



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

December 13, 2017

NOTICE OF VIOLATION

Kamran Hayat, Owner
Xpert Auto Center
1160 Rice Street
St. Paul, MN 55117

RE: Auto Repair Garage license held by Xpert Auto Center, Inc. d/b/a Xpert Auto Center for the premises located at 1160 Rice Street in Saint Paul
License ID #20170000913

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage license held by Xpert Auto Center, Inc. d/b/a Xpert Auto Center for the premises located at 1160 Rice Street in Saint Paul. The basis for the recommendation is as follows:

Based on complaints received, an inspector from the Department of Safety and Inspections (DSI) conducted an inspection of your licensed premises on September 15, 2017 and documented the following three (3) license condition violations:

1. Twenty-one (21) vehicles were parked on the lot which is five (5) vehicles over the maximum of sixteen (16) allowed. In addition, vehicles were parked in the drive lanes in violation of the site plan and license condition #1: *"All customer, business and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 01/12/2001. A maximum of sixteen (16) vehicles may be parked on the property at any time."*
2. Striping in the parking lot was changed without editing the plan on file with DSI in violation of license condition #2: *"The parking lot shall be maintained in accordance with the approved site plan on file with DSI dated 01/12/2001. This includes any landscaping, fencing, striping of individual parking spaces (including one required handicap parking space), etc."*
3. Vehicles were parked blocking drive lanes in the parking area in violation of license condition #10: *"Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or onto the street is prohibited."*

On September 27, 2017, an inspector from the Department of Safety and Inspections (DSI) conducted a re-inspection and documented the following three (3) repeated license condition violations:

1. Nineteen (19) vehicles were parked on the lot which is three (3) vehicles over the maximum of sixteen (16) allowed. In addition, vehicles were parked in the drive lanes in violation of the site plan and license condition #1: *"All customer, business and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 01/12/2001. A maximum of sixteen (16) vehicles may be parked on the property at any time."*
2. Striping in the parking lot was changed without editing the plan on file with DSI in violation of license condition #2: *"The parking lot shall be maintained in accordance with the approved site plan on file with DSI dated 01/12/2001. This includes any landscaping, fencing, striping of individual parking spaces (including one required handicap parking space), etc."*
3. Vehicles were parked blocking drive lanes in the parking area in violation of license condition #10: *"Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or onto the street is prohibited."*

On September 27, 2017 you were sent an ENFORCEMENT NOTICE from the Department of Safety and Inspections concerning the license condition violations documented during inspections on September 15, 2017 and September 27, 2017. The letter stated the next instance of non-compliance will result in adverse action against your license.

On November 16, 2017 the DSI inspector returned for a second re-inspection and documented the following three (3) repeated license condition violations:

1. Twenty-two (22) vehicles were parked in the front parking lot with two (2) parked in the loading zone off of the alley. A total of twenty-four (24) vehicles were parked which is eight (8) over the maximum of sixteen (16) allowed. In addition, vehicles were parked in the drive lanes in violation of the site plan and license condition #1: *"All customer, business and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 01/12/2001. A maximum of sixteen (16) vehicles may be parked on the property at any time."*
2. Striping in the parking lot was changed without editing the plan on file with DSI in violation of license condition #2: *"The parking lot shall be maintained in accordance with the approved site plan on file with DSI dated 01/12/2001. This includes any landscaping, fencing, striping of individual parking spaces (including one required handicap parking space), etc."*
3. Two (2) vehicles were obstructing the northern driveway to Rose Avenue and one (1) vehicle was obstructing the curb cut onto Rice Street in violation of license condition #10: *"Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited."*

As a result of these continued 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 **Tuesday, December 26, 2017**, 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 **Tuesday, December 26, 2017**. 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. I will need to receive your letter by **Tuesday, December 26, 2017**. 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 **Tuesday, December 26, 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).

If you have not contacted me by Tuesday, December 26, 2017, 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: Kamran Hayat, 1222-129th Circle NW, Coon Rapids, MN 55448
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

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 13th day of December she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Kamran Hayat, Owner
Xpert Auto Center
1160 Rice Street
St. Paul, MN 55117

Kamran Hayat
1222-129th Circle NW
Coon Rapids, MN 55448

Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
St. Paul, MN 55117

(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 13th day of December, 2017

Rita M. Borsand
Notary Public

