



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

June 6, 2013

NOTICE OF VIOLATION

Wesley Amann, Partner
Amsterdam Pedals
1207 Adams Street NE
Minneapolis, MN 55413

RE: Pedal Car Business and Pedal Car licenses held by 3 Buckaroos, LLC d/b/a Amsterdam Pedals for the City of Saint Paul
License ID #: 20130001653

Dear Mr. Amann:

The Department of Safety and Inspections will recommend adverse action against Pedal Car Business and Pedal Car licenses held by 3 Buckaroos, LLC d/b/a Amsterdam Pedals for the City of Saint Paul. The basis for the recommendation is based on the following information:

On May 17, 2013, the Department of Safety and Inspections received a complaint and photographs regarding an incident on May 13, 2013 indicating violations to your Pedal Car Business and Pedal Car licenses:

- **Operating before the license was issued in violation of Saint Paul Legislative Code § 374.2 (a):** *"No person may engage in the commercial pedal car business without a license under this chapter."* and Saint Paul Legislative Code § 374.2 (b): *"No pedal car may be operated for hire unless it is licensed as a pedal car vehicle under this chapter."*
- **Operating before route has been approved in violation of Saint Paul Legislative Code § 374.5 (b):** *"All applications for a commercial pedal car business license must include a route plan and parking plan, which must be pre-approved by the Department of Safety and Inspections. The route plan must be described in writing and on a map accompanying the application. The route plan may be composed of multiple routes or a proposed zone of operations."*
- **Company name was not displayed on operating vehicle in violation of Saint Paul Legislative Code § 374.12 (e):** *"All commercial pedal cars must display a valid license decal issued by the Director of the Department of Safety and Inspections. The name and phone number of the licensee must be posted on the vehicle."*

- **Large bottle of whiskey was photographed on board the vehicle in violation of Saint Paul Legislative Code § 374.12 (p): “No alcoholic beverages other than non-distilled malt beverages, cider, beer and wine may be consumed by passengers of the commercial pedal car.”**

As a result, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty.

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, June 17, 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, June 17, 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, June 17, 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).

If you have not contacted me or DSI by Monday, June 17, 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
Wesley Amann, 127-5th Street NE, Minneapolis, MN 55413

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 6th day of June she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Wesley Amann, Partner
Amsterdam Pedals
1207 Adams Street NE
Minneapolis, MN 55413

Wesley Amann
127-5th Street NE
Minneapolis, MN 55413

(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 6th day of June, 2013

Karen M. Doumany
Notary Public

