



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

October 17, 2012

NOTICE OF VIOLATION

Donald Buckrey
More 4 A Buck
1176 Dale Street North
St. Paul, MN 55104

RE: Auto Body Repair Garage and Second Hand Dealer – Motor Vehicle licenses held by More 4 A Buck, Inc., d/b/a More 4 A Buck for the premises located at 1176 Dale Street in Saint Paul
License ID #20100001573

Dear Mr. Buckrey:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Body Repair Garage and Second Hand Dealer – Motor Vehicle licenses held by More 4 A Buck, Inc., d/b/a More 4 A Buck for the premises located at 1176 Dale Street in Saint Paul. The basis for this determination is as follows:

On April 26, 2012, an inspector from the Department of Safety and Inspections (DSI) came to your establishment on 1176 Dale Street and found you were in violation of several license conditions:

- 1. Vehicle part/tires stored on side of building: License condition #4: *Vehicle parts, partially disassembled vehicles, tires, oil, vehicle hoist or similar items will not be stored outdoors. Trash will be stored in the covered dumpster shown on the site plan in the rear of the building.***
- 2. Inoperable vehicles covered with tarp/major parts missing on site: License condition #3: *All vehicles parked outdoors on the lot must be completely assembled with no parts missing. Vehicle salvage is not permitted.***
- 3. Vehicles parked in violation of site plan: License Condition #2: *Parking areas and driveways shall be paved with a permanent, durable and dustless surface according to the approved site plan. The following parking spaces shall be striped and no cars shall be parked outside the striped areas: 35 spaces – For sale – cars on the north side of the building. 6 spaces – For cars awaiting repair or pick-up or employee parking on the east side of the building. 8 spaces – for customer and employee parking on the south side of the building, including one handicapped space. There shall be no cars parked on the Dale Street frontage of the site except the seven cars in the first row of the for-sale cars in the north lot. Driveways and maneuvering lanes measuring at least 20 feet wide shall be maintained on the site.***

The inspector took photographs and you were given a verbal notice to bring the licensed premises into compliance within thirty (30) days. On May 29, 2012, you were given an extension of time until June 30, 2012.

On July 3, 2012, the inspector returned to re-inspect and found you were still out of compliance with several license conditions. The inspector again took photographs and documented the following violations:

1. Inoperable vehicles covered with tarp/major parts missing on site: License condition #3: *All vehicles parked outdoors on the lot must be completely assembled with no parts missing. Vehicle salvage is not permitted.*
2. Vehicle parts and tires stored outdoors: License condition #4: *Vehicle parts, partially disassembled vehicles, tires, oil, vehicle hoist or similar items will not be stored outdoors. Trash will be stored in the covered dumpster shown on the site plan in the rear of the building.*
3. Vehicles parked in violation of site plan: License Condition #2: *Parking areas and driveways shall be paved with a permanent, durable and dustless surface according to the approved site plan. The following parking spaces shall be striped and no cars shall be parked outside the striped areas: 35 spaces – For sale – cars on the north side of the building. 6 spaces – For cars awaiting repair or pick-up or employee parking on the east side of the building. 8 spaces – for customer and employee parking on the south side of the building, including one handicapped space. There shall be no cars parked on the Dale Street frontage of the site except the seven cars in the first row of the for-sale cars in the north lot. Driveways and maneuvering lanes measuring at least 20 feet wide shall be maintained on the site.*
4. Vehicles for sale not clearly marked: License condition #11: *Vehicle intended for – sale must at all times be clearly marked with easily identifiable signage designating them as for-sale vehicles.*

On July 19, 2012, the inspector returned to the licensed premises for a re-inspection and found you were still out of compliance with several license conditions. The inspector again took photographs and documented the following violations:

1. Exceeded number of cars allowed on site (total allowed is 49 -stopped counting at 52 cars): License Condition #2: *Parking areas and driveways shall be paved with a permanent, durable and dustless surface according to the approved site plan. The following parking spaces shall be striped and no cars shall be parked outside the striped areas: 35 spaces – For sale – cars on the north side of the building. 6 spaces – For cars awaiting repair or pick-up or employee parking on the east side of the building. 8 spaces – for customer and employee parking on the south side of the building, including one handicapped space. There shall be no cars parked on the Dale Street frontage of the site except the seven cars in the first row of the for-sale cars in the north lot. Driveways and maneuvering lanes measuring at least 20 feet wide shall be maintained on the site.*
2. Vehicles parked in violation of site plan: License Condition #2: *Parking areas and driveways shall be paved with a permanent, durable and dustless surface according to the approved site plan. The following parking spaces shall be striped and no cars shall be parked outside the striped areas: 35 spaces – For sale – cars on the north side of the building. 6 spaces – For cars awaiting repair or pick-up or employee parking on the east side of the building. 8 spaces – for customer and employee parking on the south side of the building, including one handicapped space. There shall be no cars parked on the Dale Street frontage of the site except the seven cars in the first row of the for-sale cars in the north lot. Driveways and maneuvering lanes measuring at least 20 feet wide shall be maintained on the site.*

3. Inoperable vehicles covered with tarp/major parts missing on site: License condition #3: *All vehicles parked outdoors on the lot must be completely assembled with no parts missing. Vehicle salvage is not permitted.*

4. Signage regarding windshield chip repair placed on sidewalk and area appeared unkept with tall grass and weeds: License condition #8: *Licensee agrees to maintain the site in accordance with the approved site plan on file with DSI dated 10/27/99. This includes, but is not limited to the striping of vehicle parking spaces, landscaping, fencing, bollards and chains, etc....*

On August 14, 2012, the inspector did a drive-by inspection, took photographs and documented the following violations:

1. Inoperable vehicles covered with tarp/major parts missing on site: License condition #3: *All vehicles parked outdoors on the lot must be completely assembled with no parts missing. Vehicle salvage is not permitted.*

2. Two red trucks parked in the alley and a plow left in the alley (south side of property): License condition #4: *Vehicle parts, partially disassembled vehicles, tires, oil, vehicle hoist or similar items will not be stored outdoors. Trash will be stored in the covered dumpster shown on the site plan in the rear of the building.*

3. Vehicles parked in violation of site plan: License Condition #2: *Parking areas and driveways shall be paved with a permanent, durable and dustless surface according to the approved site plan. The following parking spaces shall be striped and no cars shall be parked outside the striped areas: 35 spaces – For sale – cars on the north side of the building. 6 spaces – For cars awaiting repair or pick-up or employee parking on the east side of the building. 8 spaces – for customer and employee parking on the south side of the building, including one handicapped space. There shall be no cars parked on the Dale Street frontage of the site except the seven cars in the first row of the for-sale cars in the north lot. Driveways and maneuvering lanes measuring at least 20 feet wide shall be maintained on the site.*

4. Vehicle parked in the alley at the back of the building (east side) that appears to have tools and a jack under it: License condition #5: *No repair of vehicles will occur on the exterior of the lot or on the public right-of-way.*

Due to the number of violations and willful failure to bring your operations into compliance with City code and your license conditions, the licensing office will recommend a \$1,000.00 matrix penalty.

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

1. You can pay the recommended \$1,000.00 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, October 29, 2012**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered 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, October 29, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.

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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, October 29, 2012**. 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 by Monday, October 29, 2012, I will assume that you do not contest the imposition of the \$1,000.00 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
Donald Buckrey, 7035 Dupre Road, Centerville, MN 55038
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, Saint Paul, MN 55117

STATE OF MINNESOTA
, ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

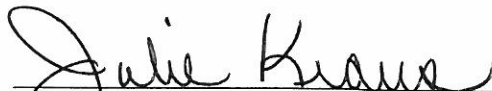
Julie Kraus, being first duly sworn, deposes and says that on the 17th day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Donald Buckrey
More 4 A Buck
1176 Dale Street North
St. Paul, MN 55104


Donald Buckrey
7035 Dupre Road
Centerville, MN 55038

Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
Saint Paul, MN 55117

(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 17th day of October, 2012


Notary Public

