



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

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March 14, 2018

NOTICE OF VIOLATION

John Warren Vojtech, Owner
Twin City Fleet Repair
290 Larch Street
St. Paul, MN 55117

RE: Auto Repair Garage license held by Afterhours Mobile Service, Inc. d/b/a Twin City Fleet Repair for the premises located at 290 Larch Street in Saint Paul
License ID #20070003991

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage license held by Afterhours Mobile Service, Inc. d/b/a Twin City Fleet Repair for the premises located at 290 Larch Street in Saint Paul. The basis for the recommendation is as follows:

On April 1, 2016, you were sent a Notice of Intent to Suspend License ("Notice") from the Department of Safety and Inspection. The Notice concerned the fact that you were in violation of several license conditions and the approved site plan (File #07-145589) documented by a DSI Inspector after inspections in February of 2015; June 11, 2015 and March 28, 2016.

The Department of Safety and Inspections recommended an indefinite suspension of you Auto Repair Garage license until you brought the license premises into compliance with your license conditions and the approved site plan.

Based on this recommendation, you requested a public hearing which was held on July 20, 2016. City Council adopted the recommendation and suspended your license until you came into compliance (RES PH #16-202). You were sent a Notice of Suspension on August 11, 2016 stating a re-inspection would take place once you notified them you were prepared for a re-inspection.

On August 25, 2016, you were sent a Suspension Termination letter stating your Auto Repair Garage license was reinstated following a successful re-inspection which found in you in compliance.

On August 7, 2017, a DSI Inspector came to the licensed premises for a follow-up inspection and documented the following license condition violations:

- **Vehicles were parked in front of the building, outside the parking spaces designated on the approved site plan in violation of license condition #2: *"The parking provided for employees and customers is twenty (20) standard (9'x 18') parking spaces, eight (8) compact (8'x16') parking spaces, two (2) handicap accessible (16'x18') parking spaces, and six (6) short term truck (12'x27') parking spaces. All vehicles on the site must be parked as shown on the approved site plan on file with DSI, dated 11/05/07. (Any changes to the site plan must be approved by the Zoning Administrator)."***
- **Vehicles were parked in the front of the building, outside the parking spaces designated on the approved site plan in violation of license condition #5: *"The license holder agrees to maintain the fencing, vehicle location and vehicle barriers in a manner consistent with the approved site plan."***
- **Necessary improvements agreed upon on from the approved site plan had not been completed by the June 1, 2012 deadline: some striping for directional traffic arrows and pedestrian access between buildings, accessible parking signage and a new tree in front of the building in violation of license condition #15: *"Licensee agrees to make all necessary improvements to this property by 06/01/2012, to bring it into compliance with the approved site plan on file with DSI dated 11/05/07."***

On August 8, 2017, you were sent a letter detailing the violations to your license conditions and approved site plan documented by the inspector on August 7, 2017. You were asked to reply to the letter by August 22, 2017 with a description of your plans to bring the property into compliance.

On September 20, 2017, the DSI Inspector came to the licensed premises and spoke to you regarding the violations contained in the August 8, 2017 letter. You acknowledged the issues described in the letter and stated that you expected the work to be completed within a few weeks.

On October 16, 2017, the inspector returned to the licensed premises for a re-inspection and found that no progress had been made. You were still in violation of the approved site plan and license conditions (#2, #5 and #15) stated in the August 8, 2017 letter.

On November 1, 2017, you were sent a second letter detailing the September 20, 2017 visit and discussion. You were asked to reply to this letter by November 15, 2017 with a description of your plans to bring the property into compliance.

On January 25, 2018 an inspector once again returned to the licensed premises for a second re-inspection and found no progress had been made. You were still in violation of license conditions (#2, #5 and #15) documented during the August 7, 2017 and October 16, 2017 inspections.

On January 30, 2018, you were sent a third letter detailing the repeated violations to your license conditions and the approved site plan. You were asked to reply to this letter by February 13, 2018 with a description of your plans to bring the property into compliance.

You have been provided more than enough time to bring your licensed premises into compliance with your license conditions and approved site plan and have failed to do so. As a result, the Department of Safety and Inspections will recommend an upward departure to the \$1,000.00 matrix penalty.

At this time, 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 **Monday, March 26, 2018**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the next available City Council Agenda for approval of the proposed remedy.
2. You can pay the \$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, March 26, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered to be 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 no later than **Monday, March 26, 2018**. The matter will then be scheduled before the City Council 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.
4. 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 by **Monday, March 26, 2018**. 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 have not contacted me by Monday, March 26, 2018, 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 next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant, Julie Kraus at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: John Warren Vojtech, 2205 Foxtail Court, White Bear Lake, MN 55110-1038
Kerry Antrim, Executive Director, North End Neighborhood Organization
171 Front Avenue, St. Paul, MN 55117

