



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 11, 2015

NOTICE OF VIOLATION

Long Nguyen, President
Lanhart's Auto Repair & Body
1024 – 7th Street East
St. Paul, MN 55106

RE: Auto Repair Garage and Auto Body Repair/Painting Shop licenses held by Lanhart's Auto Repair, Inc. d/b/a Lanhart's Auto Repair & Body for the premises located at 1024 – 7th Street East in Saint Paul
License ID #: 20030004877

Dear Licensee:

The Department of Safety and Inspections will recommend adverse action against the Auto Repair Garage and Auto Body Repair/Painting Shop licenses held by Lanhart's Auto Repair, Inc. d/b/a Lanhart's Auto Repair & Body for the premises located at 1024 – 7th Street East in Saint Paul. The basis for the recommendation is based on the following information:

On September 3, 2015, an Inspector from the Department of Safety and Inspections (DSI) came to your establishment for an inspection. She took photographs documenting the following license condition violations:

- A Midwest Star Taxi attached to a Lanhart's Auto Repair truck awaiting repair parked on the street in violation of license condition #3 and Conditional Use Permit #04-044-266 (3/26/2004): : *"There shall be no on-street storage or overnight outdoor storage of vehicle waiting for repair or pick-up."*

Also, license condition #6: *"At no time shall vehicles be parked in the driveway or in the public right-of-way."*

- Tires were stored outside the building in violation of license condition #5: *"There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster."*
- Cars marked with Dealer Vehicle Permits were parked on 7th Street in violation of license condition #6: *"At no time shall vehicles be parked in the driveway or in the public right-of-way."*
- Vehicles parked on the lot with major body parts missing in violation of license condition #7: *"All vehicles parked outdoors must appear to be completely assembled with no major body parts missing."*
- Cars parked on the lot blocking the entrance and exit in violation of license condition #4: *All customer and employee vehicles must be parked in the area designated on a DSI approved site plan.*

Also, license condition #13: *"Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited."*

This is the second incidence of violations against your license conditions within twelve (12) months. As a result, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$1,000.00 matrix penalty.

At this time, you have four (4) options on how to proceed:

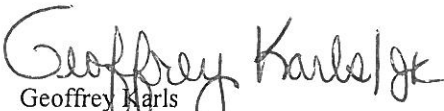
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, September 21, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$1,000.00 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, September 21, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 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, September 21, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 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, September 21, 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, September 21, 2015, I will assume that you do not contest the imposition of the \$1,000.00 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 of DSI
Long Nguyen, 1713 Rio Loma Drive, Burnsville, MN 55337
Deanna Abbott-Foster, Executive Director, Dayton's Bluff District 4 Community Council, East Side Enterprise Center,
804 Margaret Street, St. Paul, MN 55106
Thach And Long Properties, 4200 Bloomington Avenue, Minneapolis, MN 55407-3335

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 17th day of September she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

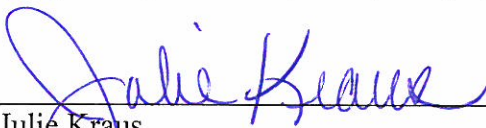
Long Nguyen, President
Lanhart's Auto Repair & Body
1024 - 7th Street East
St. Paul, MN 55106

Long Nguyen
1713 Rio Loma Drive
Burnsville, MN 55337

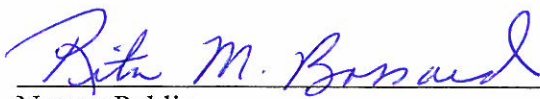
Deanna Abbott-Foster, Executive Director
Dayton's Bluff District 4 Community Council
East Side Enterprise Center
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St. Paul, MN 55106

Thach And Long Properties
4200 Bloomington Avenue
Minneapolis, MN 55407-3335

(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 17th day of September, 2015



Notary Public

