



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

October 10, 2016

NOTICE OF VIOLATION

Charles Belcher, Owner
Best Buy Auto Sales
1414 Arcade Street
St. Paul, MN 55106

RE: Second Hand Dealer – Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Best Buy Auto Sales for the premises located at 1414 Arcade Street in Saint Paul
License ID #20100004369

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Second Hand Dealer – Motor Vehicle license held by Best Buy Auto Sales, LLC d/b/a Best Buy Auto Sales for the premises located at 1414 Arcade Street in Saint Paul. The basis for the recommendation is as follows:

On July 29, 2016, an inspector from the Department of Safety and Inspections came to your licensed premises and took photographs during his inspection showing the following license conditions violations:

- So many cars parked on the lot that an SUV had nowhere to park in violation of your site plan and license condition #10: *“A maximum of fifteen (15) total vehicles may be parked outdoors on the property at any time: no more than twelve (12) for-sale vehicles may be displayed/parked, and at least three (3) customer/employee spaces shall be available on the property. All vehicles must be parked according to the approved site plan on file with DSI.”*
- Banners and stringers displayed on the property in violation of license condition #14: *“No banners, pennants, and/or stringers shall be permitted.”*

On October 5, 2016, an inspector from the Department of Safety and Inspections returned and took photographs showing the following repeated license condition violations:

- Seventeen (17) cars were parked on the lot, sixteen (16) of which had a “for sale” sign in the window. One (1) car was parked perpendicular to the cars that were displayed as “for sale”. The spaces intended for customer/employee parking is now being used to park “for sale” vehicles in violation of license condition #10: *“A maximum of fifteen (15) total vehicles may be parked outdoors on the property at any time: no more than twelve (12) for-sale vehicles may be displayed/parked, and at least three (3) customer/employee spaces shall be available on the property. All vehicles must be parked according to the approved site plan on file with DSI.”*

- **There were several banners placed in the ground on the property in violation of license condition #14: "No banners, pennants, and/or stringers shall be permitted."**

As a result of these license conditions violations, the licensing office will recommend a \$500.00 matrix penalty.

At this time, 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 **Friday, October 21, 2016**, 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.
2. 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 **Friday, October 21, 2016**. 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.
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 **Friday, October 21, 2016**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty.
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 **Friday, October 21, 2016**. 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 Friday, October 21, 2016, 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,



Therese Skarda
Assistant City Attorney

cc: Charles Belcher, 1069 Argyle Street, St. Paul, MN 55103
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council, 506 Kenny Road, Ste. 130
St. Paul, MN 55130

