



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

March 14, 2018

NOTICE OF VIOLATION

Mary Fasching, Owner
M F Automotive
1728 Selby Avenue
St. Paul, MN 55104

RE: Auto Repair Garage license held by Mary Fasching d/b/a M F Automotive for the premises located at
1728 Selby Avenue in Saint Paul
License ID #0014762

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage license held by Mary Fasching d/b/a M F Automotive for the premises located at 1728 Selby Avenue in Saint Paul. The basis for the recommendation is as follows:

On February 28, 2018, in response to a complaint received, an inspector from the Department of Safety and Inspections came to the licensed premises. During the inspection, he documented the following license condition violation:

Twelve (12) vehicles and a trailer were parked on the northern side of the property facing Selby Avenue. Ten (10) vehicles were parked on the southern side of the property for a total of twenty-two (22) vehicles parked on the property. Access and egress in and out of the property was obstructed due to the excessive amount of vehicles.

License condition #1 states: "There will be no more than sixteen (16) vehicles parked on the lots (total of front, side and back) at any given time. Vehicles must be parked in an orderly manner, and allow access and egress to other vehicles."

As a result of this license condition violation, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

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

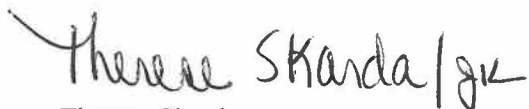
1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, March 26, 2018**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the next available City Council Agenda for approval of the proposed remedy.

2. You can pay the \$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, March 26, 2018**. 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 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 the facts and requesting a public hearing no later than **Monday, March 26, 2018**. The matter will then be scheduled before the City Council 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 by **Monday, March 26, 2018**. 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.

If you have not contacted me by Monday, March 26, 2018, 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 next available City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Therese Skarda / jk". The signature is fluid and cursive.

Therese Skarda
Assistant City Attorney

cc: Mary Fasching, 1638 Concordia Avenue, St. Paul, MN 55104-5224

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 14th day of March, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Mary Fasching, Owner
M F Automotive
1728 Selby Avenue
St. Paul, MN 55104

Mary Fasching
1638 Concordia Avenue
St. Paul, MN 55104-5224

(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 14th day of March, 2018

Rita M. Bonard
Notary Public

