



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

February 10, 2017

NOTICE OF INTENT TO DENY LICENSES

Alfredo Salgado
1951 Nortonia Avenue
Saint Paul, MN 55119

RE: Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts license applications submitted by AAA Enterprise d/b/a Affordable Tire for the premises located at 1324 Arcade Street in Saint Paul
License ID #: 20160002655

Dear Licensee:

The Department of Safety and Inspections will recommend denial of the Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts license applications submitted by AAA Enterprise d/b/a Affordable Tire for the premises located at 1324 Arcade Street in Saint Paul. The basis for the recommendation is based on the following information:

You submitted an application for an Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts with the Department of Safety and Inspections (DSI) for the location located at 1324 Arcade Street. As part of the application process, DSI reviewed the license history at your current location on 1118-7th Street East. During that review, it was discovered that you have had multiple adverse actions against your licenses at that location regarding failure to comply with your license conditions:

- On September 16, 2014, a Notice of Violation was sent to you regarding numerous license condition violations documented during an inspection of your premises on June 13, 2014 and again during a re-inspection on August 28, 2014. You paid the \$500.00 fine on October 31, 2014.
- On April 29, 2015, a Notice of Violation was sent to you regarding numerous license condition violations documented during an inspection on April 23, 2015. City Council imposed a \$1,000.00 penalty (RES #15-937) on May 27, 2015 which you paid on June 29, 2015.
- On October 21, 2016, a Notice of Violation was sent to you regarding numerous license condition violations documented during an inspection on September 29, 2016. City Council imposed a \$500.00 penalty (RES #16-2035) on November 15, 2016 which you paid on November 15, 2016.

On February 2, 2017, a DSI Inspector came to your current establishment at 1118 – 7th Street East and documented violations to the following license conditions:

- Tires displayed and stored outside the building in violation of license conditions #3 and #19.
- Vehicles being parked in the driveway and public right-of-way (street or alley) outside the designated area on the DSI approved site plan in violation of license conditions #8 and #10.
- Vehicles being stored for the purpose of salvaging parts in violation of license condition #11

Saint Paul Legislative Code Section 310 also provides that adverse action may be taken against your license application based on any one or more of the following grounds:

Section 310.06 (b) (6) (c): *“the licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.”*

Section 310.06 (b) (8): *“the licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.”*

Due to your continued pattern of failure to comply with your license conditions at your current location, the licensing office is recommending denial of your Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts licenses.

At this time, you have three (3) options on how 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 **Monday, February 20, 2017**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
3. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter by **Monday, February 20, 2017**. The matter will then be scheduled before the City Council to determine whether to deny your Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts licenses. 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 **Monday, February 20, 2017**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by **Monday, February 20, 2017**, I will assume that you do not contest the denial of your Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts licenses. 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,



Therese Skarda
Assistant City Attorney

cc: Lissa Jones-Lofgren, Interim Executive Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130, St. Paul, MN 55130
Gregory Sneller, 24204 Rutgers Street NE, Stacy, MN 55079

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

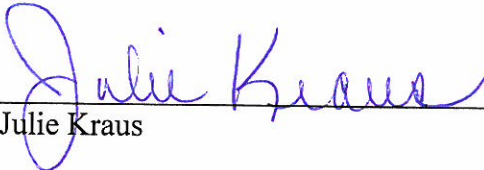
Julie Kraus, being first duly sworn, deposes and says that on the 10th day of February she served the attached **NOTICE OF INTENT TO DENY LICENSES** and a correct copy thereof in an envelope addressed as follows:

Alfredo Salgado
1951 Nortonia Avenue
Saint Paul, MN 55119

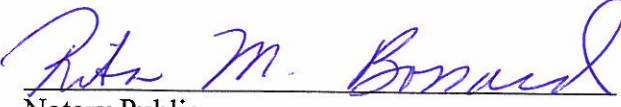
Lissa Jones-Lofgren, Interim Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Suite 130
St. Paul, MN 55130

Gregory Sneller
24204 Rutgers Street NE
Stacy, MN 55079

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


Julie Kraus

Subscribed and sworn to before me
this 10th day of February, 2017


Notary Public

