

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 26th day of December, he served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

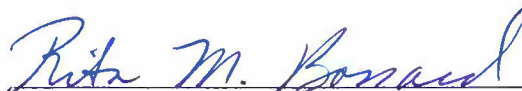
Clair L. Iburg
4393 Upper 135th Street West
Rosemount, MN 55068

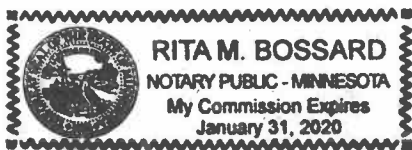
Jens Werner, Executive Director
Summit University Planning Council
627 Selby Avenue, Suite A
Saint Paul, MN 55104

(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 26th day of December 2019


Notary Public





CITY OF SAINT PAUL
Mayor Melvin Carter

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

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

December 26, 2019

NOTICE OF INTENT TO SUSPEND LICENSES

Clair L. Iburg
4393 Upper 135th Street West
Rosemount, MN 55068

RE: Short-Term Rental (Non-Owner Occupied) license held by Clair L. Iburg for the premises located at 781 Hague Avenue in Saint Paul.
License ID #: 20180003635

Dear Licensee:

The Department of Safety and Inspections ("Department") will recommend suspension of the Short-Term Rental (Non-Owner Occupied) license held by Clair L. Iburg ("Licensee") for the premises located at 781 Hague Avenue in the City of Saint Paul.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Code §310.05 (m) (8) by a preponderance of the evidence.

On October 25, 2019, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections indicating your Short-Term Rental (Non-Owner Occupied) license fees were now delinquent.

You were told to pay the delinquent license and late fees by November 15, 2019 or adverse action would be taken. As of today, we have not heard from you.

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 **Friday, January 10, 2020**, 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 delinquent Short-Term Rental (Non-Owner Occupied) license and late fees. **If this is your choice, you need to contact the Department of Safety and Inspections (651) 266-8989 to determine the total amount due.** You may then send the payment and information directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, January 10, 2020**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent Short-Term Rental license and late fees will be considered a waiver of the hearing to which you are entitled.

3. If you wish to admit the facts but 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 the facts and requesting a public hearing by **Friday, January 10, 2020**. The matter will then be scheduled before the City Council to determine whether to suspend your Short-Term Rental license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you no longer wish to do business in the City of Saint Paul, you will need to complete and return the attached REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, January 10, 2020**.

If you have not contacted me by Friday, January 10, 2020, I will assume that you do not contest the suspension of your Short-Term Rental (Non-Owner Occupied) 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 Shawn McDonald, my Legal Assistant at (651) 266-8729.

Sincerely,



Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Jens Werner, Executive Director, Summit University Planning Council, 627 Selby Avenue, Suite A,
Saint Paul, MN 55104
Clair L. Iburg, Owner, 4393 Upper 135th Street West, Rosemount, MN 55068

Attachments: October 25, 2019 letter with attached Renewal Invoice
Screenshot from Eclips System
REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL
Saint Paul Legislative Code § 310.05 (m)



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 25, 2019

COPY

Clair L Iburg
4393 Upper 135th St W
Rosemount MN 55068

RE: License ID # 20180003635
@ 781 Hague Ave

Dear Licensee:

Our records indicate that the above referenced license(s) which were issued to you have expired and are now delinquent. Renewal of the license(s) is required if you intend to engage in the licensed activity within the City of St Paul.

You must complete the renewal of your license(s) by Nov 15, 2019 or we may submit your delinquent/expired license(s) to the City Attorney's office for adverse action. To complete the renewal process, submit to this department payment of the renewal fee (including any late fees) and all required supporting documentation as stated on the enclosed invoice.

For your convenience, a copy of the referenced invoice and a self-addressed return envelope is enclosed. If you are no longer working within the City of Saint Paul, please advise our office of that information in writing.

If you have questions regarding this notice, or wish to dispute that your license is delinquent/expired, please contact our office at 651-266-8989, Monday through Friday, between 8:00 AM and 4:30 PM.

Sincerely,

Eric Hudak
Licensing Manager
Department of Safety and Inspections

Enclosure(s)



Renewal Invoice

CITY OF SAINT PAUL

Check this box if making any name, mailing address or phone # corrections. Please write the changes on this form. If your business license address is changing, please request a new business license application

Department of Safety and Inspections
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101-1806
 PHONE: (651) 266-8989
 FAX: (651) 266-9124
 An Equal Opportunity Employer

October 25, 2019

CLAIR L IBURG 4393 UPPER 135TH ST W ROSEMOUNT MN 55068	Invoice # : 1060179 Invoice Due Date : 11/15/2019 Account Balance: \$40.00 Pay this Amount: \$40.00
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Transaction Description	Transaction Total
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180003635 Short-Term Rental (Non-Owner Occupied) Expires: 10/02/2019 @ 781 HAGUE AVE	40.00
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Requirements	Invoice Amount Due: \$40.00
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The following must be signed and returned with your payment for your license to be renewed:

AFFIDAVIT OF COMPLIANCE

- * I certify or declare under penalty of perjury under the laws of the State of Minnesota, that the following is true and correct. I understand all information provided is subject to verification. I understand that the City of Saint Paul is authorized to suspend or revoke a license renewed in error or on the basis of incorrect, inaccurate or any false statement or misrepresentation, or in violation of any City ordinance or State statute.
- * I will maintain liability insurance of no less than \$300,000 dollars to cover the short-term rental use throughout the duration of the license or I will conduct each short-term rental transaction through a short-term rental platform that provides equal or greater coverage.
- * I will maintain continued and full compliance with all Short-term rental host general provisions set forth in Saint Paul Legislative Code Sec. 379.07 throughout the duration of the license.
- * I agree to provide the Department of Safety and Inspection with accurate information regarding the name and contact information for a Responsible Party. I understand that this Responsible Party must be available if I am outside of the 16 county metro area of Anoka, Carver, Chisago, Dakota, Goodhue, Hennepin, Isanti, Lesuer, McLeod, Ramsey, Rice, Scott, Sherburne, Sibley, Washington or Wright.
- * If I am a renter – I hereby certify that I have the consent of the property owner to utilize this property as a Short-term rental.
- * If I rent a non-owner occupied dwelling unit – I will ensure the property has a valid Certificate of Occupancy.

License Holder Name (printed)	Signature	Date
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Your Taxpayer Identification is on file. Thank you.

Please Give Us Your Email Address: _____

Please Return this invoice with your payment!

Licensee: CLAIR L IBURG

DBA: CLAIR L IBURG

License #: 20180003635

10/25/2019 Sent delinquent notice with 11/15/2019 response deadline. DSE

10/15/2018 Approved. Received corrected affidavit. DSE

10/04/2018 Clair is owner. Sent email asking for corrected affidavit. DSE

10/02/2018 Only advertised through AirBnB. ZL

Licensee
 DBA

License | Licensee | Lic. Types | Insurance | Bond | Requirements

License Type: <input type="text" value="Short-Term Rental (Non-Owner Occupied)"/>	License Class: <input type="text" value="R"/>
Effective: <input type="text" value="10/02/2018"/> Expiration: <input type="text" value="10/02/2019"/>	Status: <input type="text" value="Delinquent"/>
Apply Discount: <input type="checkbox"/> Remove Discount: <input type="checkbox"/> Discount Rec'd: <input type="checkbox"/>	Status Changed: <input type="text" value="10/03/2019"/>
Replace Fee: <input type="checkbox"/> # of Units: <input type="text" value="1"/>	Application Date: <input type="text" value="10/02/2018"/>

Inspector Name	Type	Phone #	Add
SCHWEINLER, KRISTINA (KRIS)	License	(651) 266-9110	Remove

Name	Trade Type	Card #	Card Type	Expiration	Add Mast
					Remove

Tag #:

Fields License Type Comments(long):

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<< 1 of 1 >>

REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL

I/We, _____, respectfully request to withdraw
the following license(s):

Application/Business address: _____

Reason(s) for request: _____

Applicant(s) Printed Name, Signature and Title Date

Please return this completed request by any of the following:

Mail Dept. of Safety and Inspections
Attn: D. LaCasse
375 Jackson St, Ste 220
Saint Paul MN 55101

E-Mail diane.lacasse@ci.stpaul.mn.us

FAX 651-266-9124

Thank you

Sec. 310.05. - Hearing procedures.

(m) *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00	\$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00	Revocation	n/a	n/a

(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Critical violations under 331A	\$250.00	\$500.00	\$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under 331A	\$150.00	\$250.00	\$500.00	\$1,000.00
(11) Taxi fail to display driver's license as required by 376.16(f)	\$100.00	\$250.00	\$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	\$100.00	\$250.00	\$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	\$200.00	\$400.00	\$800.00	Revocation

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
 - (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
 - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
 - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
 - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
 - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)