

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 6th day of July, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$1000 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Castillo Auto Repair
744 3rd Street East
Saint Paul, MN 55106
Attn: Issac Castillo

Issac Castillo
2350 Stillwater Avenue East
Maplewood, MN 55119

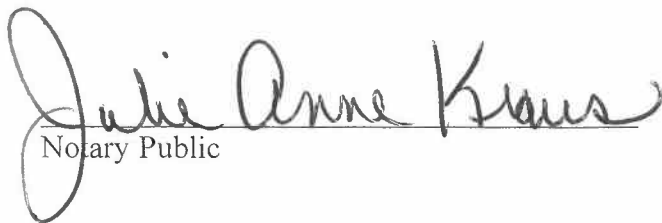
Hill Properties Inc.
107 Farrington Street
Saint Paul, MN 55102

Lissa Jones-Lofgren, Executive Director
Dayton's bluff Community Council
East Side Enterprise Center
804 Margaret Street
Saint Paul, MN 55107

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Shawn McDonald

Subscribed and sworn to before me
This 6th day of July 2022


Notary Public





July 6, 2022

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$1000 MATRIX PENALTY**

Castillo Auto Repair
744 3rd Street East
Saint Paul, MN 55106

RE: Auto Repair Garage license held by Castillo Auto Repair for the premises located at 744 3rd Street East in Saint Paul.
License ID #: 20200001910

Dear Licensee:

The Department of Safety and Inspections (the "Department") has recommended adverse action against the Auto Repair Garage License held by Castillo Auto Repair (the "Licensee") herein for the premises located at 744 3rd Street East (the "Licensed Premises") based on violations of your license conditions.

Saint Paul Legislative Code section 310.06 sets forth several reasons on which adverse action may be based. Section 310.06(b)(5) provides that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the license conditions on which the Department bases its request for adverse action are license conditions #2, #4, #9 and #13.

Synopsis of Alleged Facts:

On June 6, 2022, Inspector Muhammad from the Department went to the Licensed Premises for a complaint-based inspection. Inspector Muhammad spoke with Issac Castillo, the owner, and informed him that the Department received a complaint and that he was there to conduct an inspection. During the inspection, Muhammad observed and documented with photos violations of license conditions #2, #4, #9 and #13. After the inspection, Muhammad told Castillo that he needed to follow the site plan that was approved by the Department.



Violation #1 - Failure to follow approved site plan in violation of Condition #2:

License condition #2 of the License for the Licensed Premises states that:

"Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time."

Violation #1 Facts: On June 6, 2022, during the complaint inspection, Inspector Muhammad observed seven (7) vehicles parked on the Licensed Premises in an area not approved on the site plan on file with the Department.

Violation #2 - Exterior storage of tires in violation of Condition #4:

License condition #4 of the License for the Licensed Premises states that:

"There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc."

Violation #2 Facts: On June 6, 2022, during the complaint inspection, Inspector Muhammad observed tires stacked in front of the business.

Violation #3 - Failure to maintain maneuvering space on property in violation of Condition #9:

License condition #9 of the License for the Licensed Premises states that:

"Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited."



Violation #3 Facts: On June 6, 2022, Inspector Muhammad observed that the vehicles parked on the Licensed Premises did not have enough maneuvering space to enter and exit the site.

Violation #4 – Tires placed in public right of way (sidewalk) in violation of Condition #13:

License condition #13 of the License for the Licensed Premises states that:

“The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).”

Violation #4 Facts: On June 6, 2022, Inspector Muhammad observed a tire cart that extended over onto the public sidewalk.

Under Saint Paul Legislative Code section 310.05, these violations of your license conditions are second-time violations. The penalty matrix laid out in section 310.05 prescribes a \$1000 fine for a second-time Violation.

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 **July 21, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.
2. You can pay the \$1000 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 **July 21, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$1000 matrix 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 no later than **July 21, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the \$1000 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. If you dispute the facts outlined above, you may request an administrative hearing before an Administrative Law Judge (the "ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **July 21, 2022**. At that hearing, both you and the City will appear and present witnesses and 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 hearing, 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 reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code section 310.05(k).

If you have not contacted me by July 21, 2022, I will assume that you do not contest the imposition of the \$1000 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 contact my Legal Assistant Shawn McDonald at (651) 266-8729.

Sincerely,

Stephen Earnest
Assistant City Attorney
License No. 0402652



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDESEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Cc: Issac Castillo, 2350 Stillwater Avenue East, Maplewood, MN 55119
Hill Properties Inc., 107 Farrington Street, Saint Paul, MN 55102
Lissa Jones-Lofgren, Executive Director, Dayton's bluff Community Council, East Side
Enterprise Center, 804 Margaret Street, Saint Paul, MN 55107

Attachments: Inspectors Report from Inspector Akbar Muhammad
 Screenshots from Eclips system
 STAMP Ownership/Zoning Information
 Parking Plan Map
 Photos of Violations



Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date & Time: 6/6/2022 - 2:30 pm

Staff Member's Name: Isaac Castillo (Owner)

Business/DBA Name: Castillo Auto Repair

Property Address: 744 3rd St. East

Reason for Visit: Complaint Inspection

Observations: Condition violations: #3,#4, & #9

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: -

-

Action Taken: Education / warning

Request for Adverse Action

Other: -

-

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival, I spoke with Issac Castillo (owner), I identified myself as a DSI licensing inspector with the City of Saint Paul. I explained to Issac the reason for today's visit was due to DSI receiving a complaint and I was here today for an inspection. Continuing the inspection of the property with Issac, reviewing the compliant and license conditions with him, the following license condition violations were observed.

Immediately I observed vehicle tires staked and scattered throughout the property. Employees were changing tires on vehicles on the exterior of the premises. I reviewed the license condition violations with Isaac. He claims, "That he just received this shipment of tires about an hour ago and didn't have any place to put the tires." I advised him that he is the license holder he is ultimately responsible for the storage of inventory. I also observed vehicles parked on the premises that were in violation of the approved site plan. I explained to Isaac about the parking violation of the site plan, he stated, "I know and the two vehicles aren't always parked there". I advised Isaac, that he needed to follow the approved parking site plan.

Properties For License 744 3RD ST E

Licensee: CASTILLO AUTO REPAIR
DBA: CASTILLO AUTO REPAIR

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: CASTILLO AUTO REPAIR Browse...
 DBA: CASTILLO AUTO REPAIR
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000 Properties...
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
CASTILLO	ISAAC	OWNER	(763) 528-0440		744 3RD ST 2350 STILLWATER AVE

Background Check Required Contact Properties...

License # 200001910 Save Changes to History OK Cancel Help

Properties For License 744 3RD ST E

Licensee: CASTILLO AUTO REPAIR
DBA: CASTILLO AUTO REPAIR

Pay Print Warn Hist Summ

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: CASTILLO AUTO REPAIR Browse...
 DBA: CASTILLO AUTO REPAIR
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000 Properties...
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Dr
744 3RD ST	ST PAUL	55106	00/00/0000	00/00/0000	
2350 STILLWATER AVE E	MAPLEWOOD	55119	07/26/1998	00/00/0000	H57808

Background Check Required Contact Properties...

License # 200001910 Save Changes to History OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 06/09/22 01:46 PM

House#: 744

Last updated from Ramsey County data on:

Street Name: 3rd

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

744 3rd St E - 55106-5151 - [Other Applications](#)

PIN: 322922140214

Census Tract: 34400 **Census Block:** 2003

Council Ward: 7 **District Council:** 4

Year Built:

Foundation Sq Feet: **Loan Company:**

Land Value: 34700

Building Value: 62300

Existing Primary Use: A- **Legality of Use:**
Auto Body

Occupancy Group Type: S-1 **Units:** 0

Zoning: B2 / HPC: Historic / B2 / HPL-DB

Heritage Preservation: HP Inventory #: RA-SPC-2509 / **HP Property Name:** Schrankler Filling Station / **HP Architect/Builder:** Schrankler, W. A. / **HP Date Built:** 1931 / **HP Address:** 744 Third St. E

Legal Desc: LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37

Owner:

Hill Properties Inc
107 Farrington St
St Paul MN 55102-2101

Tax Owner:

Hill Properties Inc
107 Farrington St
St Paul MN

Certificate of Occupancy Responsible Party:

Jerry Castillo
810 Larpenteur Ave W
Roseville MN 55113-6548

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

1. Licensee agrees to comply with any and all conditions placed on the Zoning Change of Nonconforming Use Permit #20-069027 from an auto body shop to general auto repair / tire repair business.
2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
3. The parking lot shall be striped and maintained in accordance with the approved site plan on-file with DSI.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business unless explicitly approved in writing by the City Zoning Administrator. Trash and discarded vehicle parts will be stored in a covered dumpster. Licensee shall obtain a Hazardous Waste Generator License from Ramsey County Solid Waste Division and; shall abide by the provisions of that license with respect to the safe handling and disposal of waste oil, filters, tires, batteries, etc.
5. Customer and employee vehicles shall not be parked or stored on the street or alley. This includes cars which have been repaired and are awaiting pick-up by their owners.
6. Vehicle salvage, a principal activity of obtaining and dismantling motor vehicles to salvage and sell usable parts, is expressly not permitted. All vehicles parked outdoors shall be completely assembled with no major body parts missing.
7. Vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
8. The business activities on the licensee premises shall operate in compliance with all federal, state, and local laws. Failure to remain in compliance may result in adverse action against this business license.
9. Licensee shall maintain an unobstructed maneuvering space on the property to allow vehicles entering and existing the site to proceed forward. Backing from the street or onto the street is prohibited.
10. Auto body repair and/or the painting of vehicles is prohibited.
11. Vehicle sales is not permitted.
12. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
13. The display of tires outdoors for-sale shall be limited to the area shown on the approved site plan on file with DSI. Outdoor display of tires for-sale shall only be done when the business is open to the public, and all tires shall be stored inside the building when the business is closed. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).
14. The Second Hand Dealer - Motor Vehicle parts license is restricted to the sale of used tires only.

License Group Comments Text

06/09/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

6/6/2022 Inspected due to complaint and found license violations will be sending for AA.ARM
04/20/2022 \$500 FEE PAID. SE
03/19/2022 CF 22-360 approves matrix of \$500 to be paid no later than April 1, 2022. SLH
1/28/2022 Sent to the CAO for AA for a \$500.00 fine for license condition violations 2,5 & 7 JNV
1/28/2022 Sent AA to JNV for reveiw for a \$500.00 fine ARM
1/7/2022 Correction Notice sent via email with a reinspection date of on or before 1/17/2022. ARM
12/1/2021 Followed up inspection to verify past violations and take more pictures. ARM
11/30/2021 Reinspected property. Spoke with Jeremiah, supervisor on site, about the violations. Stated he would work on getting into compliance. Vehicles on parked on right of way and trailer parked on property. ARM
11/29/2021 Followed up with a complaint that an orange dumpster was stationed outside of business. Didn't observe orange dumpster. ARM
6/29/2021 Clarified confusion regarding outdoor storage with Isaac Castillo. Advised that nothing whatsoever can be stored outside anywhere including on top of the building. He stated he understood and would comply. NOV withdrawn. EVH
5/13/2021 Sent AA to the CAO -\$500 JNV
5/13/2021 Sent AA for review to JV ARM
5/5/2021 Upon reinspection licensee had tires and wheel rims stored outside of dumpster enclosure. ARM
5/4/2021 Courtney inspection found licensee in violation of license condition #4. Discussed this situation with Mr. Castillo and he stated that the tires will be gone by tomorrow morning. ARM
4/19/2021 Inspect property to find licensee in violation of #4 on licensing conditions. Sent correction notice USPS. Reinspection on or after 5-4-2021. ARM
4/15/2021 Complaint received about tires being stored outside of dumpster. ARM
11/03/2020 Per Leg. Hrg. Officer no objection or comment received that necessitates a public hearing. JWF
11/02/2020 Leg. Hearing Officer rcvd. email regarding public notice and needs to research content further for determination if Legislative Hearing will be necessary. JWF
09/30/2020 License notice sent, 61M/35EM, response date 10/30/2020. JWF
10/23/2020 Opening Inspection -Pass ARM
09/30/2020 Per licensee request the Auto Body Repair/Painting Shop license application has been withdrawn since they will not be conducting activities requiring this license type and the Zoning Change of NCUP #20-069027 will no longer permit this activity. JWF
09/11/2020 To RH/EH for review. JWF
09/09/2020 Per emailed Mltch Imbertson (Fire Insp.) only needs to review if paint booth used. JWF
08/26/2020 License applicant has submitted to PED a Change of Nonconforming Use Permit to go from auto body repair shop to general auto repair/tire repair. JWF
08/13/2020 Applicant advised at time of application submission that auto repair and used tire sales not permitted, that he must go to the PC to obtain a revision to the existing NCUP to permit this, and that this may result in being unable to continue with the Auto Body Repair/Painting Shop activity. Applicant requested that the Auto Body Repair/Painting Shop license be included with application and that if this use is still permitted would submit license fee payment at later date, or would withdraw this license type from application if no longer allowed. JWF

Adverse Action Comments Text

06/09/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

03/04/2022 - Notice of Council Hearing sent out. Scheduled for 03/09/2022 council agenda.

02/02/2022 - Notice of Violation sent out with an 02/16/2022 deadline to respond. SM

05/17/2021 Notice of Violation sent out with a 05/27/2021 deadline to respond. SM

07/06/2021 DSI to withdraw NOV SM

Requirement Comments Text

06/09/2022

Licensee: CASTILLO AUTO REPAIR

DBA: CASTILLO AUTO REPAIR

License #: 20200001910

09/30/2020 Email sent to Mitch Imbertson (Fire CofO) new occupant will no longer be doing auto body repair or painting of vehicle/vehicle-parts. JWF

10/23/2020 Completed opening inspection. ARM

9/15/20 Background check is clear. RJH

8/28/20 Background check requested. RJH

744 3rd St. E.

RECEIVED

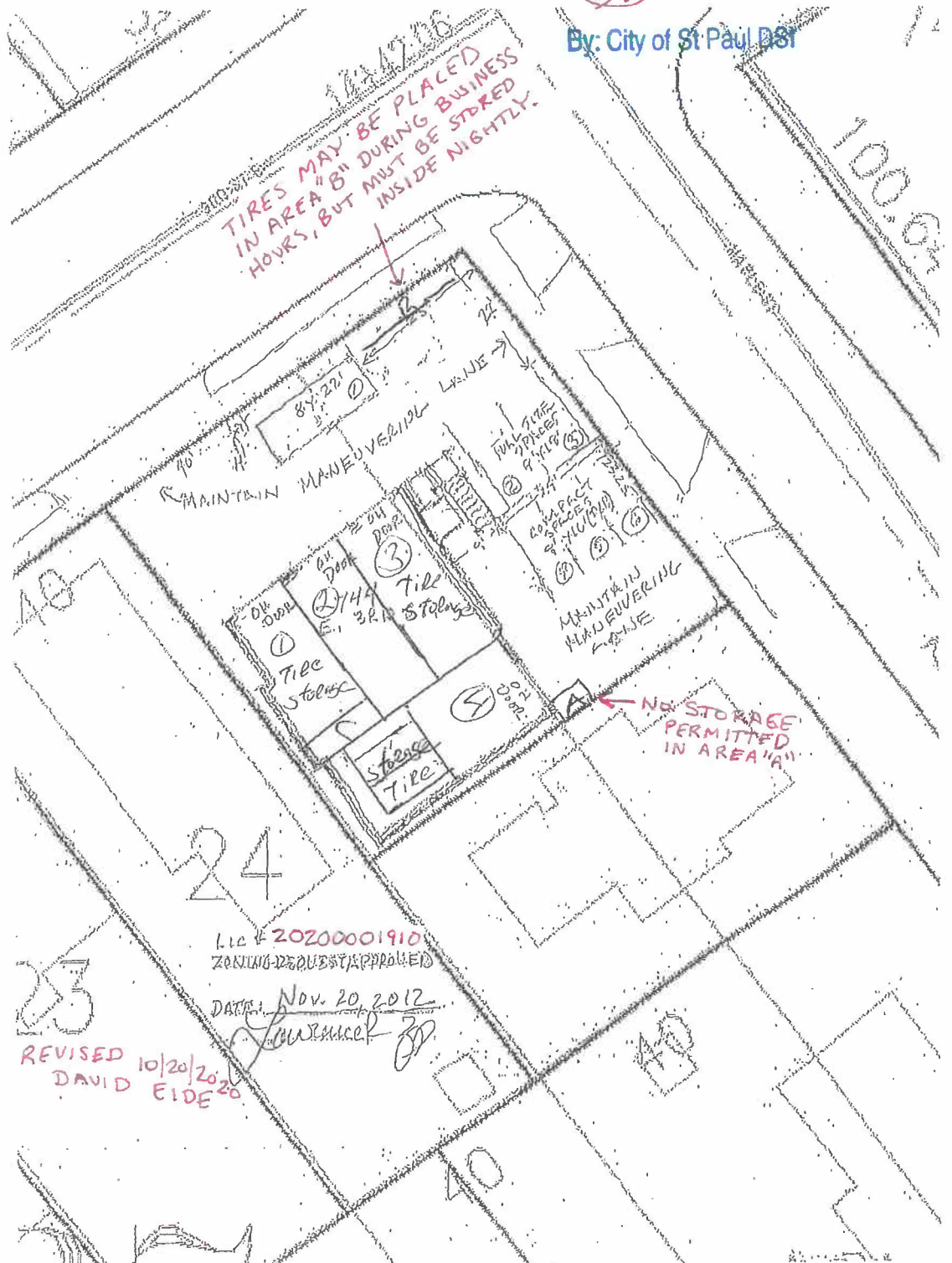
08/13/2020

(Signature)

REC'D

By: City of St Paul DSI

TIRES MAY BE PLACED
IN AREA "B" DURING BUSINESS
HOURS, BUT MUST BE STORED
INSIDE NIGHTLY.



LIC # 20200001910
ZONING REQUEST APPROVED

DATE: Nov. 20, 2012

(Signature)

REVISED 10/20/20
DAVID EIDE

License condition violation #4 on 6/7/2022. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business.



Photo Number 1

License condition violations 2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.
See photo numbered 2 for other vehicles

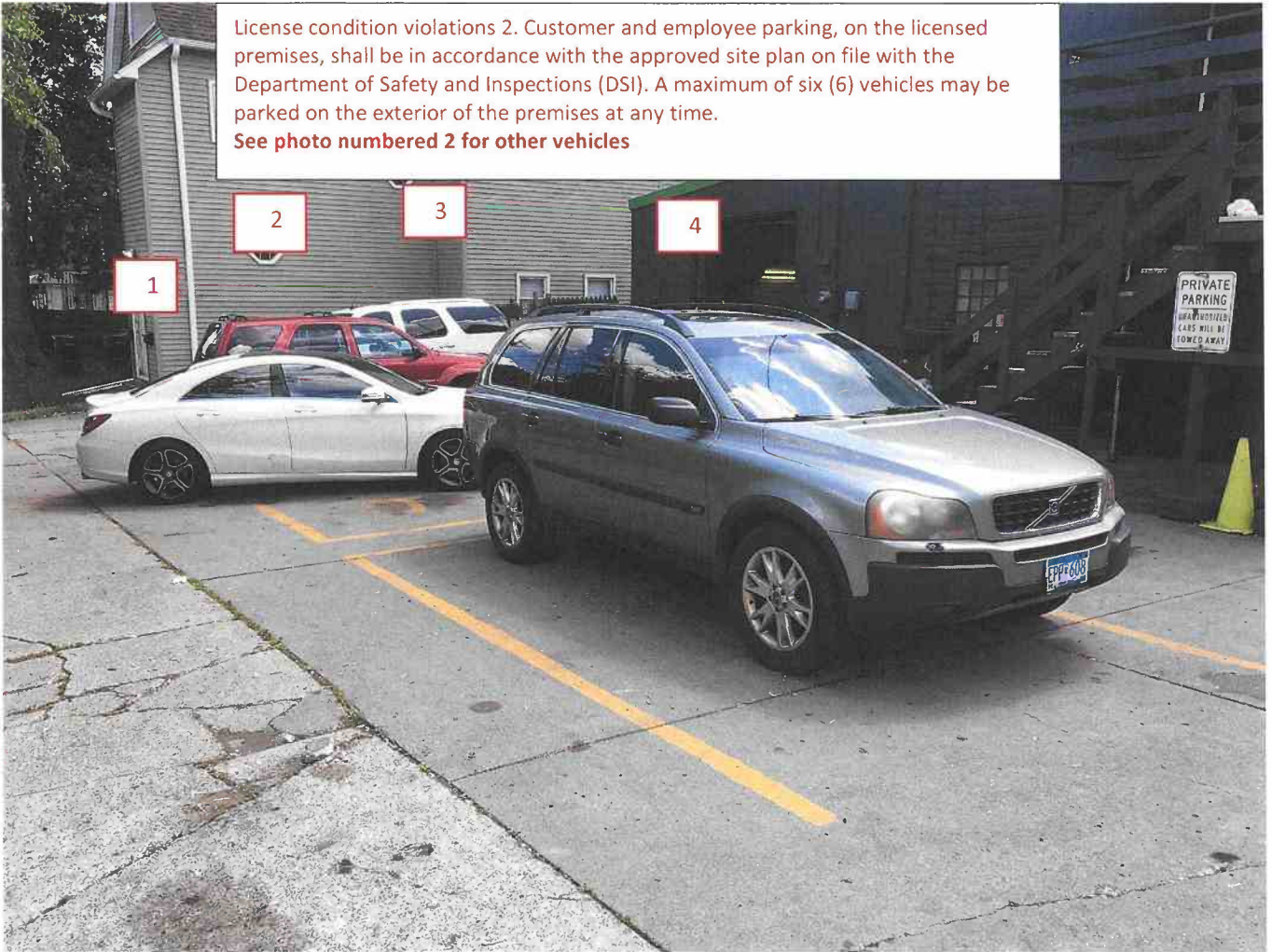
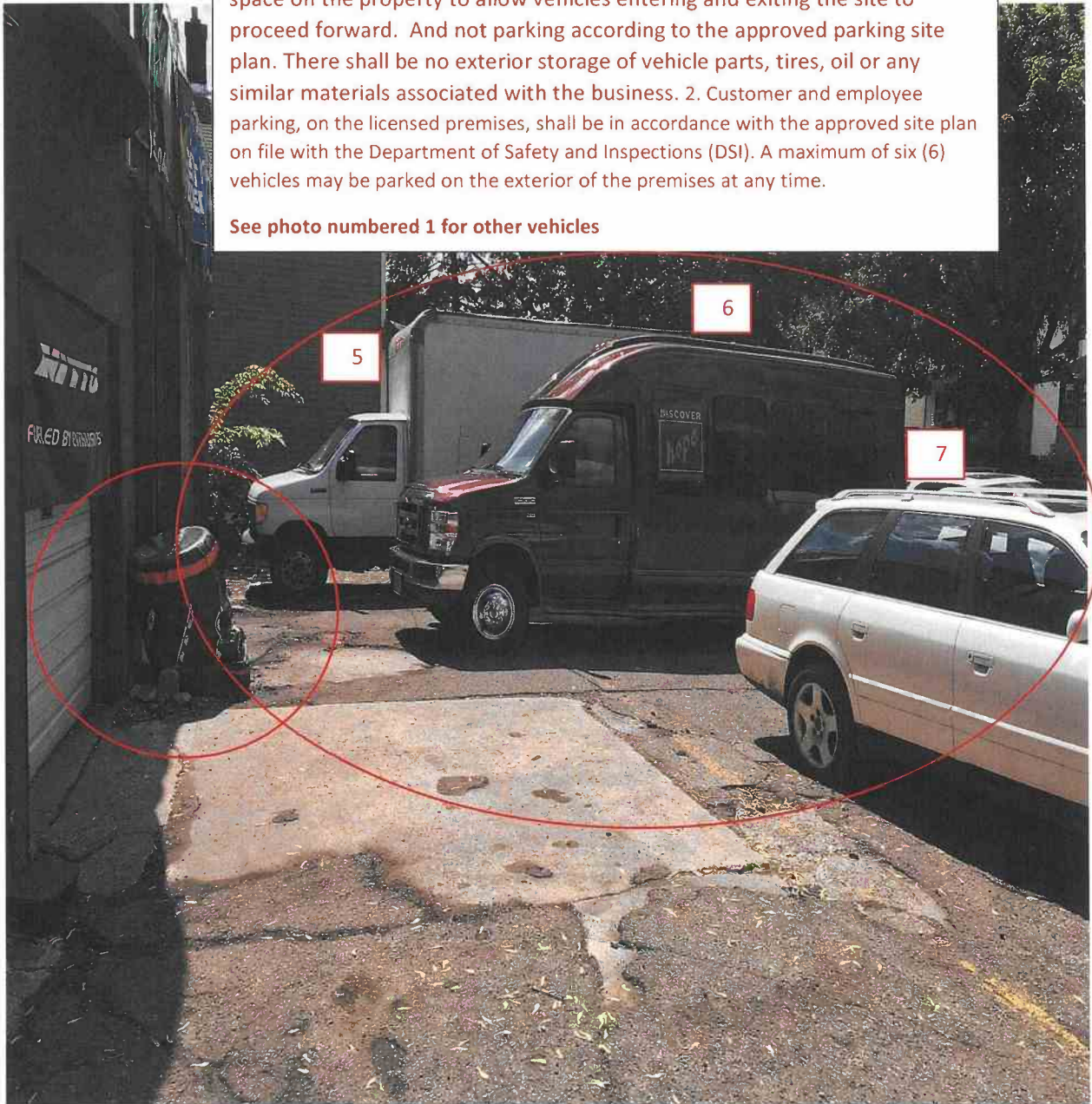


Photo Number 2

License condition violations 2, 4 & 9 and on 6-6-2022. Providing maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. And not parking according to the approved parking site plan. There shall be no exterior storage of vehicle parts, tires, oil or any similar materials associated with the business. 2. Customer and employee parking, on the licensed premises, shall be in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). A maximum of six (6) vehicles may be parked on the exterior of the premises at any time.

See photo numbered 1 for other vehicles



License condition violations 13. No tires (for-sale and/or discarded) may be placed in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.).

Vehicle parked over sidewalk without an obstruction permit from Public Works ROW

