

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
Facsimile: 651 298-5619

July 20, 2018

NOTICE OF VIOLATION

Duqueiro Cano, Owner
Duke's Cars & Towing
323 Maria Avenue
St. Paul, MN 55106-5155

RE: Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing for the premises located at 323 Maria Avenue in Saint Paul
License ID #20120001127

Dear Licensee:

The Department of Safety and Inspections (DSI) will recommend adverse action against the Auto Body Repair/Painting Shop license held by Duqueiro Cano d/b/a Duke's Cars & Towing for the premises located at 323 Maria Avenue in Saint Paul. The basis for this recommendation is as follows:

On June 5, 2018, Inspector Voyda from the Department of Safety and Inspections came to 323 Maria Avenue for a site visit based on a complaint received the previous day. The complaint concerned a black Toyota that had been parked along 4th street for several weeks and now parked inside the 4th street fence along with a white Charger which has been parked inside the fence for the past several months.

During the site visit, Inspector Voyda observed one license condition violation (#7 exterior storage). He also observed the two vehicles on the premises and took photographs. The inspector had a verbal conversation with you over the phone regarding the violations and stated that he would be back for a re-inspection in seven (7) days.

Inspector Voyda returned to the license premises on June 13, 2018 he went through the license conditions with Greg, the manager, and told him he would be back in ten (10) days for another inspection.

On Friday, June 15, 2018, you were sent an email regarding a follow-up inspection conducted on June 13, 2018. Inspector Voyda stated that during his conversation with Greg he claimed that he was the owner of the business and he leased the property from you which is a violation of license condition #14: *Licensee must comply with all federal, state and local laws.*

Based on your request, the inspector returned on June 20, 2018 for the re-inspection rather than the original date of June 23, 2018. The inspector found the same vehicles he took photographs of on June 5, 2018 still parked inside the lot in violation of license condition #11: *"Customer vehicles may not be parked longer than ten (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."*

Per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

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, July 30, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **August 15, 2018** 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, July 30, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500.00 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, July 30, 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, July 30, 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).

Duke's Cars & Towing

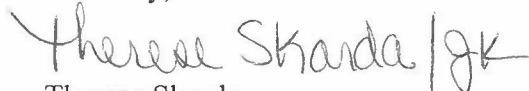
July 20, 2018

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If you have not contacted me by Monday, July 30, 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 August 15, 2018 City Council Consent Agenda for approval of the recommended penalty.

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

Sincerely,

A handwritten signature in cursive script that reads "Therese Skarda" followed by a stylized monogram "JSK".

Therese Skarda

Assistant City Attorney

License No. 024989

cc: Duqueiro Cano, 4210 Girard Avenue North, Minneapolis, MN 55412

Duqueiro Cano, 520 Lake Street East, Minneapolis, MN 55408

Lissa Jones, Interim Executive Director, Dayton's Bluff Community Council,
Eastside Enterprise Center, 804 Margaret Street, St. Paul, MN 55106

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 20 th day of July, she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

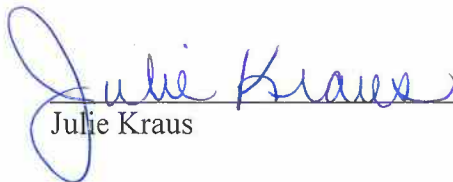
Duqueiro Cano, Owner
Duke's Cars & Towing
323 Maria Avenue
St. Paul, MN 55106-5155

Duqueiro Cano
4210 Girard Avenue North
Minneapolis, MN 55412

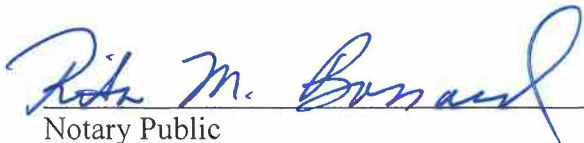
Duqueiro Cano
520 Lake Street East
Minneapolis, MN 55408

Lissa Jones, Interim Executive Director
Dayton's Bluff Community Council
Eastside Enterprise Center
804 Margaret Street
St. Paul, MN 55106

(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 20 th day of July, 2018


Notary Public

