



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

October 9, 2015

NOTICE OF VIOLATION

Lawrence H. Kasella, Jr., Owner
Best Pawn
966 – 7th Street West
St. Paul, MN 55102

RE: Pawn Shop license held by Lawrence H. Kasella, Jr. d/b/a Best Pawn for the premises located at
966 – 7th Street West in Saint Paul
License ID #: 19980003417

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Pawn Shop license held by Lawrence H. Kasella, Jr. d/b/a Best Pawn for the premises located at 966 – 7th Street West in Saint Paul. The basis for the recommendation is as follows:

On August 25, 2015, an officer from the Saint Paul Police Department received a call from a victim stating she had located her stolen Trek bike at Best Pawn which was located at 966 W. 7th Street (CN #15-190-902).

The officer asked her how she located her bike. She stated that after the bike was stolen, she decided to check the pawn shop closest to her home. She did not tell them the bike was stolen, but instead said she was looking for a bike. They took her to the next store and she went into a secured area where she located her bike. When she told staff that was her bike she was informed the bike was not ready for sale. She told them again the bike was stolen and it belonged to her. She was told it was pawned on the same day and to contact Officer Kennedy. The officer told her she would look into the matter and contacted her investigator regarding their phone conversation.

The officer decided to look in the Automated Pawn System (APS) for the stolen bike (Serial # WTU061C6386H). She was not able to find an entry on August 12, 2015 for the Trek bike matching that serial number.

The officer was contacted by Officer Oesterreich and agreed to meet him at Best Pawn. The officers met with the staff who escorted them out of the pawn shop to another door that appeared to be a secured room holding the property. The officers were able to locate the stolen Trek bike based on the matching serial number.

The officers returned to the pawn shop to speak to the manager, Isaac who told them their computers had been down since the 10th. He showed them all the transactions in paper form and informed them all the property is being held until it is entered into the system.

Officer Oesterreich requested a video and the manager stated he could email it to him. The officer said he preferred to have a copy on a disc, but was told they could only put it on a fob (thumb drive) which they currently did not have. The officer told the manager that he would return soon and get a copy of the transactions. When the officer returned, he was told their video has been down for a month and has not been fixed. The officer was given a copy of the Transaction paperwork and recovered the stolen bicycle.

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your license based on any one of the following grounds:

Saint Paul Legislative Code § 344.02 (b) (1) states: "If a licensee is unable to successfully transfer the required reports via modem, the licensee see must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date by twelve o'clock noon (12:00) the next business day, and must be charged for billable transactions at a rate to be determined by the automated pawn system (hereafter, in this chapter, "APS") for manual processing."

Saint Paul Legislative Code § 344.02 (b) (2) states: "If the problem is determined to be the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports as detailed in section 344.04(a), and may do so for up to ten (10) consecutive days without penalty. However, after the tenth day, if the licensee still cannot report via modem, the licensee may at the discretion of the director and the chief, be fine one hundred dollars (\$100.00) per day not to exceed twenty (20) days. If the licensee cannot report via modem after thirty (30) days for the first date of the failure, the license may be revoked."

Saint Paul Legislative Code § 344.04 (b) states: "At the close of each business day, the licensee must provide the above records to the police department by transferring it from their computer to the automated pawn system (APS) via modem using the current version of the APS interchange file specification. All required records must be transmitted completely and accurately. Any transaction that does not meet the APS interchange file specification must be corrected and resubmitted the next business day. The licensee must inform all patrons, both orally and by displaying a sign of sufficient size in a conspicuous place on the premises, that all transactions are reported to the police department daily."

Saint Paul Legislative Code § 344.04 (c) states: "The licensee must also take a color video recording or digitally-captured photo image of the following: 1) Each customer involved in a reportable transaction; and 2) Every item received that does not have a unique serial or identification number permanently engraved or affixed."

Due to the fact the violations outlined above are directly related to the licensed activity, per Saint Paul Legislative Code § 310.05 (m) (2) the licensing department will recommend a \$500.00 matrix penalty.

At this time, you have four (4) 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 **Monday, October 19, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. 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, October 19, 2015**. 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.
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. I will need to receive your letter by **Monday, October 19, 2015**. 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.
4. 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, October 19, 2015**. 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 Monday, October 19, 2015, 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
Betty Moran, Community Organizer, West Seventh/Fort Road Federation, 974 West Seventh Street,
St. Paul, MN 55102-3520
Cslk Properties, LLC, 966 W. 7th Street, St. Paul, MN 55102-3502

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 9th day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Lawrence H. Kasella, Jr., Owner
Best Pawn
966 – 7th Street West
St. Paul, MN 55102

Betty Moran, Community Organizer
West Seventh/Fort Road Federation
974 West Seventh Street
St. Paul, MN 55102-3520

Cslk Properties, LLC
966 W. 7th Street
St. Paul, MN 55102-3502

(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 9th day of October, 2015

Rita M. Bossard
Notary Public

