

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

May 14, 2018

NOTICE OF ADMINISTRATIVE HEARING

Roy Carlson, Sr. - President
Budget Towing Inc. of St Paul
560 Randolph Avenue
St. Paul, MN 55102-3614

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
OAH Docket No: 71-6020-35247

Dear Licensee:

Please take notice that an administrative hearing has been scheduled concerning 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:

Date: Thursday, June 7, 2018
Time: 9:30 a.m.

Location: Office of Administrative Hearings
600 Robert Street North
St. Paul, MN 55101

The hearing will be presided over by an Administrative Law Judge from the State of Minnesota Office of Administrative Hearings:

Name: Judge Jessica Palmer-Denig
Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101

Telephone: (651) 361-7888

The Council of the City of Saint Paul has the authority to provide for hearings concerning adverse action against such licenses, under Chapter 310, including sections 310.05 and 310.06, of the Saint Paul Legislative Code. Adverse action may include revocation, suspension, denial, fines and other penalties or conditions.

Evidence will be presented to the administrative law judge that may lead to 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:

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.

The licensee has the right to be represented by an attorney before and during the hearing or can represent him/herself. The licensee may also have a person of his/her choice representing his/her interests, to the extent not prohibited as unauthorized practice of law.

The hearing will be conducted in accordance with the requirements of Minnesota Statutes sections 14.57 to 14.62 and such parts of the procedures under section 310.05 of the Saint Paul Legislative Code as may be applicable.

At the hearing, the Administrative Law Judge will have all parties identify themselves for the record. The City will then present its witnesses and evidence, each of whom the licensee or attorney may cross-examine. The licensee may then offer in rebuttal any witnesses or evidence it may wish to present, each of whom the City's attorney may cross-examine. The Administrative Law Judge may in addition hear relevant and material testimony from persons not presented as witnesses by either party who have a substantial interest in the outcome of the proceeding; for example, the owners or occupants of property located in close proximity to the licensed premises may have substantial interest in the outcome of the proceeding. Concluding arguments may be made by the parties. Following the hearing, the Judge will prepare Findings of Fact, Conclusions of Law, and a specific recommendation for action to be taken by the City Council.

The licensee should bring to the hearing all documents, records and witnesses which may be needed to support its position. Subpoenas may be available to compel the attendance of witnesses or the production of documents in conformity with Minnesota Rules, part 1400.7000.

If you think that this matter can be resolved or settled without a formal hearing, please contact the undersigned. If a stipulation or agreement can be reached as to the facts, that stipulation will be presented to the Administrative Law Judge for incorporation into his or her recommendation for Council action.

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true. If non-public data is received into evidence at the hearing, it may become public unless objection is made and relief requested under Minnesota Statutes, Section 14.60, subdivision 2.

If you have any questions, you can call me at 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Judge Jessica Palmer-Denig, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620
Roy Carlson, Sr., 1108 York Avenue, St. Paul, MN 55106

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

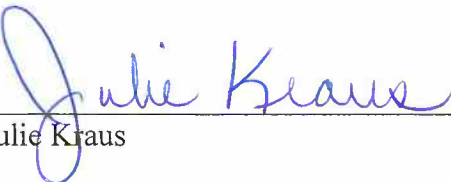
Julie Kraus, being first duly sworn, deposes and says that on the 14TH day of May, she served the attached **NOTICE OF ADMINISTRATIVE HEARING** and a correct copy thereof in an envelope addressed as follows:

Roy Carlson, Sr., President
Budget Towing Inc. of St Paul
560 Randolph Avenue
St. Paul, MN 55102-3614

Judge Jessica Palmer-Denig
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

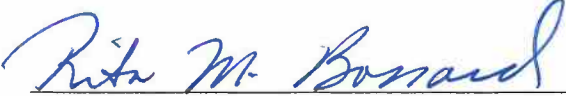
Roy Carlson, Sr.,
1108 York Avenue
St. Paul, MN 55106

(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 14TH day of May, 2018



Notary Public

