



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

May 16, 2014

NOTICE OF VIOLATION

Duqueiro Cano
Duke's Cars & Towing
323 Maria Avenue
St. Paul, MN 55106

RE: Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing for the premises located at 323 Maria Avenue in Saint Paul.
License ID #: 20120001127

Dear Duqueiro Cano:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing for the premises located at 323 Maria Avenue in Saint Paul. The basis for the recommendation is as follows:

On April 21, 2014, a DSI Inspector conducted an inspection at your premises and found the following license condition violations:

1. There were three (3) vehicles parked in an area in front of the building where only two (2) vehicles are allowed by your site plan in violation of license condition #6: *"All customer and employee vehicles must be parked in the area designated on the site plan on file with the Department of Safety and Inspections (DSI) (per nonconforming use permit – reestablishment 11-299856, dated December 16, 2011, subject to license condition #4). Licensee agrees to maintain the striping of parking spaces in accordance with the approved plan."*
2. There were vehicle parts stored along the south side of the building in violation of license condition #7: *"There shall be no exterior storage vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."*
3. A vehicle was parked extending out onto the sidewalk in violation of license condition #8: *"At no time shall any vehicles associated with this business be parked in the driveway or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.) This includes vehicles awaiting repair, or that have been repaired and are awaiting pick-up by their owner."*

As a result of these license condition violations, 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 to proceed:

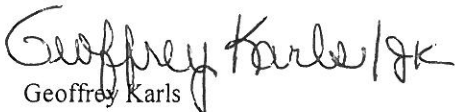
1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Tuesday, May 27, 2014**. A self-addressed envelope is enclosed 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 **Tuesday, May 27, 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 **Tuesday, May 27, 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 or DSI by Tuesday, May 27, 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, DSI Deputy Director
Duqueiro Cano, 4210 Girard Avenue North, Minneapolis, MN 55412
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 May she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Duqueiro Cano
Duke's Cars & Towing
323 Maria Avenue
St. Paul, MN 55106

Duqueiro Cano
4210 Girard Avenue North
Minneapolis, MN 55412

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
Julie Kraus

Subscribed and sworn to before me
this 16th day of May, 2014

Rita M. Bossard
Notary Public

