



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street  
Saint Paul, Minnesota 55101

Mailing Address:  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

November 6, 2015

Voice: (651) 361-7900  
TTY: (651) 361-7878  
Fax: (651) 539-0300

Shari Moore  
City Clerk  
City of St. Paul  
310 City Hall  
15 W Kellogg Blvd  
Saint Paul, MN 55102

**Re: *In the Matter of Superior Auto Repair, Inc d/b/a Superior Auto Repair***  
**OAH 8-6020-32560**

Dear City Clerk Moore:

Enclosed and served upon you is the Administrative Law Judge's **REPORT AND RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE** in the above-entitled matter. The official record is also enclosed. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact my legal assistant Katie Lin at (651) 361-7911 or [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us), or facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Eric L. Lipman" followed by a stylized flourish.

ERIC L. LIPMAN  
Administrative Law Judge

ELL:ry  
Enclosure  
cc: Geoffrey S. Karls  
Charles E. Bethel

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CITY ATTORNEY

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Superior Auto Repair, Inc.  
d/b/a Superior Auto Repair

**REPORT AND RECOMMENDATION OF  
THE ADMINISTRATIVE LAW JUDGE**

This matter came before Administrative Law Judge Eric L. Lipman for an evidentiary hearing on November 5, 2015.

In lieu of proceeding to a hearing on that day, the parties stipulated to a resolution of their dispute – namely: (a) an acknowledgement of the violation by the Licensee; (b) a fine amount of \$1,000; and (c) a five-day suspension of the Licensee's business operations.

Geoffrey S. Karls, Assistant City Attorney, appeared on behalf of Department of Safety and Inspections of the city of St. Paul (City). Charles E. Bethel, Bethel Legal Services, P.A., appeared on behalf of the Licensee, Superior Auto Repair, Inc.

**STATEMENT OF THE ISSUES**

1. Did Superior Auto Repair, Inc. violate a condition of its Garage – Auto Repair license?
2. If so, is the stipulated penalty of a \$1,000 fine and a five-day suspension of business operations an appropriate licensing sanction?

**SUMMARY OF CONCLUSIONS**

The Administrative Law Judge concludes that the stipulated penalty of a \$1,000 fine and a five-day suspension of business operations is an appropriate licensing sanction and is well-grounded in the hearing record.

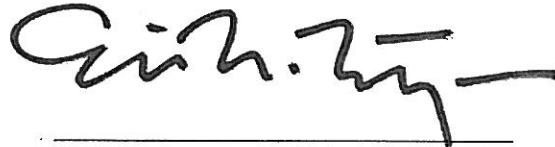
Based upon the evidence in the hearing record, the Administrative Law Judge makes the following:

**RECOMMENDATION**

IT IS RECOMMENDED that the St. Paul City Council take appropriate action against the licenses held by Superior Auto Repair, Inc. d/b/a Superior Auto Repair.

Additionally, and notwithstanding the presumptive penalties found in St. Paul Legislative Code § 310.05 (m) (2015), the imposition of a \$1,000 fine and a five-day suspension of business operations is an appropriate resolution of the matters in dispute.

Dated: November 6, 2015



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ERIC L. LIPMAN  
Administrative Law Judge

### NOTICE

This Report is a recommendation, not a final decision. The Saint Paul City Council will make a final decision after a review of the record and may adopt, reject, or modify these Findings of Fact, Conclusions of Law, and Recommendation. Pursuant to Saint Paul Legislative Code § 310.05 (c-1), the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. Parties should contact Shari Moore, City Clerk, City of Saint Paul, 310 City Hall, 15 W. Kellogg Blvd., Saint Paul, Minnesota 55102, to ascertain the procedure for filing exceptions or presenting arguments.