



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

April 5, 2012

NOTICE OF VIOLATION

Shanna Higbee, Owner
Davis Enterprises Inc. MN
817 Vandalia Street
St. Paul, MN 55114

RE: All licenses held by Davis Enterprises Inc. MN d/b/a Davis Enterprises Inc. MN for the premises located at 817 Vandalia Street in Saint Paul.
License ID #: 20110003560

Dear Ms. Higbee:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Davis Enterprises Inc. MN d/b/a Davis Enterprises Inc. MN for the premises located at 817 Vandalia Street in Saint Paul. The basis for the recommendation is as follows:

On February 19, 2012, at approximately 5:11 a.m., Saint Paul Police came to your establishment on a proactive visit (CN# 12-038-850). When the officer arrived, he saw a light on inside of the business and the fence open to the impound lot. The officer knocked on the door but did not get an answer.

On March 8, 2012, at approximately 3:30 a.m., Saint Paul Police returned to your establishment on a proactive visit (CN #12-053-461). When the officer arrived he saw a sign on the door which read "Office Hours 9AM – 5PM M-F, 24 hour on duty security, 24 hour impound lot release, Vehicle Release line 651-373-7252." The officer knocked on the door but did not get an answer.

Failure of your establishment to remain open for twenty-four (24) hours is a violation of Saint Paul Legislative Code § 361.05(3) which states: "A statement that there will be a storage lot or lots at which will be maintained continuous twenty-four-hour on-duty service from an office on the premises for the release of motor vehicles, together with the exact location of such lot or lots with changes to be made known to the Department of Safety and Inspections immediately in writing." and Saint Paul Legislative Code § 361.12 which states: ".....All licensees shall, immediately upon hooking up to a vehicle to be towed from private property under orders of one not the owner or operator of such vehicle, tow the vehicle directly to a twenty-four-hour on-duty storage lot owned or operate3d by such licensee...."

In addition, this is a violation of license condition #16 (signed on 10/14/2011) which states: "The impound lot shall be staffed and maintained in accordance with Chapter 361.12 of the Saint Paul Legislative Code: 24 hours a day."

Based on this first (1st) violation, per Saint Paul Legislative Code § 310.05(m) (1), the licensing department will recommend a \$500.00 matrix penalty.


At this time, you have three options on how to proceed:

1. You can pay the recommended \$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 **Monday, April 16, 2012**. Information should be directed to the attention of Christine Rozek. 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 **Monday, April 16, 2012**. 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 **Monday, April 16, 2012**. 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.

If you have not contacted me by Monday, April 16, 2012, 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,



Meghan Kisch
Assistant City Attorney

cc Christine Rozek, Deputy Director of DSI
Shanna Higbee, 1109 Hudson Road, St. Paul, MN 55106
Amy Sparks, Executive Director, St. Anthony Park Community Council, 890 Cromwell Avenue
St. Paul, MN 55114-1599

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 5th day of April she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Shanna Higbee, Owner
Davis Enterprises Inc. MN
817 Vandalia Street
St. Paul, MN 55114

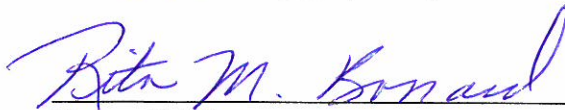
Shanna Higbee
1109 Hudson Road
St. Paul, MN 55106

Amy Sparks, Executive Director
St. Anthony Park Community Council
890 Cromwell Avenue
St. Paul, MN 55114-1599

(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 5th day of April, 2012


Notary Public

