



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

June 27, 2017

NOTICE OF INTENT TO DENY LICENSE

Benjamin Helberg
1576 Hoyt Avenue
St. Paul, MN 55106

RE: Second Hand Dealer – Motor Vehicle Parts license application submitted by Maypop Sales and Service d/b/a Maypop Sales and Service for the premises located at 2554 Como Avenue in Saint Paul
License ID #: 20150001887

Dear Applicant:

The Department of Safety and Inspections will recommend denial of the Second Hand Dealer – Motor Vehicle Parts license application submitted by Maypop Sales and Service d/b/a Maypop Sales and Service for the premises located at 2554 Como Avenue in Saint Paul. The basis for the recommendation is based on the following information:

On May 12, 2015, you submitted an application for a Second Hand Dealer – Motor Vehicle Parts license with the Department of Safety and Inspections (DSI). As of today, you have failed to submit the required information to complete the application process.

In addition, there is evidence that you have been operating the business without the appropriate license:

- 1. A complaint was received on June 1, 2017 concerning multiple code issues and exterior storage of tires (#17 045411). A DSI inspector came to the establishment and took photographs of tires and refuse stacked outside.**
- 2. The Department of Safety and Inspections was notified on June 9, 2017 that you placed ads on Craig's List regarding the sale of tires at 2554 Como Avenue.**
- 3. A SUMMARY ABATEMENT ORDER was sent to the occupant and owner at 2554 Como Avenue ordering the removal of all tires, junk, metal scraps, wood scraps and discarded materials from the property by June 16, 2017. In addition, it stated that Maypop Tire Shop has been condemned and order to vacate by June 8, 2017.**

Saint Paul Legislative Code § 310.06 (b) (5) states a basis for adverse action: "The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license."

Saint Paul Legislative Code § 310.06 (b)(6)(c) also states: "The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn."

At this time, you have four (4) options to proceed:

1. If I have not heard from you by **Friday, July 7, 2017**, I will presume that you have chosen not to contest the proposed license denial and the matter will be placed on the next available 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 **Friday, July 7, 2017**. The matter will then be scheduled before the City Council to determine whether to deny your Second Hand Dealer – Motor Vehicle Parts 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 **Friday, July 7, 2017**. 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).

4. You can withdraw your license application. Please complete and return the enclosed REQUEST TO WITHDRAW form to the Department of Safety and Inspections (DSI), 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, July 7, 2017**. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me by Friday, July 7, 2017, I will assume that you do not contest the denial of your Second Hand Dealer – Motor Vehicle Parts license. 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 options, please feel free to contact me at 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Benjamin Helberg, Maypop Sales and Service, 2554 Como Avenue, St. Paul, MN 55108

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

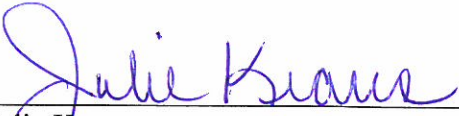
COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 27th day of June she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Benjamin Helberg
1576 Hoyt Avenue
St. Paul, MN 55106

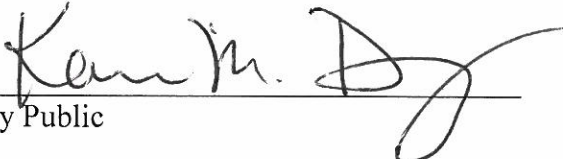
Benjamin Helberg
Maypop Sales and Service
2554 Como Avenue
St. Paul, MN 55108

(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 June, 2017



Notary Public

