



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

July 8, 2011

NOTICE OF VIOLATION

Nasseh Ghaffari
Heartland Auto
877 Westminster Street
St. Paul, MN 55130

RE: Auto Body Repair/Painting Shop license held by Heartland Auto Sales, Inc. d/b/a Heartland Auto for the premises located at 877 Westminster Street in Saint Paul
License ID #20060002711

Dear Mr. Ghaffari:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Body Repair/Painting Shop license held by Heartland Auto Sales, Inc. d/b/a Heartland Auto for the premises located at 877 Westminster Street in Saint Paul. The basis for this determination is as follows:

On June 16, 2011, an inspector from the Department of Safety and Inspections (DSI) came to your establishment on 1236 Arcade Street and found you were in violation of several license conditions. At that time she gave you a verbal notice to bring this location and the 877 Westminister location into compliance within ten (10) days.

On June 26, 2011, the inspector returned to re-inspect and found you were in compliance at the 1236 Arcade location by you were not in compliance at the 877 Westminister location. The inspector took photographs at 877 Westminister documenting the following license condition violations:

- 1. There were miscellaneous junk and motor parts all over the property in violation of license condition #3 which states: "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. Storage of vehicle fluids, batteries, etc... shall be in accordance with Ramsey County Hazardous Waste regulations."**
- 2. There were over 23 dismantled vehicles on the lot in violation of license condition #1 which states: "The number of customer and employee vehicles on the north side of the lot may not exceed fourteen (14) spaces (including the one (1) handicapped parking space)."**
- 3. There were partially assembled vehicles associated with the business were parked in the right-of-way in violation of license condition #4 which states: "At no time shall vehicles be parked in the driveway or in the public right-of-way. Vehicles awaiting repair may not be parked or stored in an alley."**

4. Vehicles are being salvaged and skeletons stored on the premises in violation of license condition #5 which states: *"The storage of vehicles for the purpose of salvaging part is expressly forbidden. All vehicle parked outdoors must appeal to be completely assembled with no major parts missing. Vehicle salvage is not permitted."*

5. Vehicles are not being parked in accordance with the site plan and there appears to be no organization on the lot and no space to move vehicles in violation of license condition #10 which states: *"Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited."*

As this is the third (3rd) violation to your license conditions within the past eighteen (18) months, the licensing office will recommend a \$2,000.00 matrix penalty and ten (10) day suspension pursuant to per Saint Paul Legislative Code § 310.05 (m) (1). Please be aware that a re-inspection will occur in thirty days and failure to bring your establishment into compliance could result in further sanctions against your license.


At this time, you have two options on how to proceed:

1. 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, July 18, 2011**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$2,000.00 penalty and ten (10) day suspension. 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 no later than **Monday, July 18, 2011** disputing the facts and requesting an administrative hearing. 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.

If you have not contacted me by Monday, July 18, 2011, I will assume that you do not contest the imposition of the \$2,000.00 matrix penalty and the ten (10) day suspension of your license. 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,



Kalle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Nasseh Ghaffari, 13443 Flagstaff Avenue, Apple Valley, MN 55124-7989
Leslie McMurray, Exec. Director, Payne Phalen District 5 Planning Council, 506 Kenny Road, Ste. 130,
St. Paul, MN 55130

