

OFFICE OF THE CITY ATTORNEY

Sara Grewing, City Attorney



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

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September 26, 2014

NOTICE OF INTENT TO IMPOSE PENALTY AND LICENSE SUSPENSION

Patrick Takuanyi, President  
Pet Auto Repair  
44 Acker Street East  
Saint Paul, MN 55117

RE: All licenses held by Pet Enterprises Motortech, Inc. d/b/a Pet Auto Repair for the premises located at 44 Acker Street East in Saint Paul  
License ID #20130001816

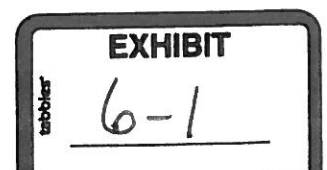
Dear Mr. Takuanyi:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Pet Enterprises Motortech, Inc. d/b/a Pet Auto Repair for the premises located at 44 Acker Street East in Saint Paul. The basis for the recommendation is as follows:

In March of this year, you contacted the Department of Safety and Inspections (DSI) and requested that the two separate business licenses you hold at 18 East Acker and 44 East Acker be combined into one license under the address of 44 East Acker. At that time, a DSI Inspector reviewed your written request and your license conditions with you, specifically condition #9 regarding the prohibition on painting vehicles unless you installed an approved painting booth. You signed a statement agreeing to the conditions on March 24, 2014.

On May 27, 2014, a DSI Inspector and a Fire Inspector came to your premises for an inspection and observed a recently painted vehicle in the building on 18 East Acker. You told the inspector that a former employee had painted the car without your knowledge. The inspectors informed you that you were still responsible for complying with your license conditions and given a verbal warning to discontinue painting vehicles until you install an approved painting booth.

Also, during that inspection, numerous tires were found along the west sides of both 18 East Acker and 44 East Acker. The inspector spoke to both you and the property owner indicating that if the tires were not removed the City would abate them and assess the property owner for the cost of removal. As of last August, tires have been removed from one of the locations but approximate 40 tires still remain on the west side of 18 E. Acker, in violation of license condition #7: "There shall be no exterior storage of vehicle, parts, tires, oil, or any other similar materials associated with the business. Trash and discarded vehicle parts will be stored in a covered dumpster...."



**On September 13, 2014, a nearby resident took several photographs and submitted them to DSI showing you painting a vehicle outside the building in the parking lot in violation of license condition #9: "All repair work must occur within an enclosed building. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way. No painting of vehicles or of any other kind of painting activity is allowed on the licensed premises unless and until the licensee has install a paint booth under permit and that paint booth has been inspected and approved for operation by city inspection staff."**

The DSI Inspector and Fire Inspector have both discussed the license conditions with you several times since the licenses were issued in October of 2013, in particular license condition #9. As a result of continued non-compliance with your license conditions, per Saint Paul Legislative Code §310.05 (m) (2), the licensing office will recommend a \$2,000 matrix penalty and a ten (10) day suspension of all of your licenses.

At this time, you have three options to proceed:

1. If you do not wish to contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, October 6, 2014**, 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. 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 6, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$2,000.00 matrix penalty and ten (10) day suspension of your licenses. 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 6, 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, October 6, 2014**, I will assume that you do not contest the imposition of the \$2,000.00 matrix penalty and ten (10) day suspension of your licenses. 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, Deputy Director - DSI  
Patrick Takuanyi, 250 - 20<sup>th</sup> Avenue South, South St. Paul, MN 55075  
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, Saint Paul, MN 55117

