

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 10th day of June, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF A \$2000 FINE AND 10-DAY SUSPENSION OF YOUR AUTO REPAIR GARAGE LICENSE** and a correct copy thereof in an envelope addressed as follows:

Dukes Cars and Towing
977 Front Avenue
Saint Paul, MN 55103
Attn: Duqueiro Cano

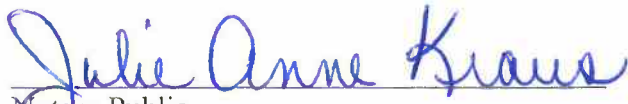
Duqueiro Cano
3347 3rd Avenue South
Minneapolis, MN 55408

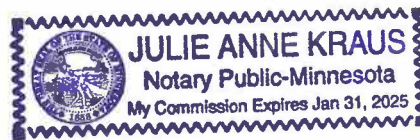
Shevek McKee, Executive Director
Como Community Council
1224 Lexington Parkway N.
Saint Paul, MN 55103

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


Shawn McDonald

Subscribed and sworn to before me
This 10th day of June 2022


Notary Public





June 10, 2022

**NOTICE OF VIOLATION AND REQUEST
FOR IMPOSITION OF A \$2,000 FINE
AND 10-DAY SUSPENSION OF
YOUR AUTO REPAIR GARAGE LICENSE**

Dukes Cars and Towing
977 Front Avenue
Saint Paul, MN 55103
Attn: Duqueiro Cano

RE: Auto Repair Garage license held by Dukes Cars and Towing LLC, d/b/a Dukes Cars and Towing, for the premises located at 977 Front Avenue in Saint Paul.
License ID #: 20190000933

Dear Licensee:

The Department of Safety and Inspections (the "Department") is recommending adverse action against the Auto Repair Garage license held by Dukes Cars and Towing LLC, d/b/a Dukes Cars and Towing (the "Licensee"), for the premises located at 977 Front Avenue (the "Licensed Premises") based on violations of your license conditions.

Saint Paul Legislative Code section 310.06 sets forth a variety of reasons on which adverse action may be based. Section 310.06(b)(5) states that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the license conditions on which the Department bases its request for adverse action are license conditions #4 & #16.

The Department asserts that the following facts, along with photos of the violations attached herein, constitute proof that you have violated license conditions #4 and #16.

Synopsis of Alleged Facts:

On May 12, 2022, Department Inspector Akbar Muhammad went to the Licensed Premises to conduct an inspection after receiving a complaint. Inspector Muhammad spoke with employee Miguel Sanchez and informed him that he was there for a complaint inspection. Inspector Muhammad asked



Sanchez if the license holder was available at the time of the inspection, to which Sanchez responded that he was not. During the inspection, Inspector Muhammad observed a vehicle that was covered by tarp in the fenced area of the property. When asked about the vehicle, Sanchez stated that the vehicle was awaiting parts and that it belonged to an employee. Muhammed also observed four (4) rubber tires, ladders, wooden planks, cardboards, toilet bowl, oil containers, and other miscellaneous items stored on the exterior of the premises. After concluding the inspection, Muhammed went over all the license conditions with Sanchez to educate him on what is not allowed on the property.

Violation #1 - Exterior storage of materials associated with the business in violation of Condition #4:

License condition #4 of the License for the Licensed Premises states that:

"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 or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."

Violation #1 Facts: During the May 12, 2022 inspection, Inspector Muhammad observed four (4) rubber tires, ladders, wooden planks, cardboards, toilet bowl, oil containers, and other miscellaneous items stored on the exterior of the premises. He also observed a truck covered with a blue tarp in a fenced area of the property.

Violation #2 - Failure to keep area clean in violation of Condition #16:

License condition #16 of the License for the Licensed Premises states that:

"Area must be kept clean and free of garbage."

Violation #2 Facts: During the May 12, 2022 inspection, Inspector Muhammad observed a broken toilet, wooden planks, ladders, and cardboard outside of a dumpster.

Under Saint Paul Legislative Code section 310.05(v), these violations of your license conditions are third-time violations. The penalty matrix laid out in section 310.05(m)(1) prescribes a \$2,000 fine and 10-day suspension for a third-time violation.



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 **June 24, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.
2. You can pay the \$2,000 fine and 10-day suspension. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **June 24, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the \$2,000 fine and 10-day suspension 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 \$2,000 fine and 10-day suspension 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 no later than **June 24, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the \$2,000 fine and 10-day suspension 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 (the "ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **June 24, 2022**. At that hearing, both you and the City will appear and present witnesses and 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 the public hearing, 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 reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code section 310.05(k).

If you have not contacted me by June 24, 2022, I will assume that you do not contest the imposition of the \$2,000 fine and 10-day suspension. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDESEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

If you have questions about these options, please contact my Legal Assistant, Shawn McDonald, at (651) 266-8729.

Sincerely,

Stephen Earnest
Assistant City Attorney
License No. 0402652

Cc: Duqueiro Cano, 3347 3rd Avenue South, Minneapolis, MN 55408
Shevek McKee, Executive Director, Como Community Council, 1224 Lexington Parkway, Saint Paul, MN 55103

Attachments: Inspectors Report from Inspector Akbar Muhammad
 Screenshots from Eclips system
 STAMP Ownership/Zoning Information
 License Group Comments Text
 Adverse Action Comments Text
 License Group Conditions Text
 Photos of Violations from 5/12/2022

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.



Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date & Time: 5/12/2022 - 10:55am

Staff Member's Name: Miguel Sanchez

Business/DBA Name: Dukes Car and Towing

Property Address: 977 Front Avenue

Reason for Visit: Complaint Inspection

Observations: License Condition Violations 4 & 16

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: Fenced area of property

Action Taken: Education / warning

Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival, I spoke with Miguel Sanchez (employee), I identified myself as a DSI licensing inspector with the City of Saint Paul. I explained to Miguel the reason for today's visit was due to DSI receiving a complaint and I was here for an inspection. I asked if the license holder Duqueiro Cano was present, Miguel stated that "He was not available". Immediately observed a vehicle that was covered by a tarp in the fenced area of the property (see Photo), when I inquired about the vehicle, Miguel stated, "the vehicle was awaiting parts for repair and that the vehicle belonged to an employee". Continuing my inspection, I observed four (4) rubber tires, ladders, wooden planks, cardboard, toilet bowl, oil containers and other items stored on the property's exterior (see photos). I brought the violations to Miguel's attention and reviewed all license conditions with him so that he would be educated on what is not allowed and what is allowed.

During the inspection I noticed that there was not a 'Hazardous Waste License' posted onsite, I asked Miguel he knew where the 'Hazardous Waste License' was located. Miguel stated, "I don't know where it could be found". I asked Miguel to contact the license holder Duqueiro. I asked Duqueiro where the 'Hazardous Waste License' could be located. Diqueiro stated, "I will check to see if I can find it, I'm not there, I don't know". I reminded Duqueiro that it is a requirement to have all licenses associated with the business to be posted at the location and to be always easily visible to inspectors. During the conversation, I made Duqueiro aware of the violations found and that I reviewed all license conditions with Miguel.

Properties For License 977 FRONT AVE



Licensee: DUKES CARS AND TOWING LLC
 DBA: DUKES CAR AND TOWING

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: DUKES CARS AND TOWING LLC Browse...
 DBA: DUKES CAR AND TOWING Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 09/04/2022
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
DUKES CAR AND T			(651) 489-8224		977 FRONT AVE
CAND	DUQUEIRO		() -		3347 3RD AVE S

Background Check Required Contact Properties...

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

License # 190000933 Save Changes to History OK Cancel Help

Properties For License 977 FRONT AVE



Licensee: DUKES CARS AND TOWING LLC
 DBA: DUKES CAR AND TOWING

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: DUKES CARS AND TOWING LLC Browse...
 DBA: DUKES CAR AND TOWING Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 09/04/2022
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Driv
977 FRONT AVE	ST PAUL	55103	00/00/0000	00/00/0000	
3347 3RD AVE S	MPLS	55408	05/24/1967	00/00/0000	S49914

Background Check Required Contact Properties...

Mail License To:
 Mail To Contact
 License Address

Mail Invoice To:
 Mail To Contact
 License Address

License # 190000933 Save Changes to History OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 05/17/22 02:28 PM
House#: 977

Last updated from Ramsey County data on:

Street Name: FRONT

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

977 Front Ave - 55103-1351 - [Other Applications](#)

PIN: 262923240180

Census Track: 31200 **Census Block:** 3022

Council Ward: 5 **District Council:** 10

Year Built:

Foundation Sq Feet: **Loan Company:**

Land

Building

Value: 30400

Value: 72300

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

ISP:

Units: 0

Zoning: B2

Legal Desc: SAHLGAARD'S SUBDIVISION OF,LOT SAHLGAARD'S SUBDIVISION OF,LOT LOTS 10 AND LOT 11 BLK 55

Owner:

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis MN 55408-3205

Tax Owner:

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis MN

Certificate of Occupancy Responsible Party:

Duke's Towing
977 Front Ave
St Paul MN 55103-1351

License Group Comments Text

06/01/2022

Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

License #: 20190000933

05/10/2022 \$1,000.00 fine paid o/phone. LKK
5/10/2022 Spoke to the license holder he claims that he will make the \$1,000 fine payment by 2pm today JNV
04/26/2022 CF 22-476 approves matrix of \$1,000, due May 6, 2022. Letter sent. SLH
2/15/2022 Sent to the CAO for AA for second lic con violations with a \$1,000 fine JNV
2/11/22 Reinspect found violations, will be submitting AA. ARM
1/27/2022 Followed up on complaint, inspect property found violations. Sent Correction Notice with reinspection on or after 2/11/2022. ARM
02/07/22 \$500.00 FINE PAID. SE
11/10/21 - RES. 21-1580. \$500 fine owed. EVH
1/31/2022 Sent correction notice to licensee and CC: property owner, reinspection on or after 2/11/2022.ARM
9/29/2021 Sent to the CAO for AA for license condition violations from an inspect held on 9/17/2021 JNV
08/30/21 Spoke to Cano, advised info received shop was operating Sunday 8/29. He acknowledged that's a violation and the result of newly hired employees. He advised he would take care of that and all other items noted in 8/25 correction notice this week. EVH
08/23/2021 see 8-5-21 AMANDA CS 21 290701. TPF
02/22/2021 2nd e-mail request sent for Workers Comp form. LKK
02/02/2021 E-mailed for Workers Comp form. LKK
2/2/2021 Spoke to Mr. Cano opt to pay over the phone referred to Linda Koran. ARM
02/01/2021 To ARM for non-response follow-up. JWF
1/26/2021 Jet ski was taken off the premise by 4 pm. In compliance. ARM
1/13/2021 Violations of #1 and #4 of their license conditions. Reinspection will take place on or after 1/25/2021.ARM
10/26/2020 Delinquent letter sent. Response deadline date is November 16, 2020. SLH
01/16/2020 Re-Inspection - In compliance JNV
01/13/2020 Called and spoke with Duke about a trash complaint. Re-Inspection set on 01/16/2020 JNV
12/20/2019 Spoke w/neighbor to provide details of Dec. 4 on-site inspection and expectations given to the license holder at that time. - EVH
12/04/2019 Licensing Manager along with Inspector met with District Council 10 at licensed property to discuss license conditions and operation expectations. JNV
11/14/2019 Complaint inspection, found violations #'s 1,4 and Possible #11- Correction Notice letter sent on 11/15/2019 JNV
10/18/2019 Opening inspection--in compliance. DSE
10/08/2019 Emailed license applicant complete site improvements then contact David Eide for opening inspection. JWF
09/18/2019 CF #19-1503 approves lic. with 19 conditions. JWF
08/22/2019 Per Leg. Hrg. Officer recommend approval no additional conditions, 09/19/2019 rck. JWF
08/09/2019 Obj. rcvd. Leg. Hrg. 08/22/2019. JWF
07/08/2019 Lic. notice sent, 54M/35EM, response date 08/09/2019. JWF
06/27/2019 Draft notification to KS/EH for review. JWF
06/24/2019 DE has approved parking plan. JWF
06/14/2019 Email to lic. applicant submit most recent proposed site plan to DSI Zoning David Eide. Recheck app. status 07/08/2019 (gray file). JWF
05/30/2019 Per email response David Eide (Zoning) on vacation until 06/17/2019. Recheck for Zoning approved plan at that time (gray file). JWF
05/14/2019 2nd letter sent obtain Zoning approval, response date 05/24/2019. JWF
5/6/19 Reinspection to confirm that licensee had stopped operating. Licensee was in compliance.ARM
5/1/19 Followed up on complaint,inspection yielded that licensee was operating without the proper license. Immediately stopped operating. ARM
05/10/2019 Per DE recent contact from license applicant who stated would provide better site plan for Zoning review to begin but hasn't provided one yet. JWF
04/22/2019 Incomplete letter sent obtain DSI Zoning Division review approval, response date 05/10/2019. JWF

Adverse Action Comments Text

06/01/2022

Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

License #: 20190000933

02/24/2022 - Notice of Violation sent with an 03/10/2022 deadline to respond. SM
10/06/2021 - Notice of Violation sent with an 10/20/2021 deadline to respond. SM

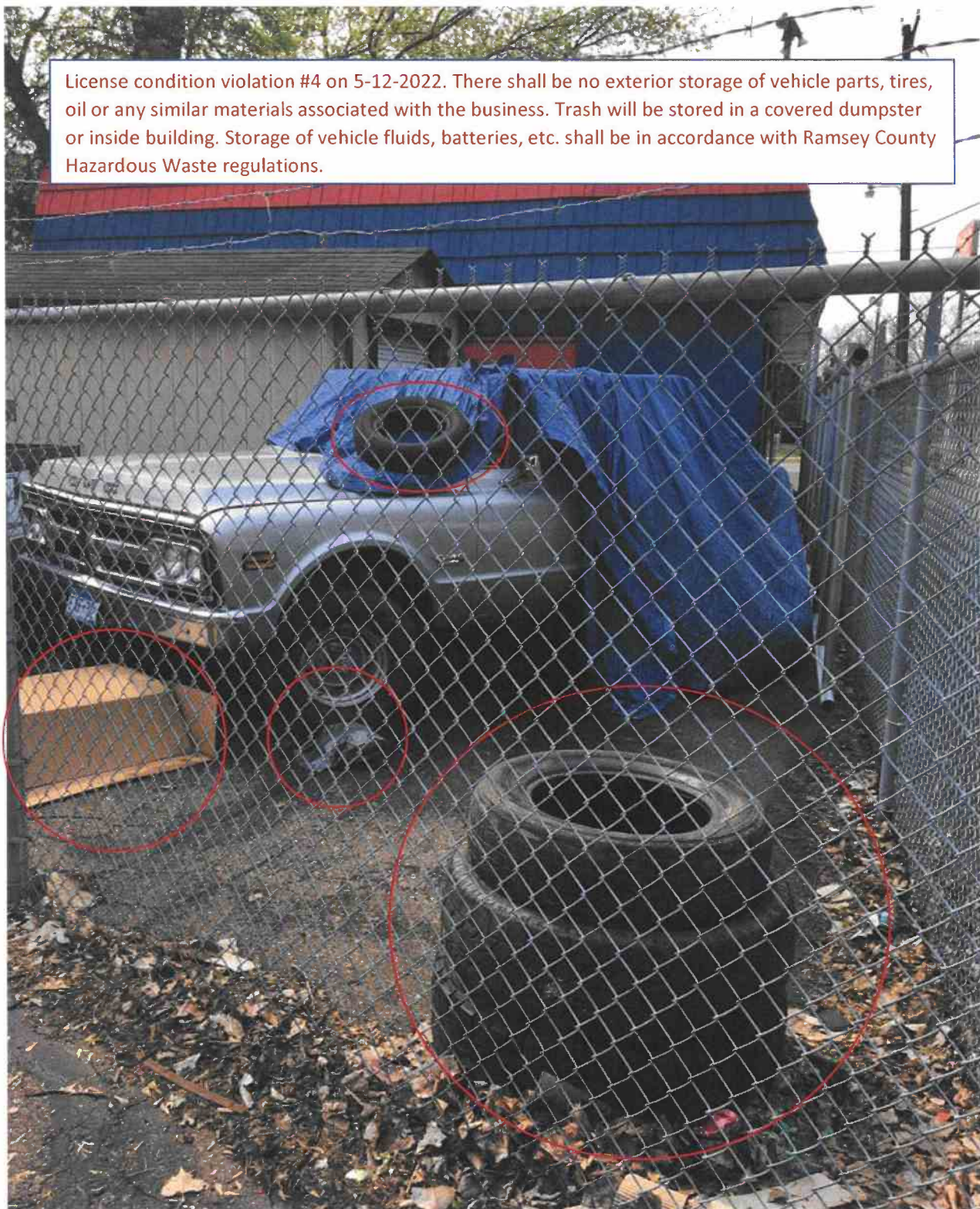
Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

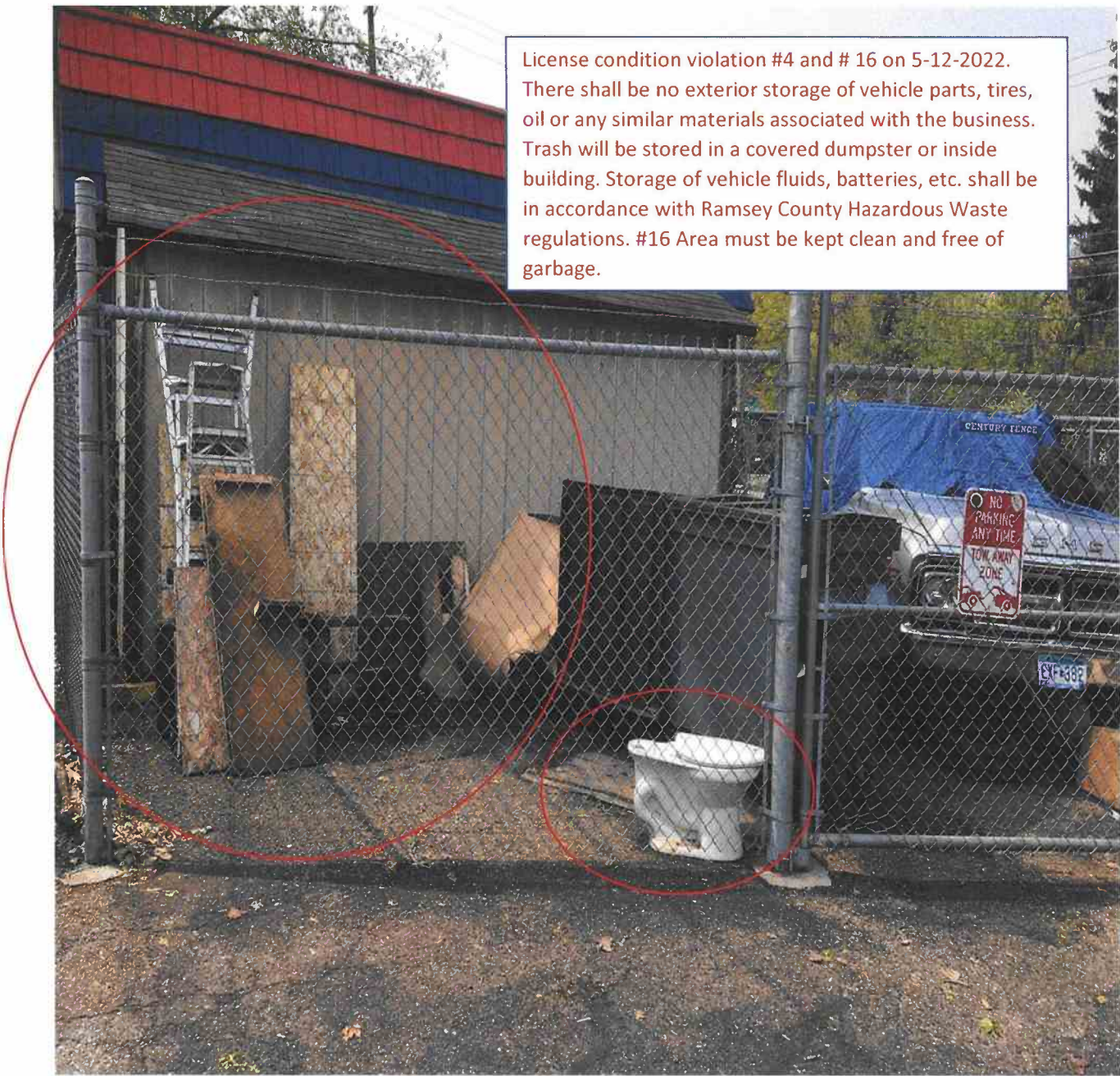
License #: 20190000933

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. 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 or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations.
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.

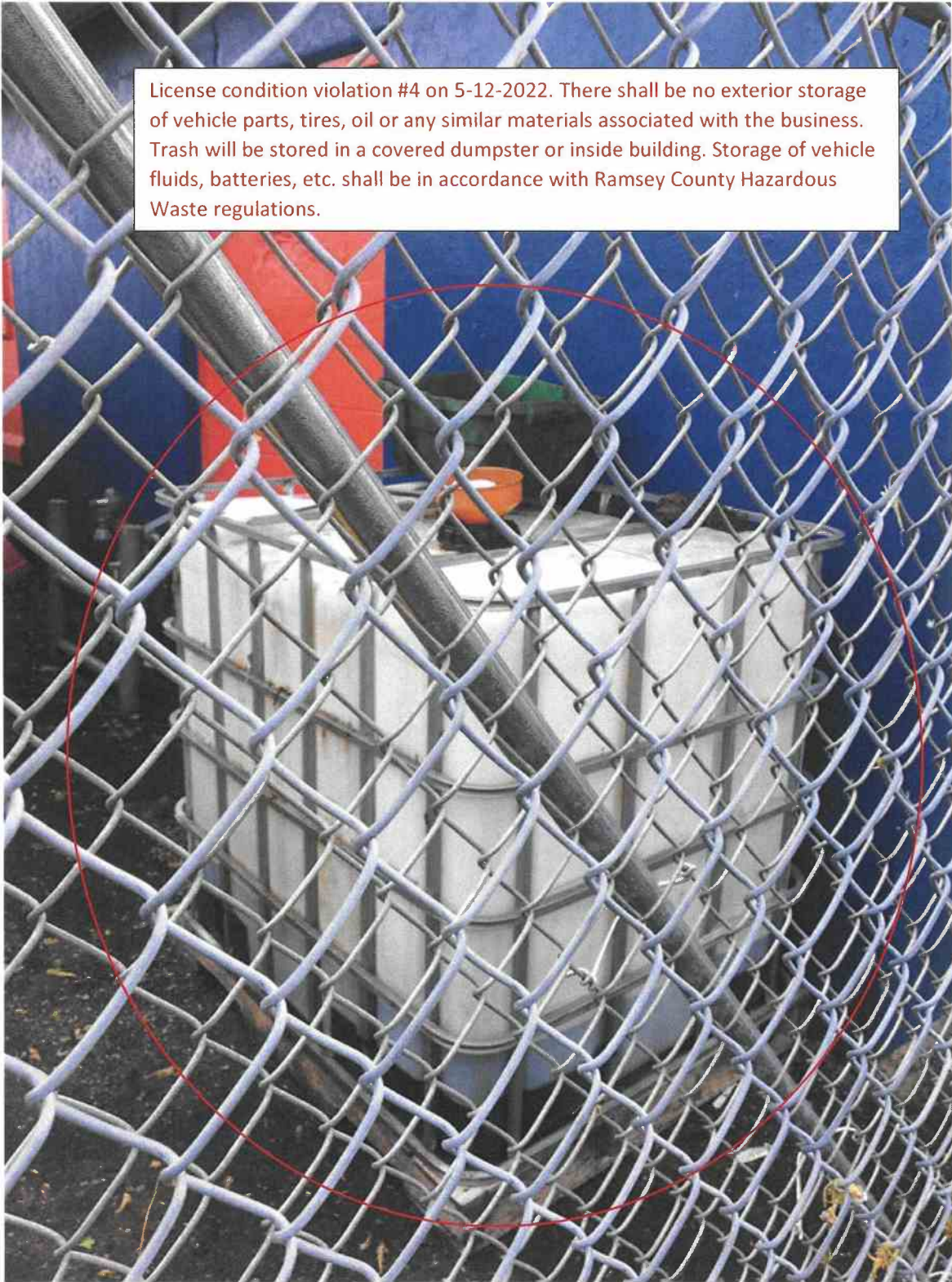
License condition violation #4 on 5-12-2022. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business. Trash will be stored in a covered dumpster or inside building. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste regulations.



License condition violation #4 and # 16 on 5-12-2022. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business. Trash will be stored in a covered dumpster or inside building. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste regulations. #16 Area must be kept clean and free of garbage.



License condition violation #4 on 5-12-2022. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business. Trash will be stored in a covered dumpster or inside building. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste regulations.



License condition violation #4 on 5-12-2022. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business. Trash will be stored in a covered dumpster or inside building. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste regulations.

