

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

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

February 27, 2018

NOTICE OF VIOLATION

Roy Carlson, Sr. - President
Budget Towing Inc. of St Paul
1145 Homer Street
St. Paul, MN 55116

RE: Auto Repair Garage, Second Hand Dealer, Second Hand Dealer-Motor Vehicle, Tow Truck/Wrecker (Operator) and Tow Truck/Wrecker (Vehicle) 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 Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage, Second Hand Dealer, Second Hand Dealer-Motor Vehicle, Tow Truck/Wrecker (Operator) and Tow Truck/Wrecker (Vehicle) 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 as follows:

On October 30, 2017, an Inspector from the Department of Safety and Inspections conducted a follow-up inspection of the licensed premises checking for compliance with the approved site plan (#13-138950 dated January 23, 2013). During the inspection, an inspector documented the following three (3) license condition violations:

- 1. Vehicles were parked outside the parking spaces designated on the approved site plan in violation of license condition #1: "All impounded vehicle storage, parking for customer and employee vehicles and the tow truck fleet shall be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI). Any changes or alterations from the approved site plan must have prior approval from the City."**

2. The areas used for customer and employee parking and display of for-sale vehicles were covered with dirt or gravel with no visible striping. Accessible parking signage was posted on the building but the associated loading zone had not be striped in violation of license condition #4: "Customer and employee vehicle parking spaces must be located on a paved surface and shall be striped and maintained in accordance with the approved site plan on file with DSI. A van accessible parking space shall be provided as shown on the approved plan and posted with a sign displaying the international handicapped symbol. The striping of the parking spaces, van accessible space and handicapped parking signage shall be completed by no later than July 1, 2013."

3. A portion of the driveway to the property crosses the public right-of-way. A vehicle was parked in the gravel area in the right-of-way near the driveway in violation of license condition #6: "Customer, employee, and for-sale vehicles shall not be parked or stored in the public right-of-way (e.g. street, alley, sidewalk, boulevard, etc.). This includes cars which have been repaired and are awaiting pick-up by their owners."

On January 9, 2018, you were sent a letter from the Department of Safety and Inspections outlining the violations documented during the October 30, 2017 inspection. The letter requested that you respond by January 23, 2018 with a description of how you will bring your property into compliance with your license conditions. As of today's date, your response has not been received.

As a result of these license condition violations, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 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, March 9, 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 \$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 **Friday, March 9, 2018**. 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.

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 no later than **Friday, March 9, 2018**. The matter will then be scheduled before the City Council 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.
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, March 9, 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.

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 by Friday, March 9, 2018, 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 next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these four (4) options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Roy Carlson, Sr., 1108 York Avenue, St. Paul, MN 55106

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 27th day of February, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Roy Carlson, Sr. - President
Budget Towing Inc. of St Paul
1145 Homer Street
St. Paul, MN 55116


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

(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 27th day of February, 2018



Notary Public

