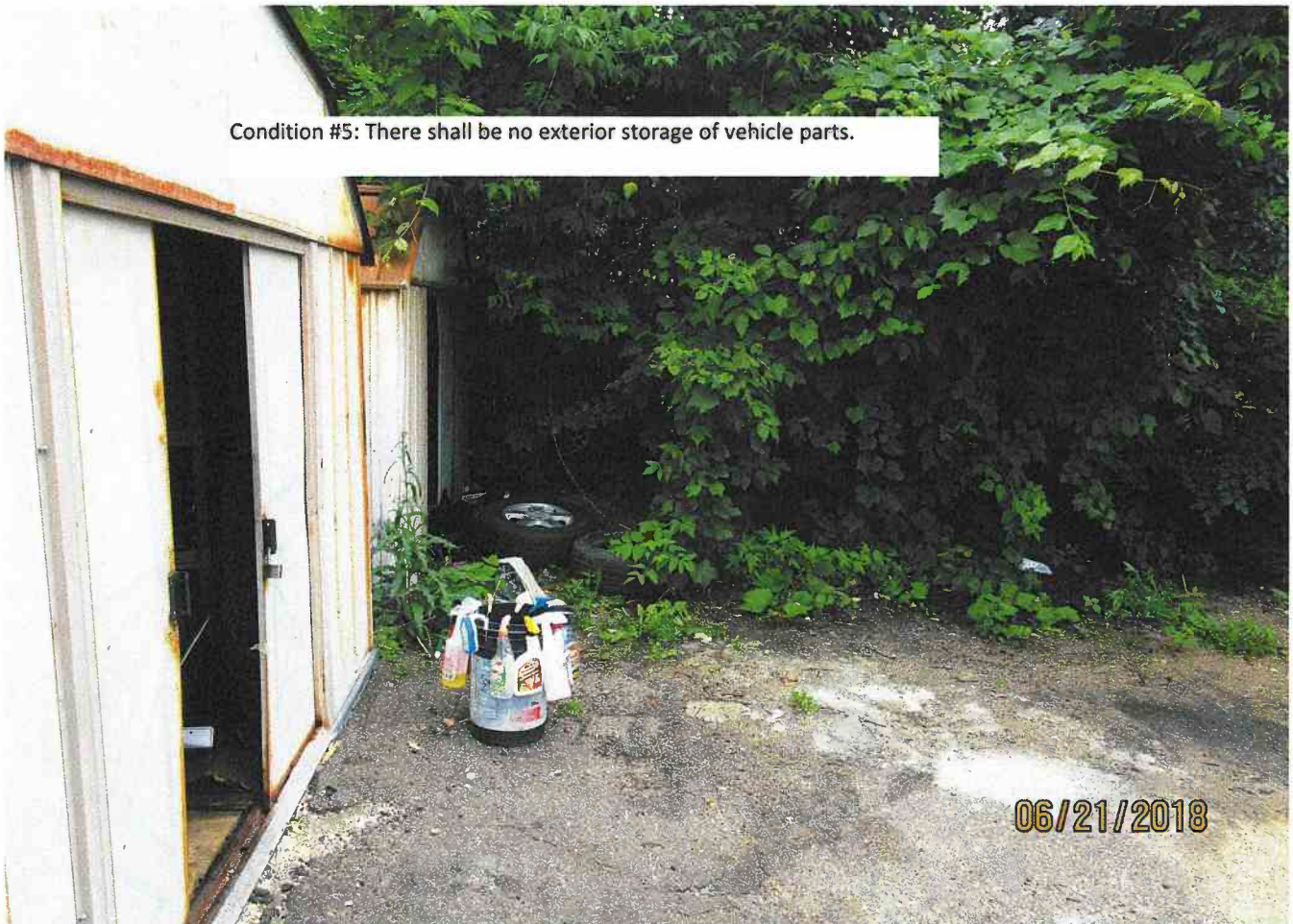
Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. Vehicles not parked according to site plan.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. Drive lane was completely obstructed.





Condition #5: There shall be no exterior storage of vehicle parts.



Inspection Report

Date: 06/28/2018
Inspector: David Eide
License Address: 830 Robert St S
Licensee/ Violator: MFK Enterprises Inc, d/b/a MFK Enterprise
License Number: 0057957
Violation: License Conditions 1, 2, 5

License Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

At the time of the visit, vehicles were parked in areas that are not approved for parking according to the site plan. A silver SUV was parked in the rear of the building in an area not approved for parking. Two vehicles were parked in the drive lane. Eleven (11) vehicles were parked in the front display area, which is only approved for ten (10).

License Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

Two (2) vehicles were parked in the drive lane at the time of the inspection. The drive lane was completely obstructed which did not allow thru vehicle access on the site.

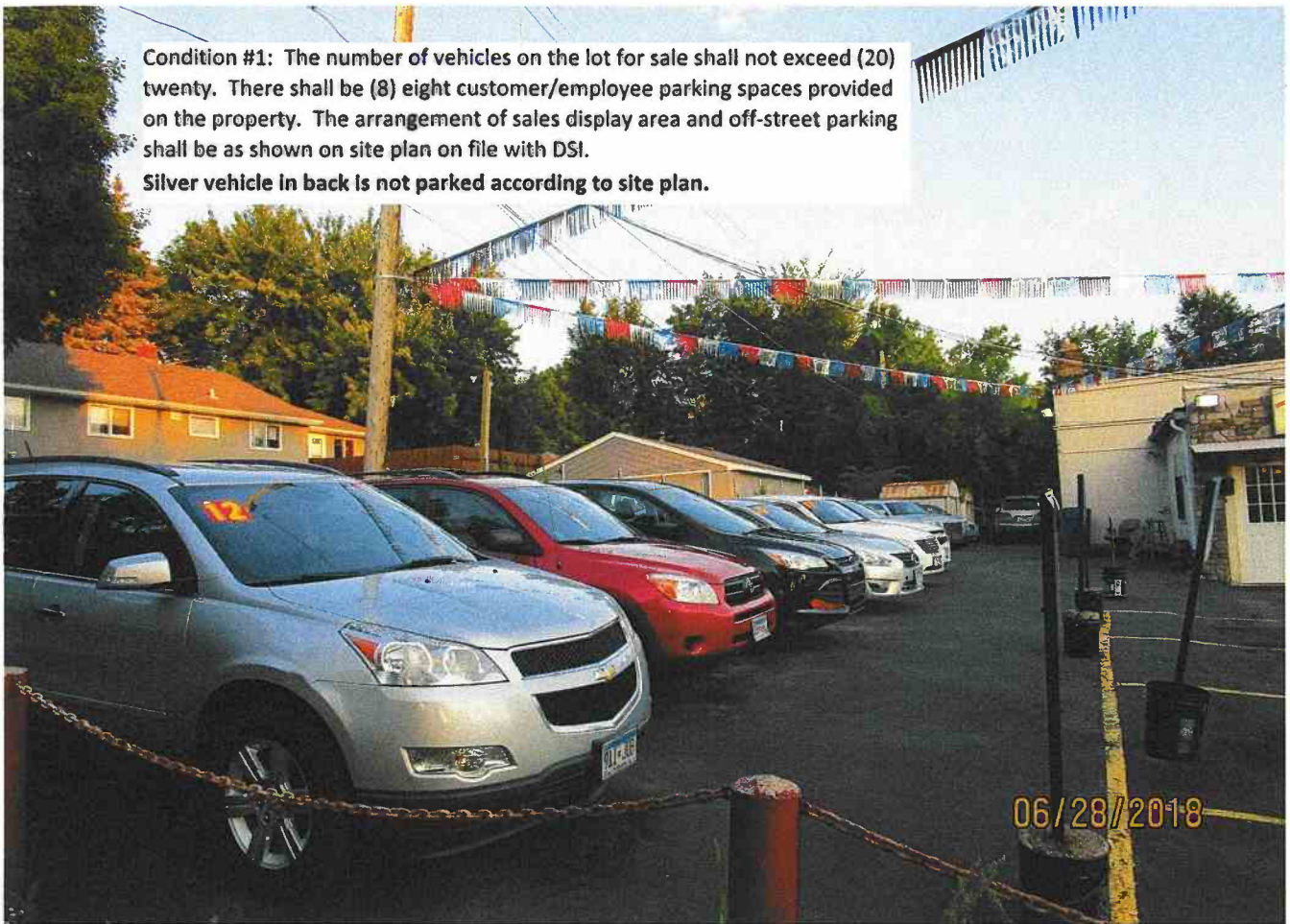
License Condition #5: There shall be no exterior storage of vehicle parts.

A bumper was stored on the east side of the building and bags of garbage along with floor mats and buckets were outside at the time of the inspection.

Visited the site Thursday, June 28, 2018 at 8:30PM to follow-up on an inspection that was made the previous Thursday. Witnessed violations of multiple license conditions attached to the license—this was after giving the licensee one week to comply with the license conditions.

Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

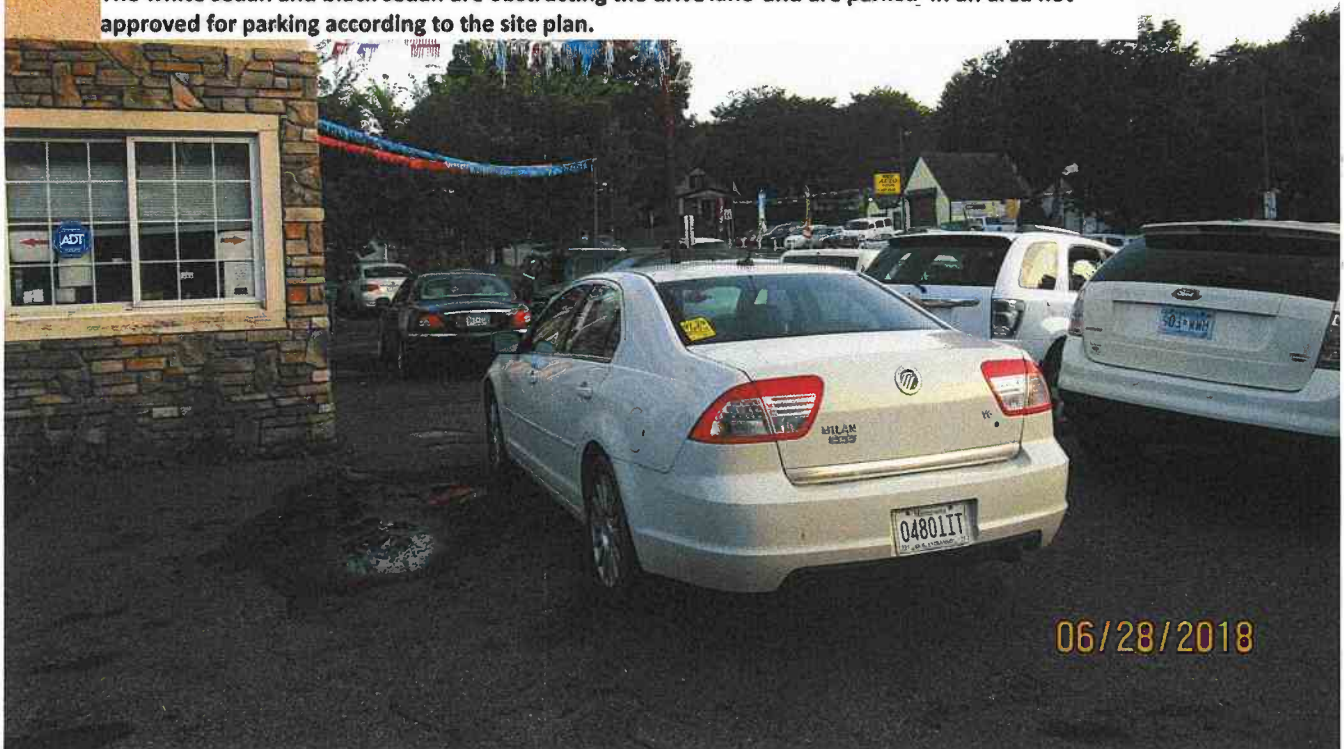
Silver vehicle in back is not parked according to site plan.



Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

The white sedan and black sedan are obstructing the drive lane and are parked in an area not approved for parking according to the site plan.

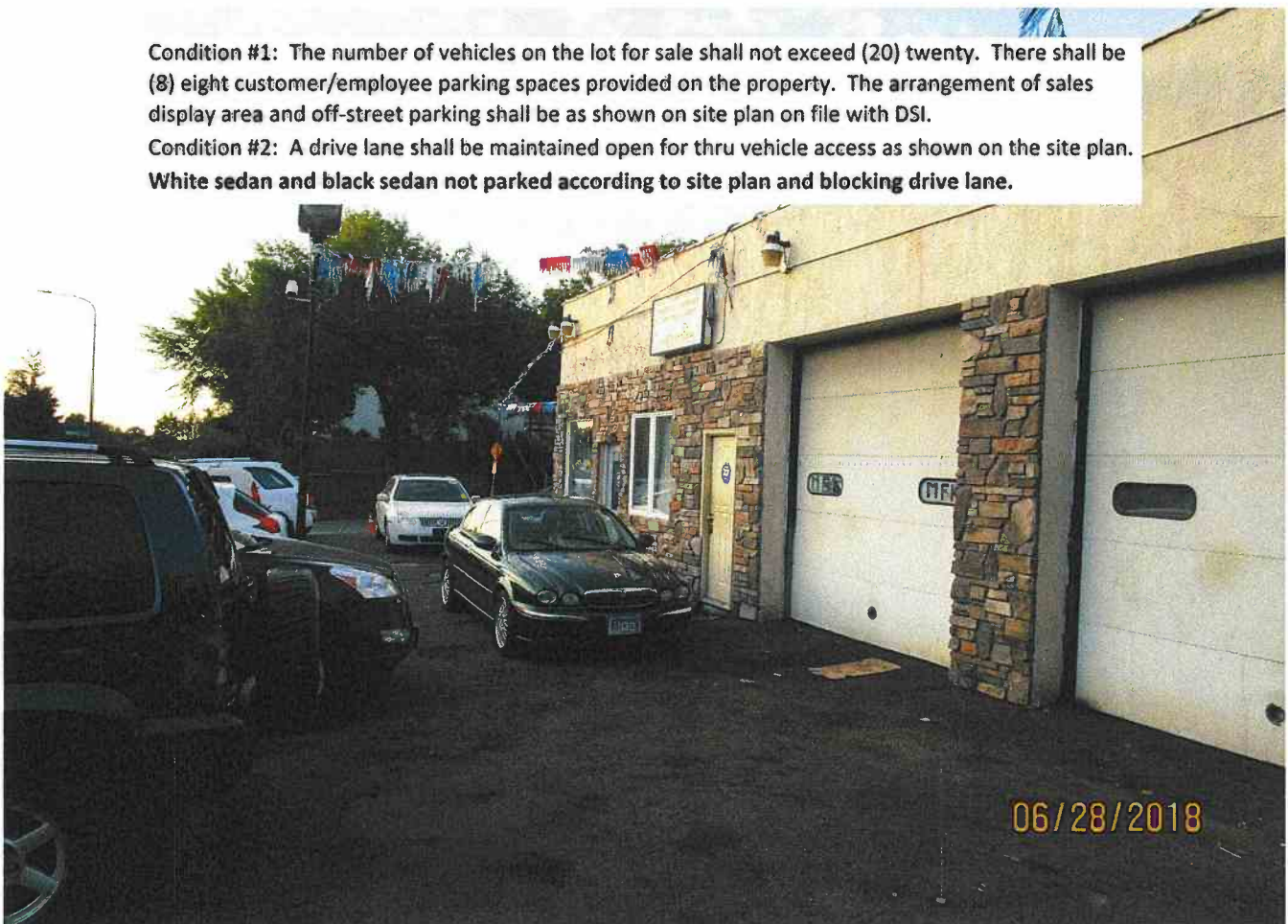






Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. **White sedan and black sedan not parked according to site plan and blocking drive lane.**



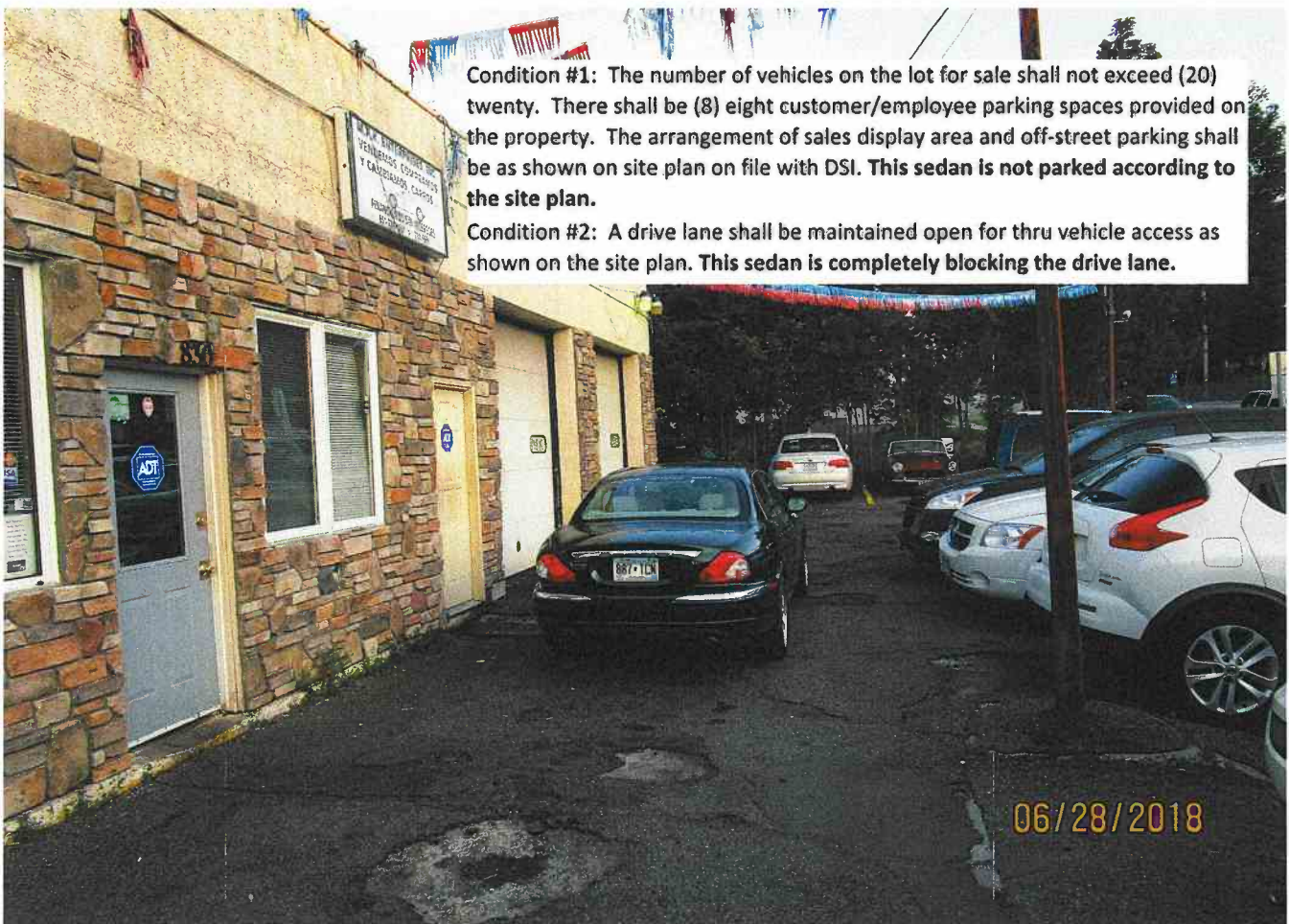
Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. 11 vehicles parked in this row when only approved for 10. Not parked according to site plan.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. Extra vehicle in this row is blocking the drive lane and makes maneuvering difficult.



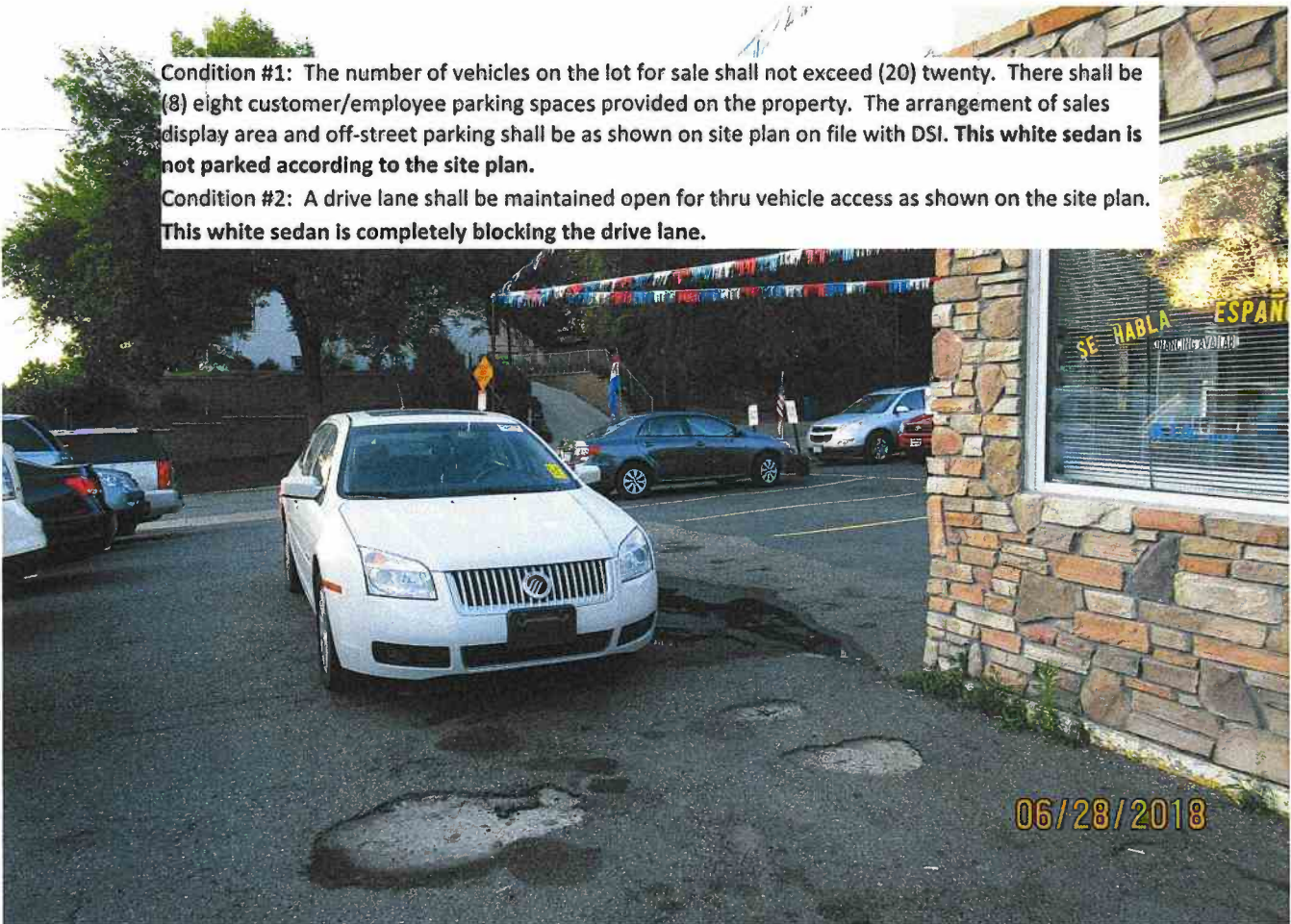
Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. This sedan is not parked according to the site plan.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. This sedan is completely blocking the drive lane.

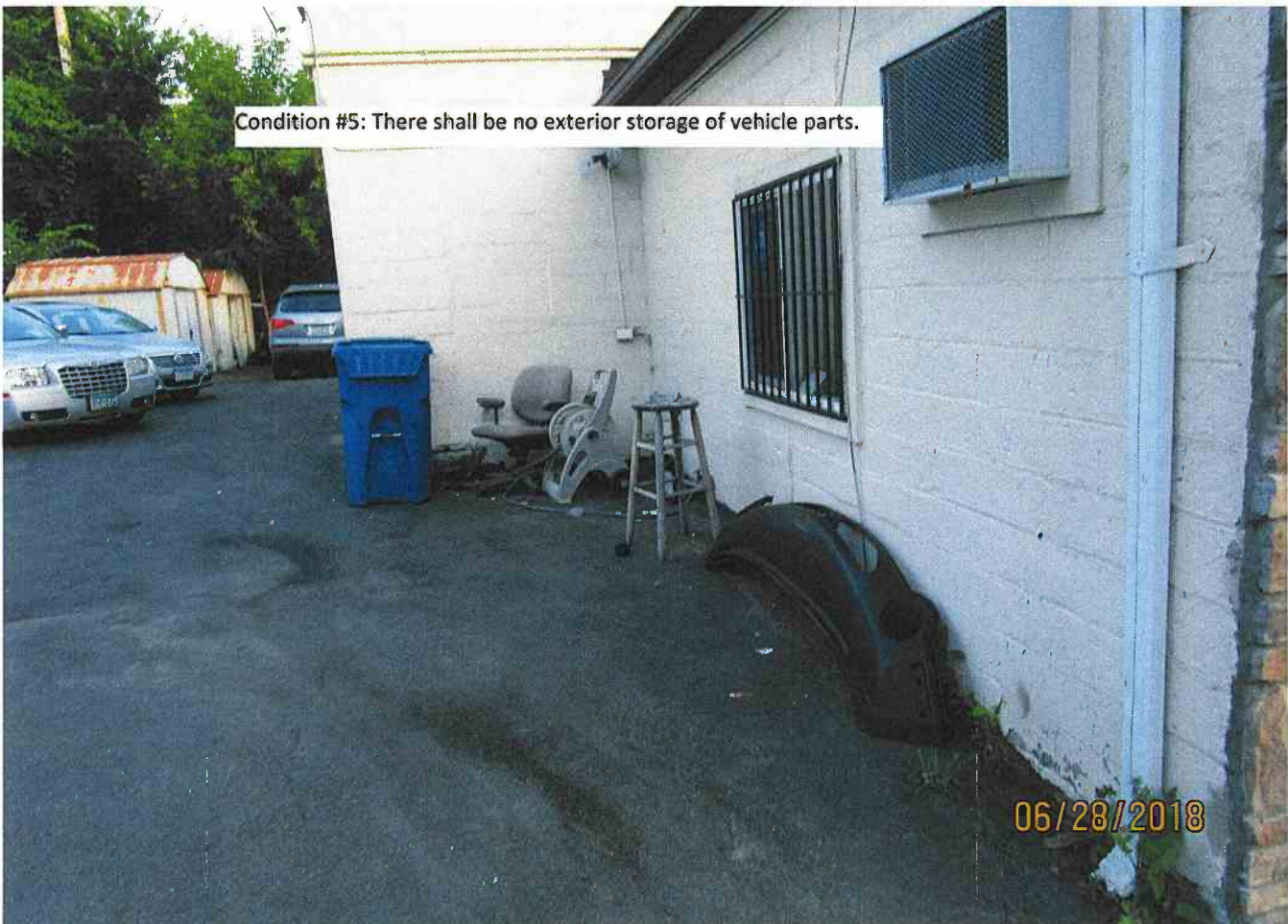


Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI. This white sedan is not parked according to the site plan.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan. This white sedan is completely blocking the drive lane.



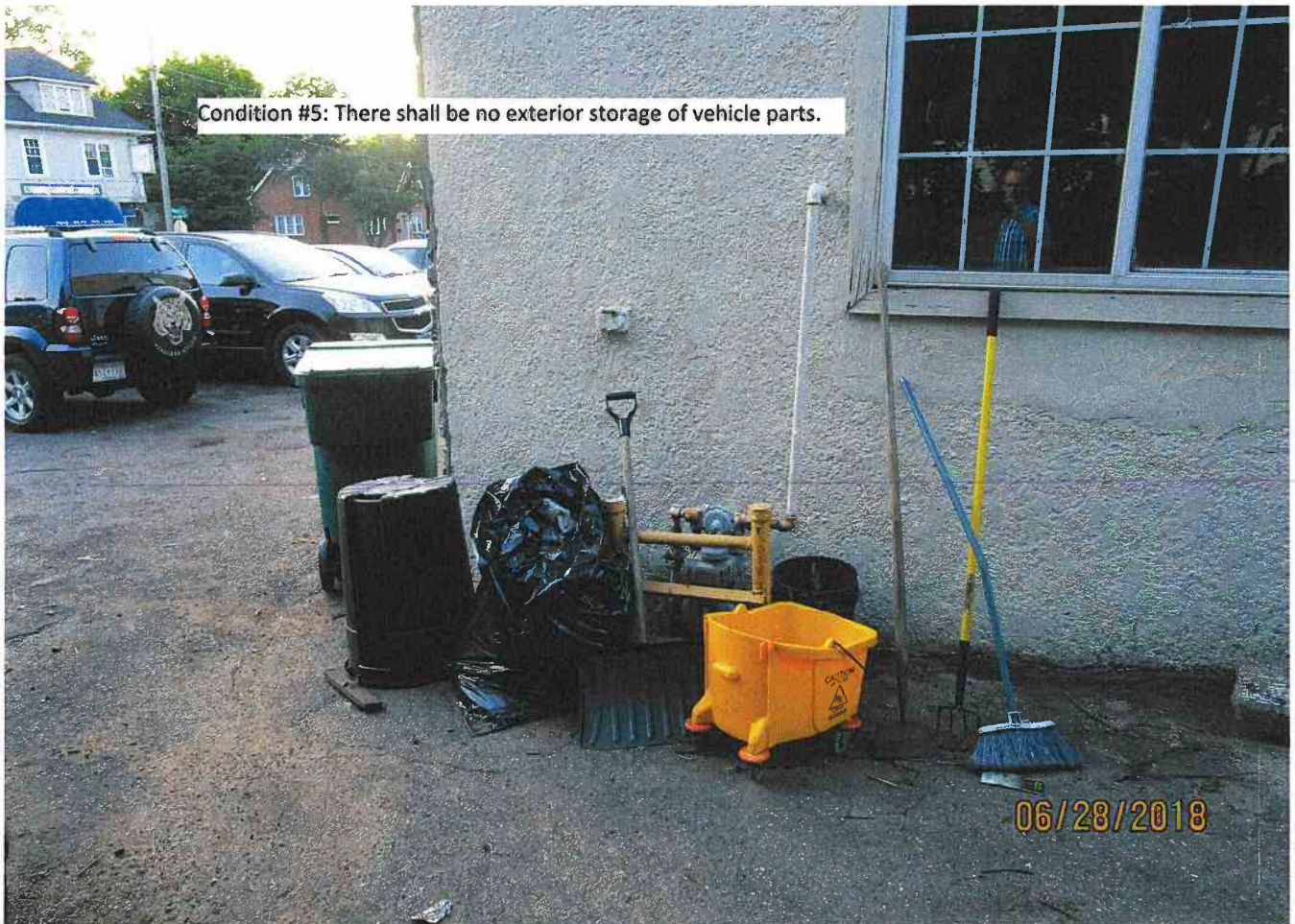
Condition #5: There shall be no exterior storage of vehicle parts.





Condition #5: There shall be no exterior storage of vehicle parts.

06/28/2018



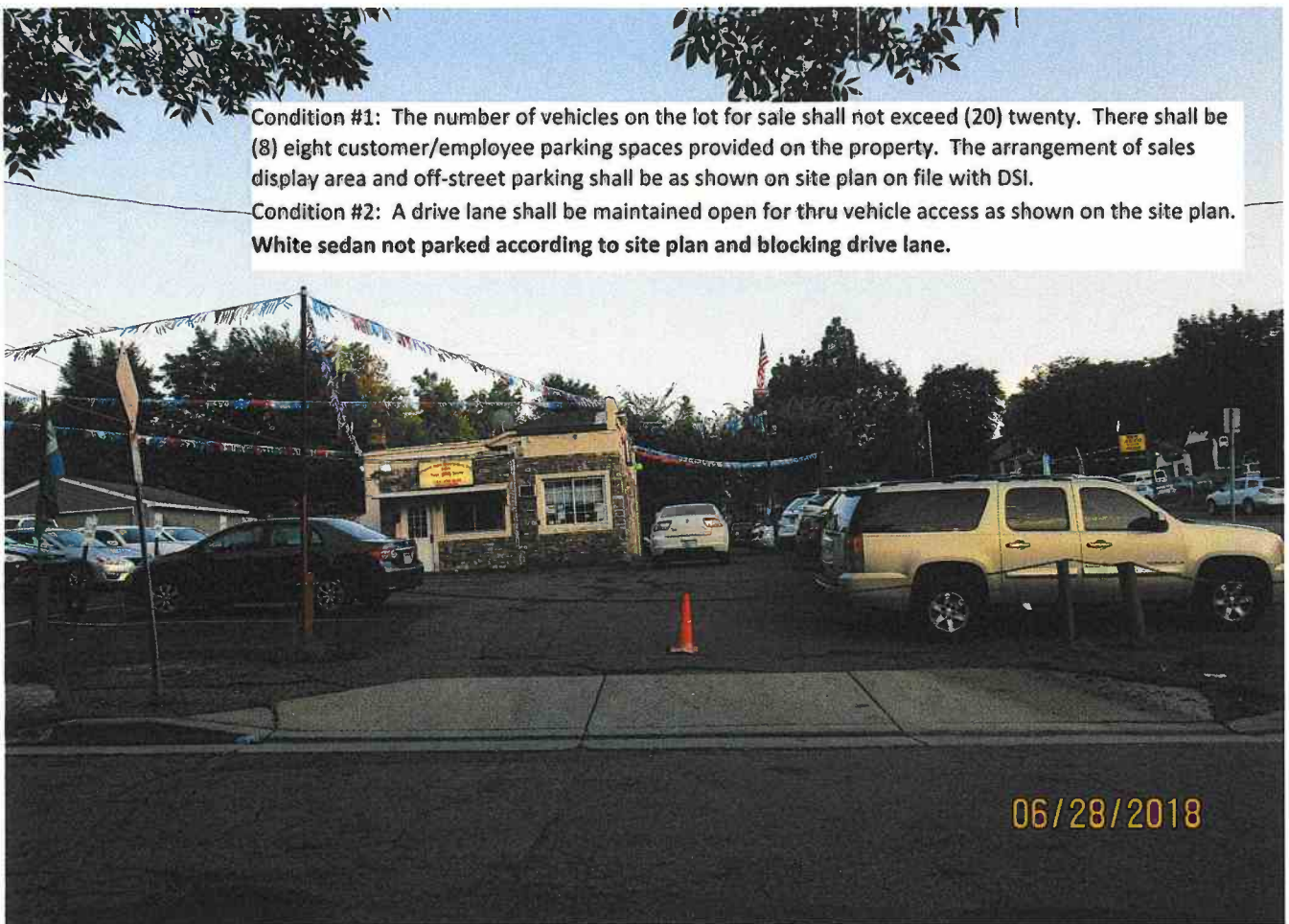
Condition #5: There shall be no exterior storage of vehicle parts.

06/28/2018

Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

White sedan not parked according to site plan and blocking drive lane.

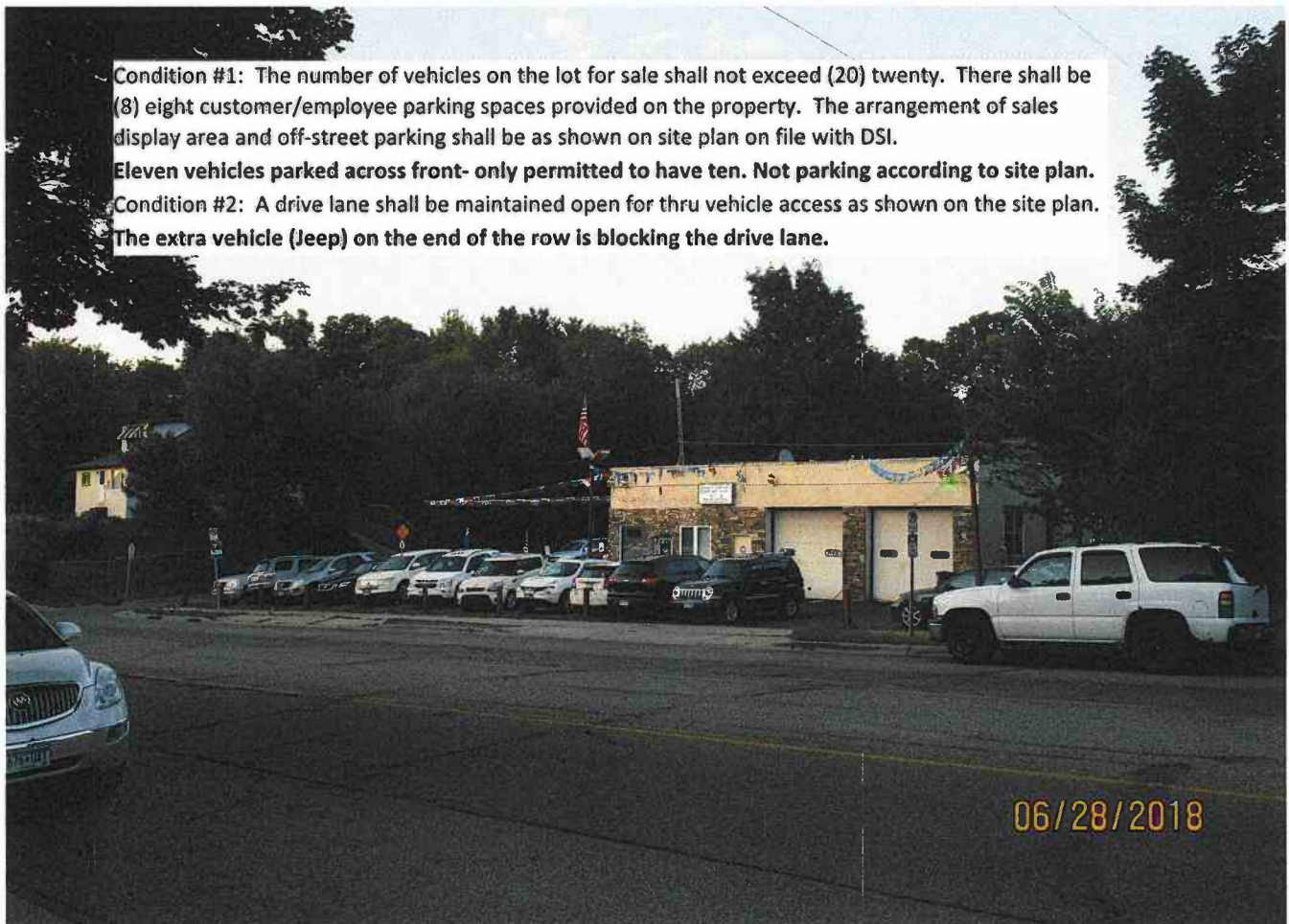


Condition #1: The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

Eleven vehicles parked across front- only permitted to have ten. Not parking according to site plan.

Condition #2: A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

The extra vehicle (Jeep) on the end of the row is blocking the drive lane.



OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

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

September 25, 2018

NOTICE OF VIOLATION

Moe Faryaneh Kia, Owner
M F K Enterprise
830 Robert Street South
St. Paul, MN 55107-3232

RE: Auto Repair Garage and Second-Hand Dealer – Motor Vehicle licenses held by M F K Enterprises, Inc. d/b/a M F K Enterprise for the premises located at 830 Robert Street South in Saint Paul
License ID #0057957

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage and Second-Hand Dealer – Motor Vehicle licenses held by M F K Enterprises, Inc. d/b/a M F K Enterprise for the premises located at 830 Robert Street South in Saint Paul. The basis for this recommendation is as follows:

On June 21, 2018, an Inspector from the Department of Safety and Inspections conducted an inspection of the licensed premises and documented the following four (4) license condition violations were observed and documented with photographs:

- 1. Thirty-three (33) vehicles were on the lot and vehicles were not parked in accordance with the approved site plan in violation of license condition #1: “The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of the sales display area and off-street parking shall be as shown on the site plan on file with DSI.”**
- 2. Eight vehicles were parked in the drive lane which completely obstructed the drive lane and did not allow thru vehicle access on the site in violation of license condition #2: “A drive lane shall be maintained open for thru vehicle access as shown on the site plan.”**
- 3. A bumper stored on the east side of the building and tires strewn in a couple of areas on the southern side of the property in violation of license condition #5: “There shall be no exterior storage of vehicle parts.”**

4. **The painted lines were missing on the southern customer/employee parking area in violation of license condition #9: *“Customer/employee parking spaces shall be designated with painted lines on parking surface and with appropriate signage delineating these spaces for the intended use. Striping of parking to be completed by July 1, 2000.”***

You were given a verbal warning and told a re-inspection would take place within a week to confirm you have complied with your license conditions.

On June 28, 2018, an Inspector from the Department of Safety and Inspections returned for a re-inspection of the licensed premises. During the re-inspection, the following three (3) repeat license conditions violations were observed and documented with photographs:

1. **Vehicles were not parked in accordance with the approved site plan: 1) A silver SUV was parked in the rear of the building in an area not approved for parking and 2) Eleven (11) vehicles were parked in the front display area along Robert Street which is only approved for ten (10) vehicles in violation of license condition #1: *“The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of the sales display area and off-street parking shall be as shown on the site plan on file with DSI.”***
2. **Two (2) vehicles were parked in the drive lane which was completely obstructed the drive lane and did not allow thru vehicle access on the site in violation of license condition #2: *“A drive lane shall be maintained open for thru vehicle access as shown on the site plan.”***
3. **A bumper stored on the east side of the building and bags of garbage along with floor mats and buckets were outside in violation of license condition #5: *“There shall be no exterior storage of vehicle parts.”***

Per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

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 **Friday, October 5, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **October 24, 2018** 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 send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 by **Friday, October 5, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.

3. If you wish to admit the facts but you contest the \$500.00 matrix 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 by **Friday, October 5, 2018**. 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 **Friday, October 5, 2018**. 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 Friday, October 5, 2018, 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 October 24, 2018 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 Saint Paul City Attorney
License No: 024989

cc: Moe Faryaneh Kia, 9133 Utica Avenue South, Bloomington, MN 55437-1851
Bahieh Hartshorn, Community Organizer, West Side Community Organization
Baker Center, 209 Page Street West, St. Paul, MN 55107

STATE OF MINNESOTA)

) ss:

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

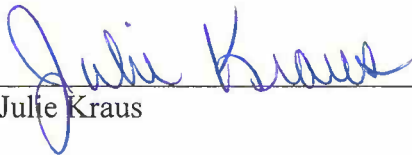
Julie Kraus, being first duly sworn, deposes and says that on the 25TH day of September, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Moe Faryaneh Kia, Owner
M F K Enterprise
830 Robert Street South
St. Paul, MN 55107-3232

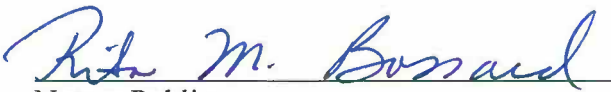
Moe Faryaneh Kia
9133 Utica Avenue South
Bloomington, MN 55437-1851

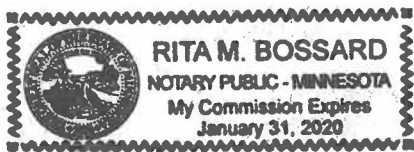
Bahieh Hartshorn, Community Organizer
West Side Community Organization
Baker Center
209 Page Street West
St. Paul, MN 55107

(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 25TH day of September 2018


Notary Public



September 28, 2018

MFK Enterprise
830 South Robert St.
St. Paul, MN 55107

City of St. Paul
Attn: Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
St. Paul, MN 55102

To whom it may concern,

This letter is in response to the letter dated September 28, 2018 regarding the previous inspections done by the Department of Safety and Inspections unit on June 21, 2018 and June 28, 2018 .

Responses to inspection on June 21, 2018;

1. The inspector noted there were 33 vehicles parked on our lot. It is not typical for us to exceed the maximum amount of vehicles permitted under our license, but there are times when there are unforeseen circumstances. Because we are two separate entities sharing the same space, throughout the business day, we have many customers inquiring about purchasing vehicles and others customers that stop by to simply make payments or inquire about repairs for previously purchased vehicles. These customers may park in our lot, but only on a short term basis. We do our best to assure we stay in compliance with the requirements of our license and when we become aware of any issues, we instruct customers to move their vehicles as soon as possible.

2. The inspector noted there were eight vehicles obstructing the drive lane of the parking lot.. Due to the size of the parking lot, I'm not sure if this information is noted correctly because our drive lane doesn't have the capacity for eight vehicles. If there were any vehicles in our drive lane it would be due to customers improperly parking. As stated above, throughout the business day, we have many customers inquiring about purchasing vehicles and others that stop by to make payments or inquire about repairs for previously purchased vehicles and may park in our lot, but only on a short term basis. Again, we do our best to assure we stay in compliance with the requirements of our license and when we become aware of any issues, we instruct customers to move their vehicles as soon as possible.

3. The inspector noted there were a bumper and tires left on the exterior of our facility. The bumper and tires were improperly disposed onto the property by a unknown person. I can provide receipts from our nearby tire shop, I used to properly dispose of tires and other vehicle parts. We are aware this is a violation of our license and have made many attempts to prevent others from dumping tires, garbage, car parts and etc. onto our property without our consent or knowledge. Unfortunately, we haven't been able find a solution to prohibit this, but we assure you we do our best to address the issue within a timely manner once we become aware.

4. The inspector noted the painted lines were missing from the customer/employee's parking area. We hired a professional company to replace the lines of the designate customer/employee parking spaces. This issue has been resolved.

Response to re-inspection on June 28, 2018

1. The inspector noted there was a silver suv parked in the rear of the building that wasn't in accordance with the approved site plan and 11 vehicles were parked in the front display area along Robert Street which is only approved for 10 vehicles. A customer dropped the silver suv off stating they wanted the vehicle repaired, but decided the repairs were too expensive and never returned to pick up the vehicle. The vehicle was eventually impounded. The additional vehicle parked in the displayed has also been removed. It was not a vehicle for sale. It was a customers vehicle recently repaired.. The customer was suppose to pick the vehicle up earlier that day but called stating she didn't have a ride and would pick the vehicle up the following day. I didn't want to put the vehicle at risk and kept it on the lot until the customer returned.

2. The inspector noted there were two vehicles obstructing the drive lane. As stated above, throughout the business day, we have many customers inquiring about purchasing vehicles and others that stop by to make payments or inquire about repairs for previously purchased vehicles and may park in our lot, but only on a short term basis. Again, we do our best to assure we stay in compliance with the requirements of our license and when we become aware of any issues, we instruct customers to move their vehicles as soon as possible.

3. . The inspector noted the bumper was still on the property when he came back to reinspect, the bumper was improperly disposed onto the property by a unknown person. The bumper has since been removed shortly thereafter and properly disposed.

In the letter you provide four options on how I can proceed; I would like to proceed with option three. I would like a public hearing to contest the \$500.00 matix penalty. I truly believe some of the issues the inspector noted is incorrect and not feasible amd the fine of \$500.00 is excessive. As stated above, we do our best to assure we stay in compliance

with our license and respond to any unforeseen issues within a timely manner and believe this should be taken in consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Moe Kia". The signature is written in a cursive style with a large initial "M" and "K".

Moe Kia

Owner of MFK Enterprise

Licensee: M F K ENTERPRISES INC


DBA: M F K ENTERPRISE

License #: 0057957

07/05/2018 Sent to CAO for adverse action- \$500 penalty requested for first violation within 12 months. DE
 06/28/2018 Reinspection- Vehicles not parked according to site plan, blocking drive lane, exterior storage of vehicle parts. To send to CAO for adverse action. DE
 06/21/2018 Inspected site in response to complaint. 33 vehicles on lot, drive lane blocked, exterior storage of parts, and painted lines missing. Gave verbal warning. DE
 09/29/2015 Sent delinquent letter. Response deadline date is October 20, 2015. Max
 12/11/2014 Inspected site based on complaint of veh. parked on street nearby possibly associated with business. Observed 25 total cars on lot (18 for-sale + 7 cust./employee). One veh. parked on Robert St which an licensee (Moe Kia) stated had been repaired and was waiting for the owner to come pick-up (NOTE: whiel I was present someone from the property got into the car, drove onto the lot and spoke with Mr. Kia, left the lot in the vehicle, then returned with the vehicle and parked in the cust./employee parking area to the north of the bldg.). Provided licensee a copy of lic. cond. and site plan. Pictures taken. JWF
 9/24/14 29 cars on lot numerous veh on Winona and Robert St. Watched customers park on Winona and Robert and walk in. Police incident at the time of my visit.KS
 8/7/14Cars registered to MFK Parked on S.bound Robert.customer waiting for Moe to make a payment. Pic.taken.KS
 12/11/2013 25 veh. parked on lot, one veh. not parked according to site plan (was a maneuvering lane of 9' between cars), no veh. parked on street surrounding property. Advised veh. not parked according to plan must be moved, they stated would be corrected by next day because customer parked it here and took keys. Took pictures. JWF
 5/8/13 28 veh. on lot.One on street. Female came from office and got into silver car. Pict. taken. Several parked on street spoke to one of the owners that was very agumentive. KS
 12/28/11 written orders to clean up garbage and car parts. comply by 12/30/11KS
 10/28/11 In comp. with cond. 19 cars on lot 10 days to get rid of pallets dropped off by strangers. KS
 4/19/11 In comp. with conditions 22 cars total on lot that included cars for sale and customer cars parked in lot.KS
 2/24/09 Checked 830 So. Robert for license conditions. I spoke to Mohammad Abedi owner of Import Auto. I explained to him that I needed to go over the conditions on the licenses with him. I counted the cars the total was within the allowable limit [he is allowed 28 total]. The number of vehicles for sale can not exceed 20.
 The total offered for sale at the time of my inspection was 15. I saw no work being performed on the lot at the time of my inspection.RJ
 01/10/2007 In compliance with lic. conditions. JWF
 12/22/2006 Orders issued regarding inspections conducted on 10/17/2006, 10/23/2006, and 12/04/2006. See AMANDA complaint #06-249439. JWF
 2/16/06Complaint of too many vehs-complaint stated that 35 cars were for sale-counted 19 no cause for complaint RWJ
 4/12/05met Donna S on site concerning possible no parking sign on Robt.e-mail sent to PW requesting signRWJ 02/03/2005 in comp. owner showed up and we walked the area. Side walk clear. Red car HAF694 is not his or emp. KS.
 01/24/2005 Met with owner went over conditions-in compliance . Owner indicated that he did not know about the Jeep.RWJ
 01/24/2005 Rich Jents has verified that the JEEP has been removed. CAR
 01/18/2005 Received complaint from Donna Swanson regarding Jeep parked for repair on the street. CAR
 07/12/2000 Adopted resolution 00-653, finalizing City Council action taken 06/28, granting the application for auto repair garage.
 06/15/2000 Notice of Council Hearing from CAO for ALJ report. Hearing set for 06/28/2000 at 5:30 PM. ALJ is recommending approval of the license with conditions. CAR
 05/15/2000 96 Ply.van 036-MPV regist. to MFK Enterprises parked on Robert St. Pic. taken.KS
 04/26/2000 Letter from CAO rescheduling hearing from 05/26/2000 to 06/05/2000, 9:30AM, Room 41.CAR
 04/20/2000 Notice of Hearing on adverse action set for 05/26/2000, 9:30AM, Room 41. CAR
 03/23/2000 complaint,cars parked on Robert Stl. Dealer sticker for MFK,Dir.#2065493 Maxzda also 95Mitsubishe Plate #391-LLy.
 03/08/2000 Resolution 00-135 app for auto repair garage laid over indefinitely and referred to LIEP for initiation of scheduling ALJ. CAA
 03/06/2000 took picture of a car regis.to MFK on Wyoming St. Permit #CO331049 DrLic.R-200-139-275-093.Also recd.comp. about a junk car in front of 800 Robert took pic.KS.
 02/23/2000 Public hearing notification mailed 02/23/2000, copy to Mike Wilde, Attorney for Mr. Kia; 66M & 43EM/JL
 02/16/2000 Council laid over to March 8 for public hearing. CAA
 02/03/2000 Gerry Strathman to recommend approval w/conditions to City Council, Consent Agenda on 02/16. CAA
 01/18/2000 Leg hrg sched: 02/03/2000 at 11:00am. CAA
 12/14/1999 Notification response date 01/14/2000, notices mailed 12/14/1999; 68M & 43EM. Condition affidavit mailed for signature and returned to our office/JL
 12/06/1999 Need zoning approval to send out 30 day notice for Auto Repair Garage. CAM
 11/29/1999 Licensee paid \$500.00 fine - final payment. KS/CAM
 11/04/1999 20 cars on the lot.KS
 10/29/1999 Paid \$500 fine. \$500 due 11/30. CAR
 Licensee wants to make payment on fine.1/2 now and the 2nd 1/2 in 30 days.Ok per CR.
 10/27/1999 Kris hand delivered Suspension and/or Fine and Stayed Suspension letter - LAB
 10/13/1999 CF99-989 Finalizing City Council action taken 09/22 concerning adverse action against licenses held. Details: 1) The licenses shall be suspended for a period of thirty days effective 12:01am on 11/03/1999 - 11:59pm on 12/02/1999 or in the alternative, the licensees shall pay a fine of \$2,000.00 each, which fine shall be due on or before 10/26. 2) An additional 30-days suspension shall be imposed, which suspension is hereby stayed for a period of 18 months on the condition that there be no further violations of the license conditions or violations of law during that period. 3) The condition on each of the licenses that permit the display of 40 cars on the premises shall be amended to permit the display of no more than 20 vehicles for sale. In addition, in the even there is a violation of conditions of the licenses, or of law, within the next 18 months, the stayed 30 day suspension will be imposed. CAM
 Council Hearing Scheduled 09/22
 08/24/1999 ALJ Findings of Fact, Conclusions and Recommendation (for the violation of license conditions) received.
 Reply briefs due 07/23
 Briefs due 07/16
 ALJ scheduled for 06/22
 04/16/1999 Notice of continued hearing from CAO to 04/30/1999 CAR
 02/26/1999 Notice of hearing from CAO for ALJ on 04/13/1999. CAR
 02/11/1999 Form A letter sent by CAO for violation of conditions. (# of cars, drive lane). CAR
 09/27/1995 Appn For New 2nd Hd Dlr-Mv App'd C.F. #95-1142

Address Licensee Contact License Cardholder

Licensee Name: M F K ENTERPRISES INC
 DBA: M F K ENTERPRISE
 Sales Tax Id:

Find Now
 OK
 Cancel
 New Search
 Help


SEARCH WINDOW

New Group... New Temp Grp... Copy Group... Add License... Properties...

License #	Tag #	Licensee Name	DBA	License Type	Status
57957	0	M F K ENTERPRISES INC	M F K ENTERPRISE	Second Hand Dealer - Motor Vehicle	Active Pending Ren *
				Auto Repair Garage	Active Pending Ren *

Licensee: M F K ENTERPRISES INC
 DBA: M F K ENTERPRISE

License	Licensee	Lic. Types	Insurance	Bond	Requirements
<input checked="" type="radio"/> Property <input type="radio"/> Licensee <input type="radio"/> Unofficial			Project Facilitator: ASUNCION, CORINNE		
Street #: 830 Street Name: ROBERT Street Type: ST Direction: S Unit Ind: Unit #: City: ST PAUL State: MN Zip: 55107 Ward: 2 <input type="button" value="Browse"/> Dist Council: 03			Adverse Action Comments: 09/26/2006 Cancel alarm permit per verbal & written confirmation from the licensee. LKK License Group Comments: 07/05/2018 Sent to CAO for adverse action- \$500 penalty requested for first violation within 12 months. DE 06/28/2018 Reinspection- Vehicles not parked according to site plan, blocking drive lane, exterior storage of vehicle parts. To send to CAO for adverse action. DE		
Licensee: M F K ENTERPRISES INC DBA: M F K ENTERPRISE Sales Tax Id: ***** Bus Phone: (651) 224-1661		Licensee Comments:			
License Type	Class	Effective	Expiration	Conditions	License Fee
Alarm Permit (Renew)	R	02/18/1999	09/20/2006	Y	\$25.00
Auto Repair Garage	N	07/12/2000	09/20/2018	Y	\$453.00
Second Hand Dealer - Motor Vehicle	N	09/21/1995	09/20/2018	Y	\$453.00

License # 57957

Save Changes to History



Licensee: M F K ENTERPRISES INC
 DBA: M F K ENTERPRISE

License	Licensee	Lic. Types	Insurance	Bond	Requirements																											
Licensee Name: M F K ENTERPRISES INC Browse...		DBA: M F K ENTERPRISE Properties...		Sales Tax Id: ***** Non-Profit: <input type="checkbox"/> Worker's Comp: 00/00/0000																												
AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000		AA Fee Collected: 00/00/0000 Discount Rec'd: <input type="checkbox"/>																														
Other Agency Licenses			Financial Hold Reasons																													
<table border="1"> <thead> <tr> <th>Other Licensing Agency Name / License Type</th> <th>License #</th> <th>Expiration</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Other Licensing Agency Name / License Type	License #	Expiration				<table border="1"> <thead> <tr> <th>Reason</th> <th>Active</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Reason	Active	Date																		
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Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phon																										
Business/M	00/00/0000	00/00/0000	KIA	MOE FARYANEH	OWNER	(651) 224-10																										
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Other	00/00/0000	00/00/0000	KIA	MOE FARYANEH	OWNER	() -																										
Background Check Required <input type="checkbox"/> Contact Properties...						Mail Invoice To:		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address																								

License # 57957 Save Changes to History OK Cancel Help

C. Royak

ORIGINAL

Council File # 99-989

Green Sheet # 100711

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

24

Presented By _____

Referred To _____ Committee: Date _____

1 WHEREAS, the City of Saint Paul, Office of License, Inspections and
2 Environmental Protection (LIEP) initiated adverse action against the license of Mohammed
3 Abedi, d/b/a Import Auto Enterprises, Inc., and Mostafa Farzaneh Kia, d/b/a MFK Enterprises,
4 Inc., 830 South Robert Street, for violations of the conditions on the licenses; and
5

6 WHEREAS, an administrative hearing was held before Administrative Law Judge Phyllis
7 A. Reha on April 13, 1999 and June 22, 1999; and
8

9 WHEREAS, the administrative law judge issued her Findings of Fact, Conclusions of
10 Law and Recommendation on August 23, 1999; and
11

12 WHEREAS, at the public hearing on September 22, 1999 the licensees did not appear nor
13 did they file exceptions to the Administrative Law Judge's Report; now therefore, be it
14

15 RESOLVED, that the Council of the City of Saint Paul, after due deliberation based upon
16 all of the files, records and proceedings herein, including the documents and exhibits submitted
17 to the Administrative Law Judge, the Findings, Conclusions and Recommendation of the judge
18 as well as the Memorandum attached thereto, and such arguments as may have been made at the
19 hearing, imposes the following adverse action against the second hand motor vehicle licenses
20 held by Mohammed Abedi, d/b/a Import Auto Enterprises, Inc., and Mostafa Farzaneh Kia,
21 d/b/a MFK Enterprises, Inc., for the premises at 830 South Robert Street:
22

- 23 1) The licenses shall be suspended for a period of thirty days effective
24 at 12:01 a.m. on November 3, 1999 and continuing until 11:59 p.m.
25 on December 2, 1999, or in the alternative, the licensees shall pay a
26 fine of \$2,000, which fine shall be due on or before October 26,
27 1999.
- 28
- 29 2) An additional thirty day suspension shall be imposed, which
30 suspension is hereby stayed for a period of eighteen (18) months
31 on the condition that there be no further violations of the license
32 conditions or violations of law during that period.
- 33
- 34 3) The condition on each of the licenses that permits the display of 40
35 cars on the premises shall be amended to permit the display of no
36 more than 20 vehicles for sale.
- 37

1 FURTHER RESOLVED, that in the event there is a violation of the conditions of the
2 licenses, or of law, within the next eighteen months, the stayed 30 day suspension will be
3 imposed upon the licensees using the following procedure:

99-989

- 4
- 5 1) The director of LIEP or his designee will execute an affidavit reciting on personal
6 knowledge the violation or violations of the conditions of the licenses or of the
7 law; and
- 8
- 9 2) Such affidavit shall be served on the licensee; and
- 10
- 11 3) A resolution imposing the stayed thirty days, specifying the beginning and ending
12 dates of such suspension shall be prepared by LIEP, and the council shall place it
13 on the next available consent agenda for appropriate action; and
- 14
- 15 4) A copy of the resolution shall be served on the licensees.
- 16

17

18 FURTHER RESOLVED, that the Findings of Fact and Conclusions of Law of the
19 Administrative Law Judge shall be adopted and shall be attached and incorporated herein, by
20 reference.

21

22 A copy of this Resolution, as adopted, shall be sent by first class mail to the Licensees, their
23 attorney and to the Administrative Law Judge.

ORIGINAL

	Yeas	Nays	Absent
Benanav	✓		
Blakey	✓		
Bostrom	✓		
Coleman	✓		
Harris	✓		
Lantry	✓		
Reiter	✓	0	0

Requested by Department of:

By: _____

Form Approved by City Attorney

By: Virginia D. Palma

Approved by Mayor for Submission to Council

By: _____

Adopted by Council: Date Oct 13, 1999

Adoption Certified by Council Secretary

By: James J. Palma

Approved by Mayor: Date Oct 21 1999

By: William J. Sullivan

Feb 16, 2000 3:30 PM CC.

OFFICE OF LICENSE, INSPECTIONS AND ENVIRONMENTAL PROTECTION
Robert Kessler, Director



CITY OF SAINT PAUL
Norm Coleman, Mayor

LOWRY PROFESSIONAL BUILDING
Suite 300
350 St. Peter Street
Saint Paul, Minnesota 55102-1510

Telephone: (651) 266-9090
Facsimile: (651) 266-9099
(651) 266-9124

I agree to the following conditions being placed on the following license(s):

License #: 0057957
Type of Business: Auto Repair Garage
Second Hand Dealer - Motor Vehicle
Applied for by: M F K ENTERPRISES INC
Doing Business As: M F K ENTERPRISE
at: 830 ROBERT ST S
ST PAUL MN 55107

Conditions are as follows:

1. The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with LIEP.
2. A drive lane shall be maintained open for thru vehicle access as shown on the site plan.
3. Vehicles shall not project into or be parked on public streets or boulevards. The post and chain barrier restraint device must be maintained along the property line on Winona to prevent encroachment into the public area.
4. All repair and servicing of vehicles shall be conducted inside the building and not on the exterior of the lot or on the public streets or boulevards.
5. There shall be no exterior storage of vehicle parts.
6. Storage of vehicle fluids batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste Regulations.
7. The dumpster must be stored on the property in an area of the site which is not required for customer parking or maneuvering.
8. Licensee shall monitor noise of equipment required for servicing vehicles. Overhead doors shall be kept closed when using noise producing tools.

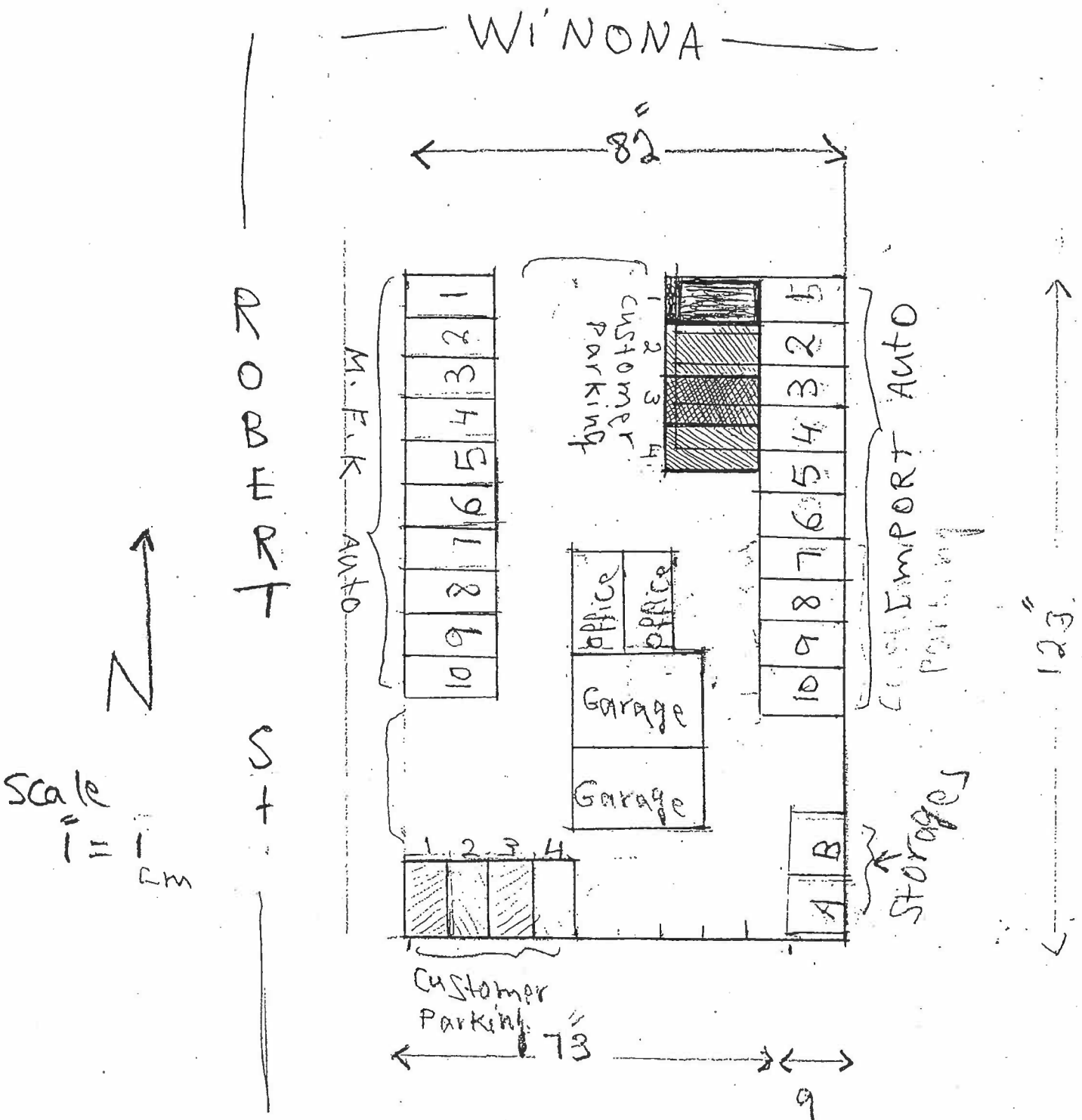
[Signature]
Licensee

2.3.2000
Date

M.F.
 JZ Customer/employee parking spaces shall be designated with painted lines on parking surface and with appropriate signage delineating these spaces for ~~the~~ intended use. Striping of parking to be completed by July 1, 2000
 JZ

101

830 Robert St S



2/3/00 *[Signature]*

[New Search](#)

Run Date: 08/30/18 09:47 AM
House#: 830
Street Name: Robert

Last

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

830 Robert St S - 55107-3232 - [Other Applications](#)

PIN: 082822340103

Census Tract: 37200

Year Built:

Foundation Sq Feet:

Unverified Usage: 10- GENERAL RETAIL & SVC- B- Commercial

Zoning: B2

Legal Desc: AUDITOR'S SUB OF L6 BIDWELLS EX ST LOT 8 AND ALL OF LOT 9

Owner:

Mohammad Bagher Abedi/Mostafa Farzaneh Kia
830 Robert St S
St Paul MN 55107-3232

Certificate of Occupancy Responsible Party:

Mfk Ent. Inc.
830 Robert St S
Saint Paul MN 55107
651-224-1661

Sec. 310.05. - Hearing procedures.

(m) *Presumptive penalties for certain violations* . The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00	\$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00	Revocation	n/a	n/a

(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Critical violations under 331A	\$250.00	\$500.00	\$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under 331A	\$150.00	\$250.00	\$500.00	\$1,000.00
(11) Taxi fail to display driver's license as required by 376.16(f)	\$100.00	\$250.00	\$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	\$100.00	\$250.00	\$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	\$200.00	\$400.00	\$800.00	Revocation

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
 - (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
 - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
 - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
 - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
 - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)