



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

September 16, 2014

NOTICE OF VIOLATION

Alfredo Salgado, Owner
Affordable Tire
1118 – 7th Street East
Saint Paul, MN 55106

RE: Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts licenses held by AAA Enterprises, Inc. d/b/a Affordable Tire for the premises located at 1118 – 7th Street East in Saint Paul.
License ID #: 20120004026

Dear Mr. Salgado:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Repair Garage and Second Hand Dealer – Motor Vehicle Parts licenses held by AAA Enterprises, Inc. d/b/a Affordable Tire for the premises located at 1118 – 7th Street East in Saint Paul. The basis for the recommendation is as follows:

On June 23, 2014 you were sent a letter from the Department of Safety and Inspections concerning the inspection of your premises on June 13, 2014. During that inspection, a DSI Inspector documented numerous license condition violations:

1. There were two employees working on a vehicle in the front of the building in violation of license condition #2: *"All repair work shall occur within the building."*
2. There were nine (9) vehicle on the lot and tires on the ground outside the overhead door on the east side of the building in violation of license condition #3: *"There shall be no more than four (4) customer vehicles parked on the lot outside the building at any one time and there shall be no exterior storage of any vehicle parts, tires, oil, batteries, or similar items. No vehicle shall be parked on the lot outside the building for more than ten (10) consecutive days."*
3. There was a car parked on the sidewalk, a truck parked in the maneuvering lane and vehicles parked at the back of the building on the east side of the building, all of them out of compliance with the site plan in violation of license condition #8: *"All customer and employee vehicles must be parked in the area designated on the DSI approved site plan, dated 12/27/2012. There shall be no more than six (6) total vehicles parked on the property at any time (maximum of four (4) customer and up to two (2) employee)"* and license condition #10: *"At no time shall vehicle be parked in the driveway or in the public right of way (street or alley). Vehicle awaiting repair may not be parked or stored in the public right of way (street or alley)."*

4. There was no room for vehicles to maneuver from your lot to the street without backing out of the sidewalk or backing onto the street in violation of license condition #15: *"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."*
5. The tire display was on the sidewalk on 7th street in violation of license condition #19: *"Tires displayed outdoors for sale must be stored inside the building when the business is closed. Outdoor display of tires is restricted to the area shown on the approved site plan on file with DSI dated 12/27/2012 (against the east side of the building at the northeast corner of the building)."*
6. There were tires and parts stored outside in violation of license condition #3: *".....there shall be no exterior storage of any vehicle parts, tires, oil, batteries, or similar items. No vehicle shall be parked on the lot outside the building for more than ten (10) consecutive days."*

You were given until July 3, 2014 to bring your premises into compliance with your license conditions. A DSI Inspector came to your establishment for a re-inspection on August 28, 2014 and documented several of the same license condition violations:

1. A car was jacked up outside the building in violation of license condition #2: *"All repair work shall occur within the building."*
2. There were tires and garbage cans stored along the outside of the building in violation of license condition #3: *"There shall be no more than four (4) customer vehicles parked on the lot outside the building at any one time and there shall be no exterior storage of any vehicle parts, tires, oil, batteries, or similar items. No vehicle shall be parked on the lot outside the building for more than ten (10) consecutive days."*
3. Cars were parked in the driveway in violation of license condition #10: *"At no time shall vehicle be parked in the driveway or in the public right of way (street or alley). Vehicle awaiting repair may not be parked or stored in the public right of way (street or alley)."*
4. Cars were parked in the maneuvering space in violation of license condition #15: *"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."*
5. Tires were stored along the building in violation of license condition #3: *"...there shall be no exterior storage of any vehicle parts, tires, oil, batteries or similar items..."* and license condition #9: *"Trash will be stored in a covered dumpster. Storage and disposal of vehicle fluids, batteries, tires, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."*
6. Customer cars were parked on the street in violation of license condition #8: *"All customer and employee vehicles must be parked in the area designated on a DSI approved site plan dated 12/27/2012. There shall be no more than six (6) total vehicle parked on the property at any time (maximum four (4) customer and up to two (2) employee)."*
7. The tire display was on the sidewalk in violation of license condition #19: *"Tires displayed outdoors for sale must be stored inside the building when the business is closed. Outdoor display of tires is restricted to the area shown on the approved site plan on file with DSI dated 12/27/2012 (against the east side of the building at the northeast corner of the building)."*

8. Cars parked on the property outside designated areas of site plan in violation of license condition #8: *“All customer and employee vehicles must be parked in the area designated on a DSI approved site plan dated 12/27/2012. There shall be no more than six (6) total vehicle parked on the property at any time (maximum four (4) customer and up to two (2) employee).”*

A third inspection of the premises on August 29, 2014, found that you had brought your establishment into compliance with most of your license conditions; however, you were still in violation of license condition #10: *“At no time shall vehicle be parked in the driveway or in the public right of way (street or alley). Vehicle awaiting repair may not be parked or stored in the public right of way (street or alley).”*

As a result of these numerous license condition violations, per Saint Paul Legislative Code § 310.05(m), the licensing department will recommend a \$500.00 matrix penalty.

At this time, you have three options to proceed:

1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Friday, September 26, 2014**. 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.
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, September 26, 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. 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, September 26, 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 by Friday, September 26, 2014, 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 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, Deputy Director – DSI
Alfredo Salgado, 1951 Nortonia Avenue, Saint Paul, MN 55119
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council
798 East Seventh Street, Saint Paul, MN 55106-6625

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

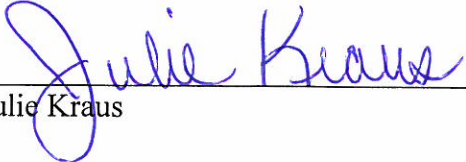
Julie Kraus, being first duly sworn, deposes and says that on the 16th day of September she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Alfredo Salgado, Owner
Affordable Tire
1118 – 7th Street East
Saint Paul, MN 55106

Alfredo Salgado
1951 Nortonia Avenue
Saint Paul, MN 55119

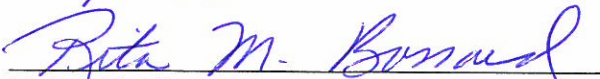
Deanna Abbott-Foster
Executive Director
Dayton's Bluff District 4 Community Council
798 East Seventh Street
Saint Paul, MN 55106-6625

(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 16th day of September, 2014



Notary Public

