

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
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April 24, 2018

NOTICE OF VIOLATION

Juan Moran Helguera
L & J Auto, Inc.
1365 Pierce Butler Route
St. Paul, MN 55104

RE: Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by L & J Auto, Inc. d/b/a L & J Auto, Inc. for the premises located at 1365 Pierce Butler Route in Saint Paul
License ID #20040005299

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by L & J Auto, Inc. d/b/a L & J Auto, Inc. for the premises located at 1365 Pierce Butler Route in Saint Paul. The basis for this recommendation is as follows:

On March 27, 2018, an Inspector from the Department of Safety and Inspections conducted an inspection of the licensed premises based on a complaint received on March 26, 2018. During the inspection, the following thirteen (13) license condition violations were observed and documented with photographs:

Outside storage of inoperable motor vehicles in violation of license conditions #1, #3 and #10:

1. *All salvage-related operations will occur within the building, including storage of vehicles before and after their parts are salvaged.*
3. *There shall be no outside storage of inoperable motor vehicles; all vehicles parked outdoors must appear to be completely assembled with no major body parts missing.*
10. *All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.*

Exterior storage of vehicle parts, tires and trash in violation of license conditions #2, #4 and #8:

2. *After parts have been salvaged, the rest of the vehicle shall be transported to a motor vehicle salvage yard.*
4. *There shall be no exterior storage of vehicle parts, tires, oil, batteries or similar items. All trash must be stored in a covered dumpster or indoors.*

8. *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.*

Employees parking on licensed premises in violation of approved site plan and license condition #7:

7. *All customer and employee vehicles must be parked in the area designated on a LIEP approved site plan.*

Customer vehicles parked on the lot longer than ten (10) days in violation of license conditions #5 and #13:

5. *Customer vehicles must not be parked longer than 10 days on the premises.*
13. *Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.*

Four (4) vehicles for sale parked in the public right-of-way in violation of license conditions #9, #14 and #16:

9. *At no time shall vehicles be parked in the driveway or in the public right-of-way.*
14. *Vehicle sales is not allowed.*
16. *Licensee must comply with all federal, state and local laws*

Vehicles parked on the lot as to not allow maneuvering space for vehicles to enter or exit the premises in violation of license condition #15:

15. *"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."*

As a result of these numerous license condition violations, 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, May 7, 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 send your payment to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, MN 55101-1806 no later than **Monday, May 7, 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 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 no later than **Monday, May 7, 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 no later than **Monday, May 7, 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.

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, May 7, 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 four (4) options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Juan Moran Helguera, 1916-37th Street East, Minneapolis, MN 55407
Michael Kuchta, Executive Director, District 10 Como Community Council
1224 Lexington Parkway North, St. Paul, MN 55103-1000

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

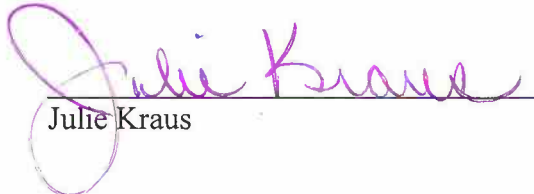
Julie Kraus, being first duly sworn, deposes and says that on the 24TH day of April, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Juan Moran Helguera
L & J Auto, Inc.
1365 Pierce Butler Route
St. Paul, MN 55104

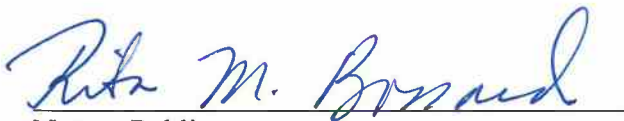
Juan Moran Helguera
1916-37th Street East
Minneapolis, MN 55407

Michael Kuchta, Executive Director
District 10 Como Community Council
1224 Lexington Parkway North
St. Paul, MN 55103-1000

(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 24TH day of April, 2018


Notary Public

