



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

April 25, 2013

NOTICE OF INTENT TO DENY LICENSE

Kazan C. Dietrich
Crazy Kazan's
1624 White Bear Avenue North
Saint Paul, MN 55106

RE: Second Hand Dealer (Antiques) license application submitted by Kazan C. Dietrich d/b/a Crazy Kazan's for the premises located at 1624 White Bear Avenue North in Saint Paul
License ID #: 20130001381

Dear Kazan C. Dietrich:

The Department of Safety and Inspections (DSI) will recommend denial of the Second Hand Dealer (Antiques) license application submitted by Kazan C. Dietrich d/b/a Crazy Kazan's for the premises located at 1624 White Bear Avenue North in Saint Paul. The basis for the recommendation is as follows:

As part of the application process, the Department of Safety and Inspections conducted a Criminal History Check and found the following conviction information:

- **On July 21, 2004, you were convicted of Gross Misdemeanor Criminal Sex Conduct-5th Degree-Nonconsensual Sex Contact in Washington County in violation of Minn. Stat. § 609.35451.1(1)).**
- **On May 18, 2004, you were convicted of Felony Terroristic Threats – Reckless Disregard Risk in Washington County in violation of Minn. Stat. § 609.713.1. According to court records you are still under Court Jurisdiction for this conviction.**
- **On January 2, 2009, you were convicted of Felony Predatory Offender-Knowingly Violates Registration Req. or Intentionally Provides False Information in Pine County in violation of Minn. Stat. § 243.166.5 (a). According to court records you are still under Court Jurisdiction for this conviction.**

Your criminal history check also showed three (3) Gross Misdemeanor convictions in 2004, 2005 and 2008 for Issuance of Dishonored Checks in Hennepin, Mille Lacs, and Isanti Counties.

These convictions are relevant in evaluating your application under Saint Paul Legislative Code § 310.06 (b) (6) (c) which provides that DSI may take adverse action based on the following: *The applicant has engaged in or permitted a pattern of practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.* Because second hand businesses are independently operated, based on receipt and sale of transient goods, accountable to carefully record high-risk transactions, and play an important role in the recovery of lost or stolen items, DSI has determined that your criminal convictions are directly related to the license for which you have applied.

At this time, you have three options on how to proceed:

1. 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, May 6, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Second Hand Dealer (Antiques) license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
2. If you dispute the facts outlined above, or wish to present evidence that the conviction is not related to your license as a Second Hand Dealer, or that you have been rehabilitated pursuant to Minn. Stat. § 364.03, subd. 3 you may request a hearing before an Administrative Law Judge (ALJ). I will need to receive your letter no later than **Monday, May 6, 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.

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).

3. You may withdraw your license application. Send a written statement to that effect to the Department of Safety and Inspections (DSI), 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, May 6, 2013**. Information should be directed to the attention of Christine Rozek. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me or DSI by Monday, May 6, 2013, I will assume that you do not contest the denial of your Second Hand Dealer (Antiques) 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
Kazan C. Dietrich, P.O. Box 84, Hinckley, MN 55037
Lisa Theis, Community Organizer, District 2 Community Council Greater East Side
1365 Prosperity Avenue, Saint Paul, MN 55106

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 25th day of April she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Kazan C. Dietrich
Crazy Kazan's
1624 White Bear Avenue North
Saint Paul, MN 55106

Kazan C. Dietrich
P.O. Box 84
Hinckley, MN 55037

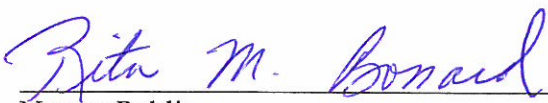
Lisa Theis, Community Organizer
District 2 Community Council Greater East Side
1365 Prosperity Avenue
Saint Paul, MN 55106

(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 25th day of April, 2013



Notary Public

