



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

March 26, 2019

**NOTICE OF INTENT TO SUSPEND LICENSE**

James E. Carroll - Licensee  
240 Milford North  
St. Paul, MN 55117

RE: Peddler license held by James E. Carroll for the City of Saint Paul  
License ID #: 20150002699

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended suspension of the Peddler license held by James E. Carroll for the City of Saint Paul. The basis for the recommendation is as follows:

**On February 27, 2019 you were sent a NOTICE OF CITY COUNCIL ACTION from the Department of Safety and Inspections requesting payment of the \$500.00 matrix penalty imposed by City Council on February 20, 2019 (RES PH #19-48).**

**The penalty was imposed because an inspector from the Department of Safety and Inspections documented two violations to your license conditions during a compliance inspection on August 23, 2018.**

**You were given until Friday, March 22, 2019 to pay the \$500.00 matrix penalty. As of today, that penalty has not been paid.**

You have three (3) options to proceed:

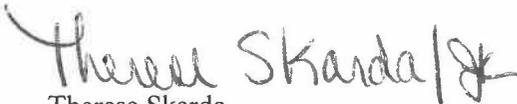
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Tuesday, April 2, 2019**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **April 17, 2019** City Council agenda for approval of the proposed remedy.
2. You can pay the \$500.00 Council imposed 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, April 2, 2019**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing of 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 no later than **Tuesday, April 2, 2019**. The matter will then be scheduled before the City Council to determine whether to suspend your Peddler license. You will have an opportunity to appear before the Council and make a statement on your own behalf.

**If you have not contacted me by Tuesday, April 2, 2019, I will assume that you do not contest the suspension of your Peddler license. In that case, the matter will be placed on the April 17, 2019 City Council Consent Agenda for approval of the recommended penalty.**

If you have questions about these options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda  
Assistant City Attorney  
License No. 0240989

Enclosure: Notice of City Council Action dated February 27, 2019  
Signature Copy of RES PH #19-48



CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

February 27, 2019

**NOTICE OF CITY COUNCIL ACTION**

James E. Carroll  
240 Milford North  
St. Paul, MN 55117

Dear James Carroll:

Enclosed is a copy of City Council Resolution RES PH 19-48 which imposes a fine against the Peddler license issued to you by the City of Saint Paul for the following:

**Violation of two (2) license conditions found during a compliance inspection on August 23, 2018.**

The fine was approved and ordered by the Saint Paul City Council at the Council's public hearing meeting on February 20, 2019. The fine in the amount of \$500 is due no later than on **Friday, March 22, 2019.**

If you have any questions regarding this matter, you may contact me at 651-266-9132.

Sincerely,

Eric Hudak, Licensing Manager  
Department of Safety and Inspections

Enclosure

c: Julie Kraus, Legal Assistant-CAO  
Ricardo X. Cervantes, Director-DSI  
Dan Niziolek, Deputy Director-DSI  
Kris Schweinler, Senior License Inspector-DSI  
Joseph Voyda, License Inspector-DSI



# City of Saint Paul

## Signature Copy

### Resolution-Public Hearing: RES PH 19-48

City Hall and Court  
House  
15 West Kellogg  
Boulevard  
Phone: 651-266-8560

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**File Number: RES PH 19-48**

Approving adverse action against the Peddler license held by James E. Carroll (License ID# 20150002699).

WHEREAS, the Peddler license held by James E. Carroll ("Licensee")(License ID# 20150002699) for the City of Saint Paul was the subject of a Notice of Violation ("Notice") dated January 15, 2019; and

WHEREAS, the Notice stated in August of 2018, the Department of Safety and Inspections conducted license compliance checks for peddlers operating during the Minnesota State Fair; and

WHEREAS, on August 23, 2018, two DSI inspectors observed and photographed the Licensee selling water for one-dollar (\$1.00) and Gatorade for two-dollars (\$2.00) within 25 feet of a corner or intersection while remaining stationary in violation of Saint Paul Legislative Code § 345.08; and

WHEREAS, the inspectors further observed that the licensee was not displaying his Peddler's license in violation of Saint Paul Legislative Code § 345.06; and

WHEREAS, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office recommended a \$500.00 matrix penalty; and

WHEREAS, the licensee responded to the Notice of Violation on January 25, 2019 to request a public hearing and was instructed to submit a written request; and

WHEREAS, the licensee faxed a request for a public hearing that afternoon which was a blank page; and

WHEREAS, a letter was sent to the licensee on January 28, 2019, instructing him to resend his request for a public hearing by fax, email or enclosed envelope no later than February 4, 2019 because the first request was faxed as a blank page; and

WHEREAS, the licensee faxed in a request for a public hearing which is scheduled for February 20, 2019; now, therefore, be it

RESOLVED, James E. Carroll (License ID# 20150002699) is hereby ordered to pay a matrix penalty of \$500.00 for violations of Saint Paul Legislative Code §345.08 and §345.06 on August 23, 2018.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

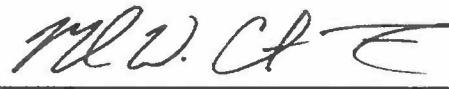
At a meeting of the City Council on 2/20/2019 this resolution was adopted.

**Yea:** 7 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali Nelson, and Councilmember Busuri

**Nay:** 0

**Vote Attested by**   
**Council Secretary** Trudy Moloney

**Date** 2/20/2019

**Signed by Mayor**   
Melvin Carter III

**Date** 2/26/2019

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 26<sup>TH</sup> day of March, she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

James E. Carroll - Licensee  
240 Milford North  
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 26<sup>th</sup> day of March 2019

  
\_\_\_\_\_  
Notary Public

