



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

April 11, 2013

NOTICE OF VIOLATION

Michael Abri
Twin City Direct
1265 Arcade Street
Saint Paul, MN 55106

RE: Second Hand Dealer – Motor Vehicle license held by Twin City Direct Auto Sale, Inc. d/b/a Twin City Direct for the premises located at 1265 Arcade Street in Saint Paul
License ID #: 20060003070

Dear Abri:

The Department of Safety and Inspections will recommend adverse action against the Second Hand Dealer – Motor Vehicle license held by Twin City Direct Auto Sale, Inc. d/b/a Twin City Direct for the premises located at 1265 Arcade Street in Saint Paul. The basis for the recommendation is based on the following information:

On January 29, 2013 you were sent a letter from the Department of Safety and Inspections regarding an inspection that took place on January 9, 2013. During that inspection, the Senior License Inspector found the following violations to your license conditions:

1. There were twenty-seven (27) cars in the lot and it was not possible to exit without backing out onto the street. This is a violation of license condition #1: *There shall be no more than fourteen (14) "For Sale" cars on the lot at any one time. Eight (8) off-street parking spaces, including maneuvering area, must be maintained for customers in accordance with city requirements. "Thru-access" must be provided at all times to allow vehicles entering or exiting the site to be traveling forward.*
2. There were piles of tires and vehicle parts around the building, garbage in and around the lot and landscaping materials stored outside. This is a violation of license condition #4: *"No outside storage is permitted. No cars that are For Sale shall be parked on the street."* and license condition #7: *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."*
3. Vehicles were not parked according to approved site plan on file with DSI. This is a violation of license condition #6: *Customer, employee or sale vehicles shall not be parked or stored on the street or alley. All vehicles on the site must be parked as shown on the approved site plan on file with DSI dated 10/19/06. (Any changes to the site plan must be approved by the Zoning Administrator.*

You were given until February 15, 2013 to make the necessary corrections in order to be in compliance with your license conditions.

On March 13, 2013, the Senior License Inspector returned for a re-inspection and found several repeat violations to your license conditions:

1. **There were twenty-four (24) cars in the lot. This is a violation of license condition #1: *There shall be no more than fourteen (14) "For Sale" cars on the lot at any one time. Eight (8) off-street parking spaces, including maneuvering area, must be maintained for customers in accordance with city requirements. "Thru-access" must be provided at all times to allow vehicles entering or exiting the site to be traveling forward.***
2. **Vehicles were not parked according to approved site plan on file with DSI. This is a violation of license condition #6: *Customer, employee or sale vehicles shall not be parked or stored on the street or alley. All vehicles on the site must be parked as shown on the approved site plan on file with DSI dated 10/19/06. (Any changes to the site plan must be approved by the Zoning Administrator.***
3. **There were pillars and other items stored outside. This is a violation of license condition license condition #7: *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.***

As a result, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty and require that you bring your establishment into compliance with all your license conditions within 30 days or license will be sent to City Council for suspension.

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

1. You can pay the recommended \$500.00 matrix penalty. 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 **Monday, April 22, 2013**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty 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 **Monday, April 22, 2013**. The matter will then be scheduled before the City Council for a public hearing 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.
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 **Monday, April 22, 2013**. 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.

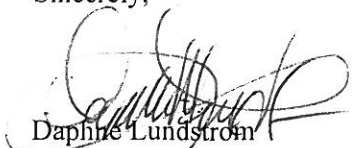
Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

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If you have not contacted me or DSI by Monday, April 22, 2013, 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 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,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Michael Abri, 16900 Innsbrook Circle, Lakeville, MN 55044-3416
Nasseh Ghaffari, 13433 Flagstaff Avenue, Apple Valley, MN 55124
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130, Saint Paul, MN 55130

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 14th day of April she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Michael Abri
Twin City Direct
1265 Arcade Street
Saint Paul, MN 55106

Michael Abri
16900 Innsbrook Circle
Lakeville, MN 55044-3416

Nasseh Ghaffari
13433 Flagstaff Avenue
Apple Valley, MN 55124

Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint Paul, MN 55130

(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 14th day of April, 2013

Joan E Richardson
Notary Public

