



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

February 10, 2015

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, Inc. 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, Inc. 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:

During an inspection on February 5, 2015, a DSI Inspector documented the following license condition violations:

- 1. Cars were parked on the street and boulevard 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.)."**
- 2. Signage on the side of the building is not being maintained in accordance with license condition #9: "Signage shall be maintained on the building stating "No Parking on the Sidewalk or Boulevard.""**

This is the second violation of your license conditions documented by DSI within the past twelve (12) months; therefore, the licensing office will recommend a \$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 **Friday, February 20, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.**


2. You can pay the recommended \$1,000.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, February 20, 2015**. 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 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 **Friday, February 20, 2015**. 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.
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 no later than **Friday, February 20, 2015**. 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 Friday, February 20, 2015, 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,



Geoffrey Karls
Assistant City Attorney

cc Dan Niziolek, DSI Deputy Director
Souvan Moua, 2100 Highwood Avenue, Saint Paul, MN 55119
Gregory Sneller, 24204 Rutgers Street NE, Stacy, MN 55079
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 10th day of February she served the attached **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

Gregory Sneller
24204 Rutgers Street NE
Stacy, MN 55079

Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint Paul, MN 55103

(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 10th day of February, 2015


Notary Public

