



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 3, 2013

NOTICE OF VIOLATION

Roy Carlson, Sr., President  
Budget Towing Inc. of St. Paul  
560 Randolph Avenue  
Saint Paul, MN 55102

RE: All licenses held by Budget Towing Inc. of St Paul d/b/a Budget Towing Inc. of St Paul for the premises located at 560 Randolph Avenue in Saint Paul  
License ID #: 20120005762

Dear Mr. Carlson:

The Department of Safety and Inspections will recommend adverse action against all licenses held by Budget Towing Inc. of St Paul d/b/a Budget Towing Inc. of St Paul for the premises located at 560 Randolph Avenue in Saint Paul. The basis for the recommendation is based on the following information:

**On June 21, 2103, the Department of Safety and Inspections (DSI) received a fax with a complaint regarding an incident that took place outside the Blues Saloon in Saint Paul on February 22, 2013. The owner of a white GMC pickup was charged a towing fee despite the fact that the vehicle had not been hooked up to a tow truck. The driver refused to move his tow truck unless the complainant paid him \$150.00.**

**When the complainant paid the \$150.00, the driver of the tow truck drove away without giving the complainant a copy of the receipt showing his payment. The complainant took his case to Ramsey County Conciliation Court on May 10, 2013 and was awarded restitution in the amount of \$225.00.**

**On September 26, 2013, DSI received a letter faxed from the complainant's attorney which was sent to you February 28, 2013 regarding the same incident. The letter stated that your tow truck driver unlawfully threatened to take the complainant's pickup without justification fraudulently coerced payment of \$150.00 and failed to give a receipt showing payment.**

***This is a violation of Saint Paul Legislative Code § 361.07 which states: "When the owner or operator appears before the intended vehicle is hooked on the hoist and the wheels thereof raised from the ground by a wrecker or tow truck service vehicle, the service vehicle operator shall allow the vehicle to leave without payment of a fee or towing charge. When the wrecker or tow truck service vehicle operator has a vehicle on the hoist and the wheels thereof raised from the ground and the owner or operator thereof appears, the service vehicle operator shall release the vehicle upon payment of a fixed service fee or drop charge and give a receipt for such payment."***

As a result, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty.

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

1. You can pay the recommended \$500.00 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 14, 2013**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty 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, October 14, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty. 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, October 14, 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.

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, October 14, 2013, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.**

Budget Towing Inc. of St Paul

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If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,

Handwritten signature of Geoffrey Karls in cursive, with the initials 'jk' at the end.

Geoffrey Karls

Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI  
Roy Carlson, Sr. 1108 York Avenue, Saint Paul, MN 55106  
Betty Moran, Community Organizer, West Seventh/Fort Road Federation  
974 West Seventh Street, Saint Paul, MN 55102-3520

STATE OF MINNESOTA)  
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY )

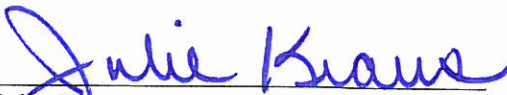
Julie Kraus, being first duly sworn, deposes and says that on the 3rd day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Roy Carlson, Sr., President  
Budget Towing Inc. of St. Paul  
560 Randolph Avenue  
Saint Paul, MN 55102


Roy Carlson, Sr.  
1108 York Avenue  
Saint Paul, MN 55106

Betty Moran, Community Organizer  
West Seventh/Fort Road Federation  
974 West Seventh Street  
Saint Paul, MN 55102-3520

(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 3rd day of October, 2013

  
Notary Public

