



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 20, 2017

NOTICE OF VIOLATION

Irma Ortega, Owner
 3B Auto Sales
 1176 Dale Street North
 St. Paul, MN 55117

RE: Second Hand Dealer – Motor Vehicle and Auto Repair Garage licenses held by Phoenix Auto d/b/a/ 3B Auto Sales for the premises located at 1176 Dale Street North in Saint Paul
 License ID #20170000815

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Second Hand Dealer – Motor Vehicle and Auto Repair Garage licenses held by Phoenix Auto d/b/a/ 3B Auto Sales for the premises located at 1176 Dale Street North in Saint Paul. The basis for the recommendation is as follows:

On September 15, 2017, an inspector from the Department of Safety and Inspections conducted an inspection your licensed premises and documented the following five (5) license condition violations:

1. There were sixty-three (63) vehicles observed on the property which is eighteen (18) vehicles over the limit of vehicles allowed. Also, vehicles were parked outside of striped areas on the grass, in drive lanes and in the alley in violation of license condition #3: ".....No more than 45 parking spaces shall be striped. No vehicle shall be parked outside of the striped areas."
2. Vehicles parked outdoors with major parts missing in violation of license condition #6: "All vehicles parked outdoors must be completely assembled with no parts missing. All vehicles parked outdoors awaiting repairs shall not have major parts missing. "Major parts missing" shall include, but not limited to: tires, wheels, doors, bumpers and body panels..."
3. There were tires and parts stored outside the building in violation of license condition #9: "Outdoor storage of vehicle parts, partially-assembled vehicles, tires, hoists, or other types of vehicle repair equipment is not permitted."
4. "For Sale" vehicles not clearly identified in violation of license condition #11: "All "For Sale" vehicles must be clearly marked with signage identifying them as "For Sale" vehicles."
5. Planter boxes in an incorrect location allowing vehicles through handicap loading zone. Also handicapped sign not mounted on a permanent base in violation of license condition #13: "Licensee agrees to maintain the site in accordance with the approved site plan date 3/13/17. This includes, but is not limited to the striping of vehicle parking spaces, the parking space signage, fencing and planter boxes."

This is the second time you have violated your license conditions within the past three (3) months; therefore, 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 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 2, 2017**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the next available City Council Agenda for approval of the proposed remedy.
2. You can pay the \$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, October 2, 2017**. 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, October 2, 2017**. The matter will then be scheduled before the City Council 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, October 2, 2017**. 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 by **Monday, October 2, 2017**, 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 next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these four (4) options, please feel free to contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Irma Ortega, 990 Payne Avenue, St. Paul, MN 55130
Kerry Antrim, Executive Director, District 6 Planning Council, 171 Front Avenue, St. Paul, MN 55117

Enclosed License condition affidavit
Site Plan #10-610197 dated March 13, 2017



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Department of Safety & Inspections

Ricardo X. Cervantes, Director

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

Web Site Address: www.stpaul.gov/dsi

Telephone: 651-266-8989

Facsimile: 651-266-9124

I agree to the following conditions being placed on the following license(s):

License #: 20170000815
Type of Business: Alarm Permit (New)
Auto Repair Garage
Second Hand Dealer - Motor Vehicle
Applied for by: PHOENIX AUTO
Doing Business As: 3B AUTO SALES
at: 1176 DALE ST N
ST PAUL MN 55117

Conditions are as follows:

NONCONFORMING USE PERMIT # 14-331238 (Conditions 1 through 11):

1. Applicant must comply with all federal, state, and local laws.
2. The building shall be painted and maintained in good condition.
3. Parking areas and driveways shall be paved with a permanent, durable and dustless surface, and striped for parking according to the 3/13/17 approved site plan. Driveways and maneuvering lanes measuring at least 20' wide shall be maintained on the site. No more than 45 parking spaces shall be striped. No vehicle shall be parked outside of the striped areas. The 7 spaces along the Dale Street frontage are reserved specifically for vehicles displaying "For Sale" signage. No vehicle other than a "For Sale" vehicle may be parked along the Dale Street frontage.
4. Trash shall be stored in a covered dumpster at the rear of the building.
5. A decorative fence and a 4' wide landscaped area with screening landscape material shall be installed along the Dale Street frontage of the property. Fencing generally shall consist of durable materials (aluminum or wrought iron) no taller than 6', and shall be maintained regularly. Fencing along the Dale Street frontage may not be higher than 4' and cannot consist of cyclone or chain link fence. Fencing along the north and east sides of the property may be a standard cyclone or chain link fence with no "privacy strips".
6. All "for sale" vehicles parked outdoors must be completely assembled with no parts missing. All vehicles parked outdoors awaiting repairs shall not have major parts missing. "Major parts missing" shall include, but not be limited to: tires, wheels, doors, bumpers and body panels. All outdoor vehicles awaiting repairs shall be repaired or moved within 96 hours of receipt.
7. Vehicle salvage and sale of used vehicle parts are not permitted.
8. Vehicle body repair or vehicle body spray painting is not permitted.
9. Outdoor storage of vehicle parts, partially - assembled vehicles, tires, hoists, or other types of vehicle repair equipment is not permitted.
10. Vehicle repairs shall not take place outside of a walled and covered structure, or in any public right-of-way.
11. All "For Sale" vehicles must be clearly marked with signage identifying them as "For Sale" vehicles.

ADDITIONAL LICENSE CONDITIONS (Conditions 12 through 15):

12. Landscaping/screening shall be installed and maintained as follows: 1) Bollards shall be installed between the two driveways. 2) Landscaping, as required in the approved site plan, shall be installed between the southern drive/parking area and the railroad right of way.
13. Licensee agrees to maintain the site in accordance with the approved site plan date 3/13/17. This includes, but is not limited to the striping of vehicle parking spaces, the parking space signage, fencing and planter boxes.
14. A minimum of thirteen (13) parking spaces shall be designated with weather resistant signage clearly stating "customer/employee parking only", one of which shall have signage identifying it as "Handicap parking".
15. All parking lot improvements must be completed by July 1, 2017.

Licensee

5/17/17

Date

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

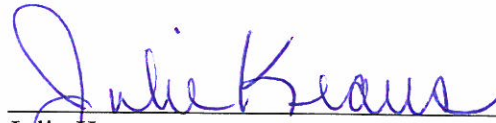
Julie Kraus, being first duly sworn, deposes and says that on the 20th day of September she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Irma Ortega, Owner
3B Auto Sales
1176 Dale Street North
St. Paul, MN 55117

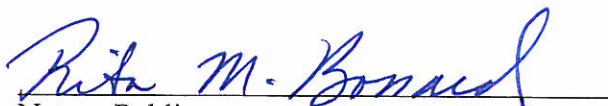
Irma Ortega
990 Payne Avenue
St. Paul, MN 55130

Kerry Antrim, Executive Director
District 6 Planning Council
171 Front Avenue
St. Paul, MN 55117

(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 20th day of September, 2017


Notary Public

