



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 17, 2014

NOTICE OF IMPOSITION OF PENALTY
AND LICENSE SUSPENSION

Charles Bethel
1830 County Road B East
Maplewood, MN 55109

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 Mr. Bethel:

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:

On September 3, 2014, you were sent a NOTICE OF LICENSE SUSPENSION AND IMPOSITION OF FINE from the Department of Safety and Inspections informing you that you had been suspended by City Council on August 27, 2014 (RES #14-1446) for failure to pay \$633.00 in delinquent license/late fees and an NSF fee and submit required renewal documents. Additionally, the Council imposed a \$500.00 fine. You were given until September 26, 2014 to pay the license/late fees and fines, and were to remain suspended until you paid. Failure to pay license fees is a violation of Saint Paul Legislative Code § 310.05 (m) (8).

As of October 2, 2014, you still had not paid the outstanding fees and fines, and remained suspended. On October 2, 2014, a DSI Inspector came to the licensed premises and observed that you were operating while your license was suspended.

In addition, the DSI Inspector documented the following license condition violation:

1. Cars were parked or stored in the public right-of-way 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.)."

On October 16, 2014, you paid the outstanding \$1,133.00, and the department lifted your suspension. It is unclear if you ever actually ceased operations during the duration of your suspension.

As a result, the licensing office will recommend imposition of a \$500.00 matrix penalty and a fourteen (14) day suspension of your Auto Repair Garage license for operating while your license was previously suspended. The suspension will not be lifted until you have paid the \$500.00 penalty and brought your property into compliance with all license conditions.

At this time, you have three 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 **Monday, October 27, 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. You may also indicate in writing that you agree to the proposed penalty, which will have the same effect.
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 27, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty and fourteen (14) day suspension of your Auto Repair Garage 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 **Monday, October 27, 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 27, 2014**, I will assume that you do not contest the imposition of the \$500.00 matrix penalty and fourteen (14) day suspension of your Auto Repair Garage license. 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, Owner, Superior Auto Repair, 1324 Arcade Street, Saint Paul, MN 55106
Souvan Moua, 2100 Highwood Avenue, Saint Paul, MN 55119
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 17th day of October she served the attached **NOTICE OF IMPOSITION OF FINE AND LICENSE SUSPENSION** and correct copy thereof in an envelope addressed as follows:

Charles Bethel
1830 County Road B East
Maplewood, MN 55109

Souvan Moua, Owner
Superior Auto Repair
1324 Arcade Street
Saint Paul, MN 55106

Souvan Moua
2100 Highwood Avenue
Saint Paul, MN 55119


Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
Saint Paul, MN 55130

(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 17th day of October, 2014



Notary Public

