



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

July 24, 2014

NOTICE OF INTENT TO SUSPEND LICENSE
AND
NOTICE OF VIOLATION

Souvan, Moua, Owner
Superior Auto Repair
1324 Arcade Street
Saint Paul, MN 55106

RE: Auto Repair Garage license held by Superior Auto Repair d/b/a Superior Auto Repair for the premises located at 1324 Arcade Street in Saint Paul.
License ID #: 20120000708

Dear Souvan Moua:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Repair Garage license held by Superior Auto Repair d/b/a Superior Auto Repair for the premises located at 1324 Arcade Street in Saint Paul. The basis for the recommendation is as follows:

On May 28, 2014, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections stating your Auto Repair Garage license expired as of April 30, 2014. You currently owe \$905.00 in delinquent license and late fees.

You were also asked to submit the following information with your license fee payment: 1) a copy of your Tax ID or Social Security Number; and 2) a completed Certificate of Compliance Minnesota Workers' Compensation Law form. As of today's date, DSI has not received the delinquent license and late fees or the required information.

In addition, on July 3, 2014, a DSI Inspector conducted an inspection at your premises and found the following license condition violation:

- 1. Cars were parked or stored in the public right-of-way in violation of license condition #1: "All customer or employee vehicles awaiting repair, or that have been repaired and are awaiting pick-up, must be parked in the area designated in the plan on file with DSI dated 02/27/2012. Such vehicles may not be parked or stored in the public right-of-way (e.g. alley, street, sidewalk, boulevard, etc.)."**

Per Saint Paul Legislative Code § 310.05 (m) (1), the licensing department will recommend \$500.00 matrix penalty for the license condition violations and suspension of your Auto Repair Garage license for non-payment of delinquent license and late fees. The licensing department will also recommend your license remain suspended until you renew by paying all license fees and penalties in full and bring your premises into compliance with all of your license conditions.

At this time, you have three options to proceed:

1. You can pay the \$500.00 matrix penalty, delinquent license and late fees and submit the required information. If this is your choice, you should send your payment and information directly to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, August 4, 2014**. A self-addressed envelope is enclosed for your convenience.

You also need to bring your premises into compliance with your license conditions. Please contact Kristina Schweinler at the Department of Safety and Inspections (651) 266-9110 no later than **Monday, August 4, 2014**, to schedule an appointment for a re-inspection. Payment of the \$500.00 matrix penalty, delinquent license and late fees, submitting required information and bringing your premises into compliance will be considered to be 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, August 4, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty and suspension of your Auto Repair Garage license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
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, August 4, 2014**. 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 or DSI by Monday, August 4, 2014, I will assume that you do not contest imposition of the \$500.00 matrix penalty and suspension of your Auto Repair Garage 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,


Geoffrey Karls
Assistant City Attorney

cc Dan Niziolek, DSI Deputy Director
Souvan Moua, 2100 Highwood Avenue, Saint Paul, MN 55119
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council, 506 Kenny Road, Ste. 130
Saint Paul, MN 55130

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

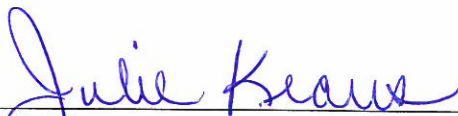
Julie Kraus, being first duly sworn, deposes and says that on the 24th day of July she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE AND NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Souvan Moua, Owner
Superior Auto Repair
1324 Arcade Street
Saint Paul, MN 55106

Souvan Moua
2100 Highwood Avenue
Saint Paul, MN 55119

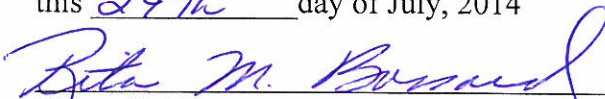
Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint Paul, MN 55130

(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 24th day of July, 2014



Notary Public

