



CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

Telephone: (651) 266-8710
Facsimile: (651) 298-5619

March 1, 2012

Mark A. Bloomquist
Meagher & Geer, P.L.L.P.
33 South Sixth Street, Ste. 4400
Minneapolis, MN 55402

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

Dear Mr. Bloomquist:

I received your faxed letter requesting an administrative hearing which I have now scheduled for Monday, April 2, 2012. You will be receiving an official Notice of Administrative Hearing and exhibits in the next few weeks.

Please be aware that because this is now the fourth (4th) violation to your client's license conditions within twenty-four (24) months, the licensing office (DSI) will also recommend to the City Council that they impose the costs of the administrative hearing pursuant to Saint Paul Legislative Code § 310.05 (k) which states:

"Imposition of costs. The council may impose upon any licensee or license application some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable person, or to person for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such but not limited to, the nonpayment of required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor."

Heartland Auto Sales
March 1, 2012
Page 2

Based on this information, if you choose not to move forward with an administrative hearing, you still have the option of appearing before City Council at a public hearing. Please let me know by **Monday, March 5, 2012**, which hearing you have decided to pursue.

Sincerely,



Meghan Kisch
Assistant City Attorney
City of Saint Paul

MK/jk

Cc: Christine Rozek, Deputy Director - DSI

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 1st day of March she served the attached the **LETTER REGARDING IMPOSITION OF ADMINISTRATIVE HEARING COSTS** and correct copy thereof in an envelope addressed as follows:

Mark A. Bloomquist
Meagher & Geer, P.L.L.P.
33 South Sixth Street, Ste. 4400
Minneapolis, MN 55402

(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

Subscribed and sworn to before me
this 1st day of March, 2012


Notary Public

