



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

September 16, 2014

NOTICE OF VIOLATION

Victor Pacho, Owner  
Safe Auto Body Shop  
931 Atlantic Street  
Saint Paul, MN 55106

RE: Auto Body Repair/Painting Shop license held by Safe Auto Body Shop d/b/a Safe Auto Body Shop for the premises located at 931 Atlantic Street in Saint Paul.  
License ID #: 20080000175

Dear Mr. Pacho:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Body Repair/Painting Shop license held by Safe Auto Body Shop d/b/a Safe Auto Body Shop for the premises located at 931 Atlantic Street in Saint Paul. The basis for the recommendation is as follows:

**On August 28, 2014, A DSI inspector conducted an inspection of your establishment and found several license condition violations:**

1. Too many vehicles parked in stalls along the building where only three parking spaces are allowed in violation of license condition #1: *"There are fifteen (15) spaces marked for customer and employee use, all vehicles on the site must be parked as shown on the approved site plan on file in DSI, dated 1/31/08. (Any changes to the site plan must be approved by the Zoning Administrator)."*
2. Vehicles parked in the fire lane, the alley along the side of the building and not parked as outlined on the approved site plan in violation of license condition #2: *"Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners. All vehicles on the site must be parked as shown on the approved site plan on file with DSI, dated 1/31/08. (Any changes to the site plan must be approved by the Zoning Administrator)."*
3. Vehicle parts and trash stored outside the building, in the weeds and on the roof in violation of license condition #3: *"There shall be no exterior storage or vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster."*
4. Trash was spilling out over the dumpster in violation of license condition #3: *"There shall be no exterior storage or vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster."*

**5. Vehicles were parked outside with major body parts missing in violation of license condition #5: "All vehicles parked outdoors must appear completely assembled with no major body parts missing."**

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 and add the following new condition:

**"Licensee will place laminated placards that are impervious to weather; in each car's dashboard clearly identifying the cars they have in their possession in order to distinguish one business from another."**

At this time, you have three options 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 **Friday, September 26, 2014**. A self-addressed envelope is enclosed for your convenience.

You will also need to sign and return the enclosed license condition affidavit no later than **Friday, September 26, 2014**. Payment of the \$500.00 matrix penalty and return of the signed license condition affidavit 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 **Friday, September 26, 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 and new license condition. 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 **Friday, September 26, 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 or DSI by Friday, September 26, 2014, I will assume that you do not contest the imposition of the \$500.00 matrix penalty and new license condition. 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 Dan Niziolek, Deputy Director – DSI  
Victor Pacho, 3530 Portland Avenue South, Apt. 2, Minneapolis, MN 55407  
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council  
798 East Seventh Street, Saint Paul, MN 55106-6625

Enc.



CITY OF SAINT PAUL  
Christopher Coleman, Mayor

375 Jackson St, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-9090  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

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

License #: 20080000175

Type of Business: Auto Body Repair/Painting Shop

Applied for by: SAFE AUTO BODY SHOP  
SAFE AUTO BODY SHOP

At: 931 ATLANTIC ST  
ST PAUL MN 55106

Conditions are as follows:

1. There are fifteen(15) spaces marked for customer and employee use, all vehicles on the site must be parked as shown on the approved site plan on file in DSI, dated 1/31/08.(Any changes to the site plan must be approved by the Zoning Administrator)
2. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners. All vehicles on the site must be parked as shown on the approved site plan on file in DSI, dated 1/31/08.(Any changes to the site plan must be approved by the Zoning Administrator)
3. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster.
4. The license holder agrees to maintain the fencing, vehicle location and vehicle barriers in a manner consistent with the approved site plan.
5. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
6. General auto repair is not permitted.
7. Vehicle salvage is not permitted.
8. Auto sales are not permitted.
9. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
10. Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure than any vehicle not claimed by its owner is removed from the lot as permitted by law.
11. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward as stipulated on the approved site plan.
12. Licensee must comply with all federal, state, and local laws.
13. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.
14. If licensee stores vehicles outside, Licensee must clearly identify such vehicles with a weather-resistant placard on each vehicle's dashboard, in such a manner as to clearly indicate which vehicles are in licensee's possession.

\_\_\_\_\_  
Licensee (signature)

\_\_\_\_\_  
Date

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

Victor Pacho, Owner  
Safe Auto Body Shop  
931 Atlantic Street  
Saint Paul, MN 55106

Victor Pacho  
3530 Portland Avenue South, Apt. 2  
Minneapolis, MN 55407

Deanna Abbott-Foster  
Executive Director  
Dayton's Bluff District 4 Community Council  
798 East Seventh Street  
Saint Paul, MN 55106-6625

(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  
Julie Kraus

Subscribed and sworn to before me  
this 16<sup>th</sup> day of September, 2014

Rita M. Bossard  
Notary Public

