



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 22, 2013

NOTICE OF INTENT TO DENY LICENSE

John E. Norris
E J Liquidation
323 Larch Street
Saint Paul, MN 55117

RE: Second Hand Dealer license application submitted by John E. Norris d/b/a E J Liquidation for the premises located at 323 Larch Street in Saint Paul
License ID #: 20120005160

Dear Mr. Norris:

The Department of Safety and Inspections will recommend denial of the Second Hand Dealer license application submitted by John E. Norris d/b/a E J Liquidation for the premises located at 323 Larch Street in Saint Paul. The basis for the recommendation is based on the following information:

On October 8, 2012, you were sent a letter from the Department of Safety and Inspections (DSI) indicating that DSI was made aware that you were operating a recycling/second hand dealer business without obtaining the appropriate licenses. You were instructed at that time to apply for a Recycling Collection Center and Second Hand Dealer license.

In addition, you do not have heat or sanitary facilities in the building you occupy. The Minnesota State Building Code may require that a building have heat and a handicapped accessible restroom. You were asked to submit a floor plan and a proposal for how you were going to accommodate the building code requirements of heat/ventilation, potable water supply and a restroom to continue to occupy the building.

You were given until October 19, 2012 to complete the appropriate license applications and submit the floor plan to the Building Official regarding the restroom. As of today's date, neither has been submitted.

On December 31, 2012, you received a second letter from DSI regarding an inspection on your property that took place on November 13, 2012. During that inspection, photographs were taken indicating that you are storing and sorting materials outside the building in violation of Section 66.541 (b) of the City's zoning code which states: *"Outdoor uses. In the IR, I1 and I3 industrial districts, all business, servicing, processing or manufacturing shall be conducted within completely enclosed buildings, except for off-street parking, off-street loading, and outdoor uses specifically allowed as permitted or conditional uses."*

The inspectors also noted that you have no restroom in the building. The building code states that a restroom must be provided. If you wished to request consideration of waiving the restroom requirement, you needed to submit your reasons, along with any specific provision in the MN State Building Code to the Building Official.

You were given until February 1, 2013 to remove the materials stored on the exterior of the building and obtain a building permit to install the restroom. As of today's date, neither has been completed. You were also notified that an inspection would take place the week of February 4, 2013.

On February 7, 2013, a Fire Inspector and DSI Inspector came to your property for an inspection. The inspectors took photographs of numerous storage tanks, large plastic containers and assorted electrical debris outside at the rear (west side) of the building in violation of the zoning restriction for exterior storage. In addition, the DSI Building Official has not been contacted regarding the building code issue concerning heat/ventilation and the need for restroom in the building.

At this time, you have four (4) options on how to proceed:

1. You will need to contact Steve Ubl, City Building Official (651) 266-9021, to request a waiver of the restroom requirement. You also need to remove all exterior stored materials from the property no later than **Monday March 4, 2013**.
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 no later than **Monday, March 4, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Second Hand Dealer license. 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, March 4, 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).

4. You can withdraw your license application. Send a written statement to that effect to the Department of Safety and Inspections at 375 Jackson Street, Suite 220, St. Paul, Minnesota 55101-1806 no later than **Monday, March 4, 2013**. A self-addressed envelope is enclosed for your convenience. Any request for a refund of the license application fees must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me or DSI staff by Monday, March 4, 2013, I will assume that you do not contest the denial of your Second Hand Dealer 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,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
John E. Norris, 2218 Doswell Avenue, Saint Paul, MN 55108

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 22nd day of February she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

John E. Norris
E J Liquidation
323 Larch Street
Saint Paul, MN 55117

John E. Norris
2218 Doswell Avenue
Saint Paul, MN 55108

(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 22nd day of February, 2013

Rita M. Bossard
Notary Public

