



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

October 15, 2018

NOTICE OF COUNCIL HEARING

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

RE: Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by Corp Auto, Inc. d/b/a Corp Auto, Inc.
for the premises located at 1221 Pierce Butler Route in Saint Paul
License ID #20030002015

Dear Licensee:

Please take notice that this matter has been set on the Public Hearing Agenda for a City Council meeting on **Wednesday, November 7, 2018 at 5:30 p.m.**, in the City Council Chambers, Third Floor, Saint Paul City Hall and Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102.

Enclosed are copies of the email you sent on October 5, 2018, indicating that you were not contesting the facts related to the incident, but were requesting the opportunity to address the Council regarding the penalty, the resolution and any supporting documents. This information will be presented to City Council for their consideration.

This is an uncontested matter related to an inspection of the licensed premises conducted by an inspector from the Department of Safety and Inspections on August 8, 2018 and the six (6) license condition violations he observed and documented with photographs.

This is the third (3rd) violation within the past eighteen (18) months; therefore, pursuant to Saint Paul Legislative Code § 310.05(m)(1), the licensing office will recommend a \$2,000.00 matrix penalty and ten (10) day suspension of your Auto Repair Garage and Motor Vehicle Salvage Dealer licenses.

Sincerely,

Therese Skarda
Assistant City Attorney

Cc: Kamran Farizheudi Mortezaee, 15737 Sunset Trail, Pine City, MN 55063
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 15th day of October, she served the attached **NOTICE OF COUNCIL HEARING** and a correct copy thereof in an envelope addressed as follows:

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

Kamran Farizheudi Mortezaee
15737 Sunset Trail
Pine City, MN 55063

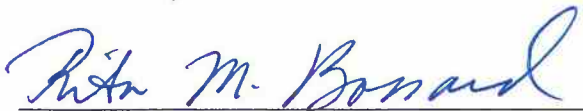
Michael Kuchta, Executive Director
District 10 Como Community Council
1224 Lexington Parkway North
St. Paul, MN 55103-1000

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

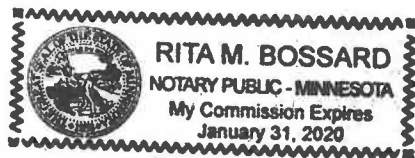


Julie Kraus

Subscribed and sworn to before me
this 15TH day of October 2018



Notary Public



UNCONTESTED LICENSE MATTER

Licensee Name: Corp Auto Inc., d/b/a Corp Auto Inc.

Address: 1221 Pierce Butler Route
St. Paul, MN 55104

Council Date: Wednesday, November 7, 2018 at 5:30 p.m.

Violation: During an inspection of the licensed premises on August 8, 2018, an inspector from the Department of Safety and Inspections observed and photographed six (6) license condition violations. (3rd violation with eighteen (18) months)

Recommendation of Assistant City Attorney on behalf of client, Department of Safety and Inspections:

\$2,000.00 matrix penalty and ten (10) suspension of licenses

Attachments:

1. Resolution
2. Email from Bruce Engelbrekt regarding Griggs Street Vacation dated 8/07/2018 (1 page)
3. Inspector's Report with photographs dated 8/08/2018 (5 pages)
4. Notice of Violation - Notice of Intent to Suspend Licenses with Affidavit of Service dated 9/25/2018 (5 pages)
5. Email from Julie Kraus to licensee and return email from licensee requesting a public hearing dated 10/05/2018 (2 pages)
6. Signed License Condition Affidavit dated 8/14/2003 (1 page)
7. Approved Site Plan for 1221 Pierce Butler Route dated 6/30/2003 (1 page)
8. License Group Comments and licensee information dated 9/24/2018 (4 pages)
9. STAMP-Ownership/Zoning Information with run date of 9/6/2018 (1 page)
10. Notice of Violation with Affidavit of Service dated 4/03/2018 (4 pages)
11. Email from Amanda Johnson indicating \$500.00 matrix penalty payment dated 4/13/2018 (1 page)
12. Notice of Violation with Affidavit of Service dated 5/23/2018 (4 pages)
13. Email from Lee Vang indicating \$1,000.00 matrix penalty payment with copy of receipt dated 6/4/2018 (2 pages)
14. Saint Paul Legislative Code § 310.05 (m)

WHEREAS, the Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by Corp Auto, Inc. d/b/a Corp Auto, Inc. (License ID# 20030002015) for the premises located at 1221 Pierce Butler Route were the subject of a Notice of Violation – Notice of Intent to Suspend Licenses dated September 25, 2018, 2018; and

WHEREAS, the Notice stated that during an inspection of the licensed premises on August 8, 2018, an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs six (6) license condition violations; and

WHEREAS, this was the third (3rd) violation within the past eighteen (18) months; and

WHEREAS, pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office recommended a \$2,000.00 matrix penalty and a ten (10) day suspension of the Auto Repair Garage and Motor Vehicle Salvage Dealer licenses; and

WHEREAS, the licensee responded to the Notice of Violation – Notice of Intent to Suspend Licenses to request a public hearing which was held on November 7, 2018; now therefore be it;

RESOLVED, Corp Auto, Inc. d/b/a Corp Auto, Inc. (License ID# 20030002015) for the premises located at 1221 Pierce Butler Route is hereby ordered to pay a matrix penalty of \$2,000.00 for the six (6) license condition violations observed and documented by a DSI Inspector during an inspection of the licensed premises on August 8, 2018.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

FURTHER RESOLVED, the Auto Repair Garage and Motor Vehicle Salvage Dealer licenses are hereby suspended for a period of ten (10) days. Said suspension will begin at 12:00 a.m. (midnight) on Wednesday, November 28, 2018 and end at 11:59 p.m. on Friday, December 10, 2018.

E-MAIL

Voyda, Joseph (CI-StPaul)

From: Engelbrekt, Bruce (CI-StPaul)
Sent: Tuesday, August 7, 2018 4:38 PM
To: Voyda, Joseph (CI-StPaul); Paavola, Colleen (CI-StPaul)
Subject: Griggs St. Vacation

Joe and Colleen,

I thought I'd let you know that Kamra Mortezaee (sp?) of 1221 Pierce Butler still has not submitted a petition to vacate the stretch of platted Griggs Street between his property and 1211 Pierce Butler to the east.

Also, recently I received a call from the owner of 1211 Pierce Butler who asked about the line between his property and Kamra's. He wants to clarify the line and stop his neighbor from encroaching into his area. I explained that his neighbor was working on submitting a vacation petition and, if approved, half the street would go to each property. He asked if he could submit the vacation petition instead, to get the process moving. I said he should talk to his neighbor and figure out who should submit it, but that the City was already requiring Kamra to do it. So far I haven't received a vacation petition from anyone.

Bruce



CITY OF SAINT PAUL

DSI Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Inspector's Report

Inspectors Name: Akbar R. Muhammad

Date: 8 August 2018

Business/Property Name Corp Auto Inc.

Property Address: 1221 Pierce Butler Route.

Reason for Visit: Inspection/Compliant

Observations: License conditions violations

Photos Taken: Yes, Location of Photo's 1221 Pierce Butler Route Property

No

Action Taken: Citation

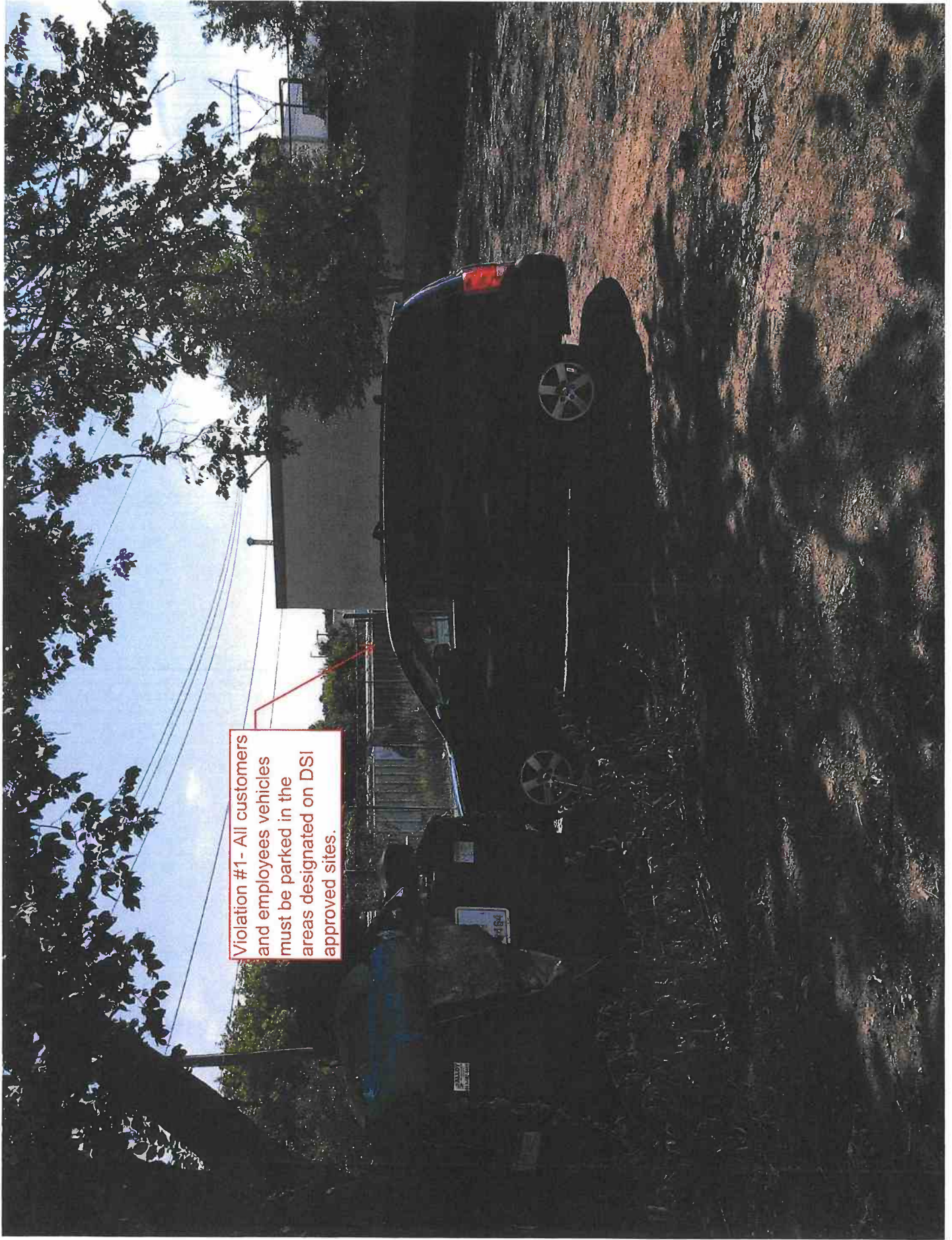
Warning

Other: _____

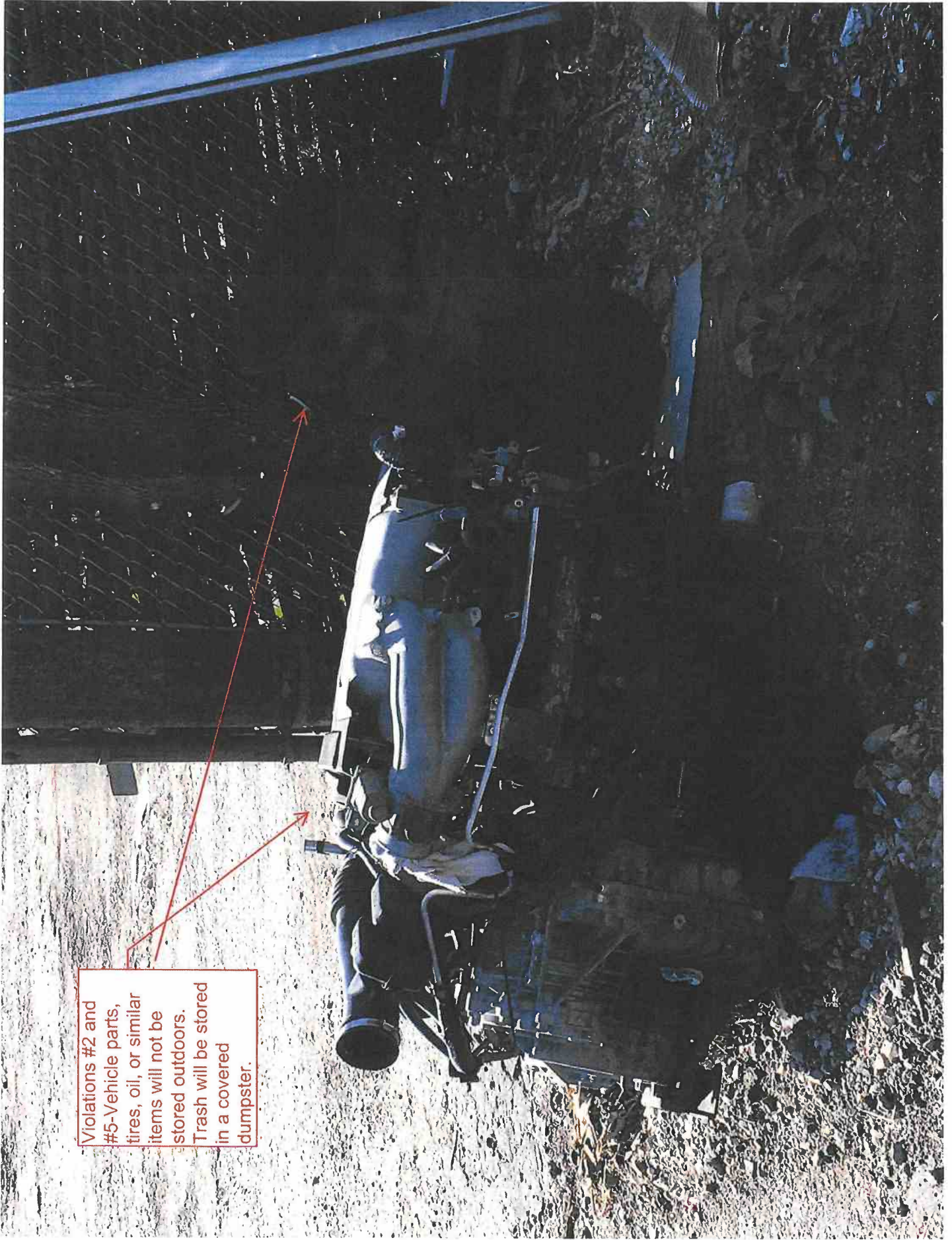
Details of Conversations (Statements to and by Person Responsible for Property):

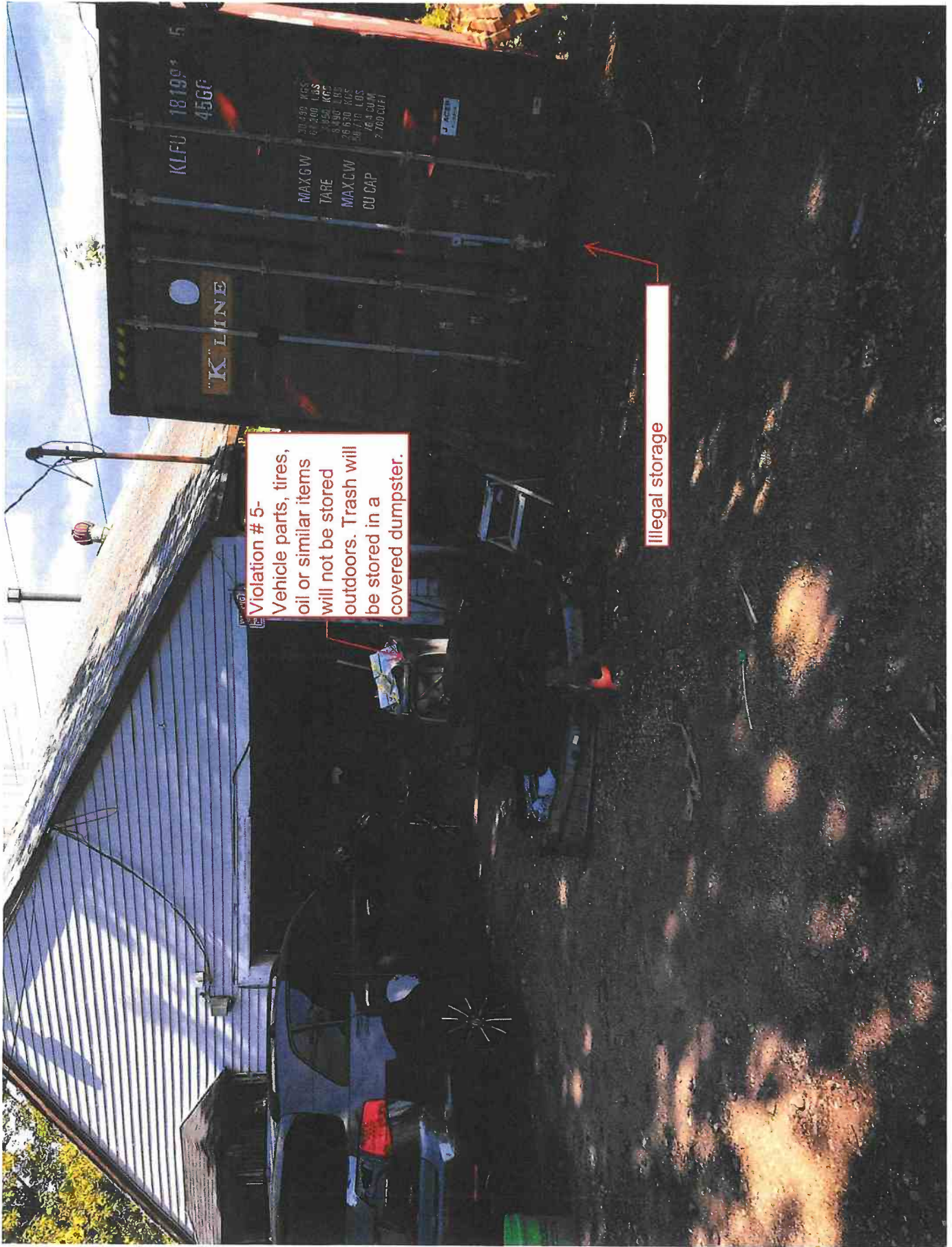
Upon arrival of my inspection, I observed license condition violations. Violation 1. Customer and the employees vehicles were not parked in the areas according to the DSI approved site plan. Violation 2. I saw a pile of parts and materials associated with the business outside and uncovered, there also was an oil drum stored outside next to debris alongside the east fence, an engine block on the ground at the entrance, this engine from my understanding has been in the same spot sense inspector Joseph Voyda conducted his inspection on the 26th of March 2018, also there was garbage and auto parts scattered throughout the property. Violation 3. An employee's vehicle was parked in the right away sideways on Griggs Street. This part of Griggs has not been vacationed as of the 7th of August Mr. Mortezaee has failed to file a petition and a vacation for this encroachment of Griggs St. from the Public Works real estate department.

Violation #1- All customers and employees vehicles must be parked in the areas designated on DSI approved sites.



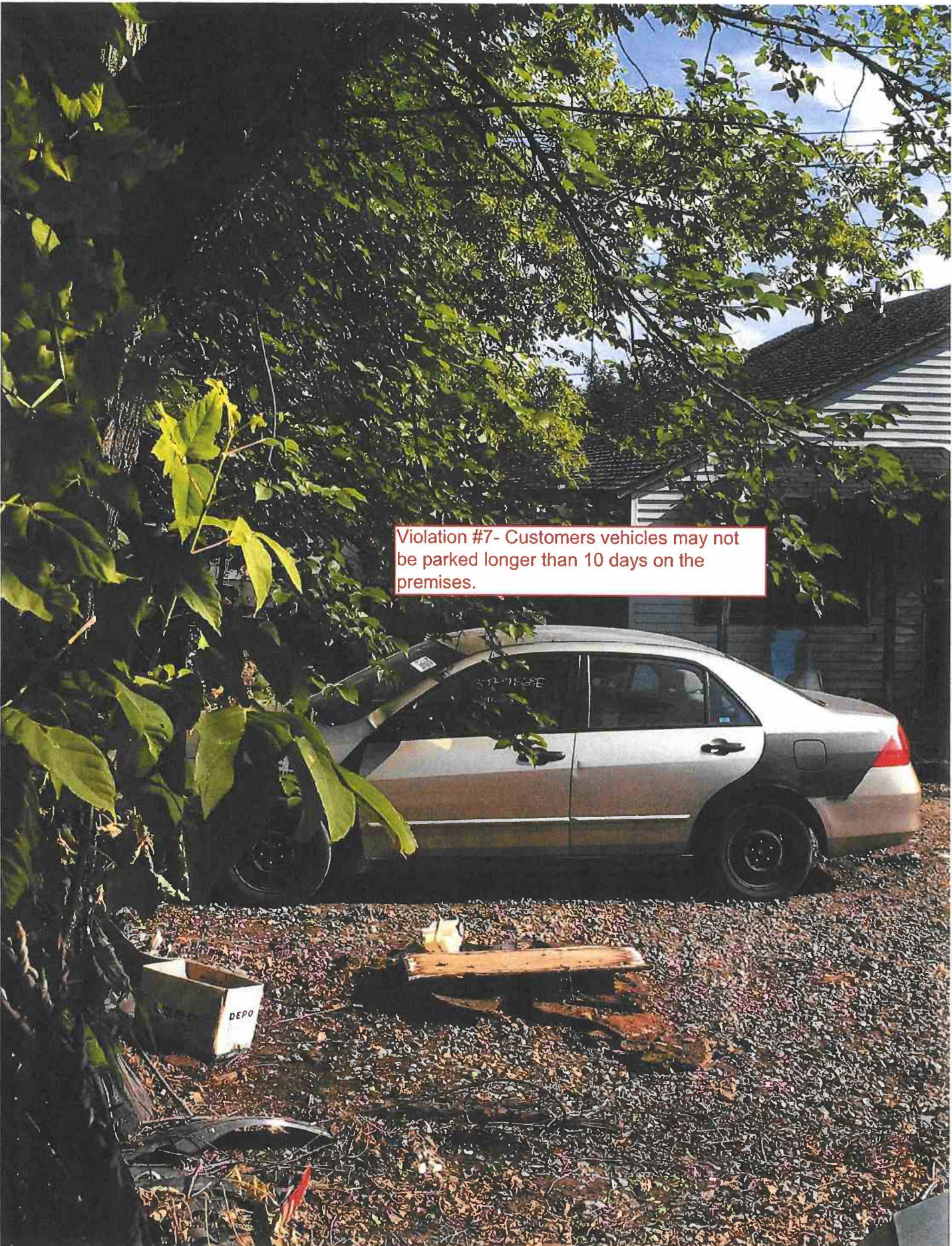
Violations #2 and #5-Vehicle parts, fires, oil, or similar items will not be stored outdoors. Trash will be stored in a covered dumpster.





Violation # 5-
Vehicle parts, tires,
oil or similar items
will not be stored
outdoors. Trash will
be stored in a
covered dumpster.

Illegal storage



Violation #7- Customers vehicles may not be parked longer than 10 days on the premises.

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

September 25, 2018

NOTICE OF VIOLATION
NOTICE OF INTENT TO SUSPEND LICENSES

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

RE: Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by Corp Auto, Inc. d/b/a Corp Auto, Inc. for the premises located at 1221 Pierce Butler Route in Saint Paul
License ID #20030002015

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 Corp Auto, Inc. d/b/a Corp Auto, Inc. for the premises located at 1221 Pierce Butler Route in Saint Paul. The basis for this recommendation is as follows:

On August 8, 2018, an Inspector from the Department of Safety and Inspections conducted an inspection of the licensed premises based on a complaint received. During the inspection, the following six (6) license conditions violations were observed and documented with photographs:

- 1. Customer and employee vehicles were parked in areas not designated by DSI site plan in violation of license condition #1: *"All vehicles for sale displayed outdoors, customer and employee vehicles must be parked in areas designated on a LIEP approved site plan."***
- 2. Exterior storage of parts and materials associated with the business in violation of license condition #2: *"There shall be no exterior storage of parts or materials associated with the business."***
- 3. An employee's vehicle was parked in the right-of-way sideways on Griggs Street in violation of license condition #3: *"Cars may not be parked on the street or public right-of-way."***

This part of Griggs street has not been vacated as of August 7, 2018. You have failed to file a petition and a vacation for this encroachment of Griggs Street from Public Works Real Estate Department.

4. **An oil drum was stored outside next to debris alongside the east fence, an engine block was on the ground at the entrance since previous inspection on March 26, 2018. In addition, garbage and auto parts were scattered throughout the property in violation license condition #5: "Vehicle parts, tires, oil or similar items will not be stored outdoors. Trash will be stored in a covered dumpster."**
5. **A vehicle has been parked longer than ten (10) days on the premises in violation of license condition #7: "Customer vehicles may not be parked longer than 10 days on the premises."**
6. **License condition #9 states: "Licensee must comply with all federal, state and local laws."**

This is the third (3rd) incident of violations to your license conditions within the past eighteen (18) months; therefore, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$2,000.00 matrix penalty and a ten (10) day suspension of your licenses.

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 **Friday, October 5, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the **October 24, 2018** City Council Agenda for approval of the proposed remedy.
2. 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 by **Friday, October 5, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$2,000.00 matrix penalty and ten (10) day suspension of your Auto Repair Garage and Motor Vehicle Salvage Dealer licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 **Friday, October 5, 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).

4. If you no longer wish to do business in the City of Saint Paul, you will need to complete and return the enclosed REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 by **Friday, October 5, 2018**.

If you have not contacted me by Friday, October 5, 2018, I will assume that you do not contest the imposition of the \$2,000.00 matrix penalty and ten (10) day suspension of your Auto Repair Garage and Motor Vehicle Salvage Dealer licenses. In that case, the matter will be placed on the October 24, 2018 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 Saint Paul City Attorney
License No: 024989

cc: Kamran Farizheudi Mortezaee, 15737 Sunset Trail, Pine City, MN 55063
Michael Kuchta, Executive Director, District 10 Como Community Council
1224 Lexington Parkway North, St. Paul, MN 55103-1000

Attachment: Application and Encroachment Permit #09-0628

Saint Paul Department of Public Works
1000 City Hall Annex, 25 W. 4th St.
Saint Paul Minnesota 55102

APPLICATION AND
ENCROACHMENT PERMIT

STATUS: Active
No. ENC- 09-0628

PIN: 272923420080 PROPERTY ADDRESS: 1221 PIERCE BUTLER ROUTE

ENCROACHMENT ADDRESS: 1217 PIERCE BUTLER ROUTE

PIN: _____ PROPERTY ADDRESS: _____

ENCROACHMENT ADDRESS: _____

TYPE OF ENCROACHMENT: (*areaway, cables, etc.*) FENCE

DESCRIBE LOCATION OF ENCROACHMENT: HORIZONTAL LINE FROM SE CORNER OF LOT 1, PEASE BRO:
ADDITION TO WEST LINE OF R.L.S. NO. 526

LEGAL DESCRIPTION (*If too long attach copy*): _____

LOTS 1 & 2, BLOCK 1, PEASE BROS. REARRANGEMENT OF BLOCK 1, HERSEY-WOLSEY ADDITION
TO THE CITY OF ST. PAUL

Application is hereby made for an "Encroachment Permit" as described above in accordance with the terms of Chapter 134 of the Saint Paul Legislative Code. If this application is approved, the center-signed owner(s) hereby agree to the terms of Chapter 134 of the Saint Paul Legislative Code which shall be deemed incorporated herein by reference together with any special provisions which shall be attached hereto. All maintenance, removal and liability for the permitted encroachment are the responsibility of the property owner abutting the above referenced legally described property. Notice must be given to the City of Saint Paul, Department of Public Works when said encroachment is eliminated. Amended permit, if approved, replaces the permit previously issued by the City of Saint Paul under:

Ord # _____, CF # _____, Dated: _____, Chp # 134

OWNER (Fee) Print or Type: KAMRAN F. MORTEZAEI

Address: 1221 PIERCE BUTLER ROUTE ST. PAUL, MN 55104-1452

Signature (Original): *Kamran F. Mortezaei* Phone #: 651-230-6106 Date: 8-17-09

Please print your Name and Title KAMRAN F MORTEZAEI owner

OWNER (C/D or Other) Print or Type: _____

Address: _____

Signature (Original): _____ Phone #: _____ Date: _____

Please print your Name and Title _____

Residential 1, 2, & 3 family
\$150.00 All other uses
Amended permits
\$150.00 Total fee (Make check payable to : City of Saint Paul)

APPROVED BY
PJK 8/26/09

Kamran F. Mortezaei
Director of Public Works

Date: 8/21/09

- Comments
1. GRAVEL ON THE CITY BOULEVARD IS NOT ALLOWED.
 2. WRITTEN APPROVAL FROM THE ABUTTING PROPERTY OWNER MUST BE RECEIVED.
 3. SIGNED PETITION AND FILING FEE FOR THE VACATION OF GRIGGS ST. MUST BE RECEIVED.
 4. IF THE VACATION IS NOT APPROVED FOR ANY REASON, WE HAVE THE OPTION TO RESCIND THIS ENCROACHMENT PERMIT AND REQUIRE THE REMOVAL OF THE FENCE AT NO COST TO THE CITY.

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 25TH day of September, she served the attached **NOTICE OF VIOLATION AND NOTICE INTENT TO SUSPEND LICENSES** and a correct copy thereof in an envelope addressed as follows:

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

Kamran Farizheudi Mortezaee
15737 Sunset Trail
Pine City, MN 55063


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.

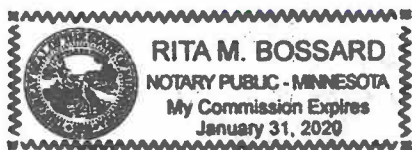


Julie Kraus

Subscribed and sworn to before me
this 25TH day of September 2018



Notary Public



Kraus, Julie (CI-StPaul)

From: Kraus, Julie (CI-StPaul)
Sent: Friday, October 5, 2018 3:21 PM
To: kamranm44@yahoo.com
Cc: Hudak, Eric (CI-StPaul); Skarda, Therese (CI-StPaul); Schweinler, Kristina (CI-StPaul); Kraus, Julie (CI-StPaul); Muhammad, Akbar (CI-StPaul)
Subject: Request for a public hearing

Mr. Mortezaee:

Per our telephone conversation yesterday afternoon and again this afternoon, it is my understanding that you are admitting to the facts in the Notice of Violation and Notice of Intent to Suspend Licenses dated September 25, 2018. You are however contesting the \$2,000 matrix penalty and ten (10) day suspension of your Auto Repair Garage and Motor Vehicle Salvage Dealer licenses and you are selecting Option #2 in the letter to request a public hearing before City Council.

As I mentioned in our conversation the City Council public hearings are held the 1st and 3rd Wednesday of the month so the soonest I could schedule a hearing would be November 7, 2018.

Please reply to this email to confirm that this the option you wish to select. I will send you a packet of information in the mail sometime next week concerning the public hearing.

Julie Kraus
City Attorney's Office
400 City Hall & Court House
15 W. Kellogg Boulevard
Saint Paul, MN 55102
(651)266-8776

Julie.kraus@ci.stpaul.mn.us

Kraus, Julie (CI-StPaul)

From: kamran m <kamranm44@yahoo.com>
Sent: Friday, October 5, 2018 4:06 PM
To: Kraus, Julie (CI-StPaul)
Subject: Re: Request for a public hearing

Hello
Thank you
I agree

On Fri, 10/5/18, Kraus, Julie (CI-StPaul) <julie.kraus@ci.stpaul.mn.us> wrote:

Subject: Request for a public hearing
To: "kamranm44@yahoo.com" <kamranm44@yahoo.com>
Cc: "Hudak, Eric (CI-StPaul)" <Eric.Hudak@ci.stpaul.mn.us>, "Skarda, Therese (CI-StPaul)" <therese.skarda@ci.stpaul.mn.us>, "Schweinler, Kristina (CI-StPaul)" <kristina.schweinler@ci.stpaul.mn.us>, "Kraus, Julie (CI-StPaul)" <julie.kraus@ci.stpaul.mn.us>, "Muhammad, Akbar (CI-StPaul)" <akbar.muhammad@ci.stpaul.mn.us>
Date: Friday, October 5, 2018, 3:20 PM

Mr. Mortezaee:

Per our telephone conversation yesterday afternoon and again this afternoon, it is my understanding that you are admitting to the facts in the Notice of Violation and Notice of Intent to Suspend Licenses dated September 25, 2018. You are however contesting the \$2,000 matrix penalty and ten (10) day suspension of your Auto Repair Garage and Motor Vehicle Salvage Dealer licenses and you are selecting Option #2 in the letter to request a public hearing before City Council.

As I mentioned in our conversation the City Council public hearings are held the 1st and 3rd Wednesday of the month so the soonest I could schedule a hearing would be November 7, 2018.

Please reply to this email to confirm that this the option you wish to select. I will send you a packet of information in the mail sometime next week concerning the public hearing.

Julie Kraus
City Attorney's
Office
400 City Hall & Court

1221 Pierce Butler Route



CITY OF SAINT PAUL
Randy C. Kelly, Mayor

OFFICE OF LICENSE, INSPECTIONS AND
ENVIRONMENTAL PROTECTION

Christine A. Rozek, Interim Director
Web Site Address: www.ci.stpaul.mn.us/lep

LOWRY PROFESSIONAL BUILDING
Suite 300
350 St. Peter Street
Saint Paul, Minnesota 55102-1510

Telephone: (651) 266-9090
Facsimile: (651) 266-9099
(651) 266-9124

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

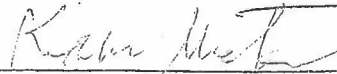
License #: 20030002015
Type of Business: Auto Repair Garage
Motor Vehicle Salvage Dealer
Second Hand Dealer - Motor Vehicle
Applied for by: CORP AUTO INC
Doing Business As: CORP AUTO INC
at: 1221 PIERCE BUTLER ROU
ST PAUL MN 55104

RECEIVED IN LIEP

AUG 14 2003

Conditions are as follows:

1. All vehicles for sale displayed outdoors, customer and employee vehicles must be parked in the areas designated on a LIEP approved site plan.
2. There shall be no exterior storage of parts or materials associated with the business.
3. Cars for sale may not be parked on the street or public right-of-way.
4. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
5. Vehicle parts, tires, oil or similar items will not be stored outdoors. Trash will be stored in a covered dumpster.
6. Auto body repair and auto body spray painting is not allowed.
7. Customer vehicles may not be parked longer than 10 days on the premises.
8. 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.
9. Licensee must comply with all federal, state and local laws.



Licensee

8-14-03

Date

1221 Pierce Butler



Pierce Butler

ZONING REQUEST APPROVED

DATE 6/30/03


7/14

Licensee: CORP AUTO INC

DBA: CORP AUTO INC

License #: 20030002015

9/7/18 sent to CAO for adverse action ARM
8/8/18 inspection - violations auto parts uncovered. ARM
8/3/18 inspection - lots of progress still violations / re-inspection on 6 August 2018
7/19/18 inspection - progress - re-inspect in 14 days JNV
9July 2018 inspection - showing progress / re- inspection in ten days JNV
6 June 2018 inspection - shows progress / re-inspect in 30 days JNV
06/04/2018 Licensee paid \$1000.00 fine via check. LV
5/14/18 To CAO for Adverse Action Multiple Condition Violations JNV
3/28/18 To CAO for adverse action multiple condition violation.JNV
03/26/2018 Rcvd. complaint about excess veh. and
09/28/2015: C.F.#15-1670 09/23/2015 Council file #15-1670 suspends Second Hand Dealer - Motor Vehicle license for failure to complete actions to maintain lic. (obtain zoning approval, and provide State Dealer #). JWF
09/23/2015 Council file #15-1670 suspends Second Hand Dealer - Motor Vehicle license for failure to complete actions to maintain lic. (obtain zoning approval, and provide State Dealer #). JWF
8/25/15 Form A sent by CAO with a 9/7/15 date to respond.KS
08/18/2015 To KS for adverse action to suspend Second Hand Dealer - Motor Vehicle license. All other licenses can remain active. JWF
08/10/2015 Licensee submitted payment to renew licenses. Ok to renew Auto Repair and Motor Vehicle Salvage Dealer license. Did not submit required documentation to renew Second Hand Dealer - Motor Vehicle license (but submitted payment). JWF
07/15/2015 Auto sales has been discontinued for more than 365 days. Site does not comply with current zoning development standards for auto sales. Letter sent with renewal invoice that must submit renewal fee payment & WC to renew Auto Repair and Auto Salvage licenses; and to renew Auto Sales license submit fee payment, completed zoning variance application, and completed site plan review application (or submit written statement wants to cancel Auto Sales license). Submission deadline is 08/08/2015, or will refer to CA for adverse action. JWF
04/29/2015 Per site inspection at request of licensee regarding request for DSI Zoning sign-off of State of MN Dealer application, verified business is not currently selling vehicles at this time. LRZ/jwf
11/14/14 Form A letter from CAO sent with 11/24/14 date to respond. KS
11/5/14 Took pictures still in violation of all conditions. KS
10/3/14 to CAO for adverse action.Delinquent and violation of all conditions \$500.00 Fine.KS
10/2/14 Operating, took picture, condition violations.KS
09/24/2014 No response to delinquent letter, file to KS for adverse action. JWF
09/03/2014 Sent delinquent letter. Response deadline date is September 24, 2014. (Initial delinquent invoice printed 25 days after exp. date. See Jeff Fischbach about delinquent fees owed). ML
10/01/2011 Sate of MN Dept. Public Safety denies State Used Motor Vehicle Dealer application. THIS ENTRY MADE 08/19/2015 JWF
06/29/2011 DSI Zoning Mary Montgomery inadvertently signed off on State of MN Dept. Public Safety Dealer License Zoning Verification form (NOTE: No State Dealer license had been issued to this location since intital license application in 2003). THIS ENTRY MADE 08/19/2015 JWF
08/11/2003 Have received no objections against this Auto Repair Garage, Mot Veh Salvage Dlr, and 2nd hd dlr mv license by notification date per Marcia Moermond / license approved - caa
07/09/2003 Notification response date 08/08/2003, notices mailed 07/09/2003; 37EM & 58M.JL

 License Query

Address Licensee Contact License Cardholder

Licensee Name: CORP AUTO INC
 DBA: CORP AUTO INC
 Sales Tax Id:

- Find Now
- OK
- Cancel
- New Search
- Help



SEARCH WINDOW

New Group... New Temp Grp... Copy Group... Add License... Properties...

License #	Tag #	Licensee Name	DBA	License Type	Status	Reason
030002015	0	CORP AUTO INC	CORP AUTO INC	Motor Vehicle Salvage Dealer	Active	License Printed
				Auto Repair Garage	Active	License Printed
				Second Hand Dealer - Motor Vehicle	Suspende	COUNCIL DECISION

Properties For License 1221 PIERCE BUTLER ROUTE

Licensee: CORPAUTO INC
 DBA: CORPAUTO INC

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Property
 Licensee
 Unofficial

Street #: 1221
 Street Name: PIERCE BUTLER
 Street Type: ROUTE Direction:
 Unit Ind: Unit #:
 City: ST PAUL
 State: MN Zip: 55104
 Ward: 4
 Dist Council: 10

Project Facilitator: ZANGS, LAWRENCE (LARRY)

Adverse Action Comments

5/23/2018 - Sent Notice of Violation (2nd within 12 months) with a 6/4/2018 deadline to respond. JAK

4/13/2018 - Licensee paid \$500.00 matrix penalty. JAK

License Group Comments:

9/7/18 sent to CAO for adverse action ARM

8/8/18 inspection - violations auto parts uncovered. ARM

3 August 2018 inspection - lots of progress still violations / re-inspection on 6 August 2018

19 July 2018 inspection - progress - re-inspect in 14

Licensee: CORPAUTO INC Licensee Comments:
 DBA: CORPAUTO INC
 Sales Tax Id: ***** Bus Phone: (651) 774-6777

License Type	Class	Effective	Expiration	Conditions	License Fee
Motor Vehicle Salvage Dealer	N	08/08/2003	08/08/2019	N	\$362.00
Second Hand Dealer - Motor Vehicle	N	08/08/2003	08/08/2016	N	\$431.00
Auto Repair Garage	N	08/08/2003	08/08/2019	N	\$453.00

License # 030002015

Licensee: CORPAUTO INC
 DBA: CORPAUTO INC

Licensee Name: CORPAUTO INC
 DBA: CORPAUTO INC
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	
State of Minnesota / Dealer Number	DT90410	08/13/2003				

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho	Mail License To:
Business	05/15/2003	00/00/0000				(651) 774-6777 (763		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
Mail To	10/09/2014	00/00/0000	MORTEZAEE	KAMRAN FAF	PRESIDENT	() - ()		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
Other	00/00/0000	04/01/199				(651) 487-8101		<input checked="" type="radio"/> Mail Invoice To: <input type="radio"/> License Address
Other	05/15/2003	00/00/0000	MORTEZAEE	KAMRAN FAF	PRESIDENT	(651) 774-6777 (763		<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address

Background Check Required

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 09/06/18 12:18 PM

House#: 1221

Last updated from Ramsey County data on: 07/07/2018

Street Name: Pierce butler

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

1221 Pierce Butler Route - 55104-1452 - [Other Applications](#)

PIN: 272923420080	Census Track: 32300	Census Block: 1001	Council Ward: 4	District Council: 11
Year Built:	Foundation Sq Feet:	Loan Company:	Land Value: 54900	Building Value: 45100

Unverified Usage: 36- RESIDENTIAL GARAGE/SHED- C- Automotive

ISP:

Units: 0

Zoning: I1

Legal Desc: PEASE BROS' REARR OF BLK 1 LOT 1 & LOT 2 BLK 1

Owner:

Kamran F Mortezaee
1221 Pierce Butler Rt
St Paul MN 55104-1452
651-347-3757

Certificate of Occupancy Responsible Party:

Kamran Mortezaee
15737 Sunset Trail
Pine City MN 55063



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

April 3, 2018

NOTICE OF VIOLATION

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

RE: Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by Corp Auto, Inc. d/b/a Corp Auto, Inc. for the premises located at 1221 Pierce Butler Route in Saint Paul License ID #20030002015

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 Corp Auto, Inc. d/b/a Corp Auto, Inc. for the premises located at 1221 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 March 26, 2018, complaint of excessive vehicles. During the inspection, the following eight (8) license conditions were observed and documented with photographs:

- 1. Vehicles were parked in violation of approved site plan and license condition #1: "All vehicles for sale displayed outdoors, customer and employee vehicles must be parked in areas designated on a LIEP approved site plan."**
- 2. Exterior storage of auto parts and business materials in violation of license condition #2: "There shall be no exterior storage of parts or materials associated with the business."**
- 3. Vehicle illegally parked on Griggs Street in violation of license condition #3: "Cars for sale may not be parked on the street or public right-of-way."**

4. **Vehicles parked outside missing body parts in violation of license condition #4:** *"All vehicles parked outdoors must appear to be completely assembled with no major body parts missing."*
5. **Trash was not put in covered dumpster in violation of condition #5:** *"Vehicle parts, tires, oil or similar items will not be stored outdoors. Trash will be stored in a covered dumpster."*
6. **Vehicles were parked longer than ten (10) days on the premises in violation of license condition #7:** *"Customer vehicles may not be parked longer than 10 days on the premises."*
7. **Vehicles parked on the premises did not allow other vehicles to enter or exit in violation of license condition #8:** *"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."*
8. **License condition #9 states:** *"Licensee must comply with all federal, state and local laws."*

As a result of these 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 **Friday, April 13, 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 **Friday April 13, 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 **Friday, April 13, 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 **Friday, April 13, 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 Friday, April 13, 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 me at (651) 266-8710.

Sincerely,



Therese Skarda
Assistant City Attorney

cc: Kamran Farizheudi Mortezaee, 15737 Sunset Trail, Pine City, MN 55063

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 3rd day of April she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

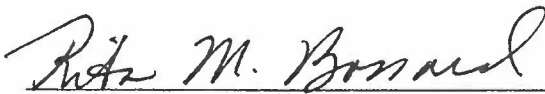
Kamran Farizheudi Mortezaee
15737 Sunset Trail
Pine City, MN 55063

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

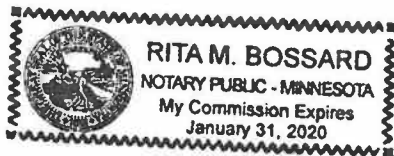


Julie Kraus

Subscribed and sworn to before me
this 3rd day of April, 2018



Notary Public



Kraus, Julie (CI-StPaul)

From: Johnson, Amanda (CI-StPaul)
Sent: Friday, April 13, 2018 11:25 AM
To: Fischbach, Jeffrey (CI-StPaul); Hudak, Eric (CI-StPaul); Schweinler, Kristina (CI-StPaul); Kraus, Julie (CI-StPaul)
Subject: Fine Payment Received

Hey y'all!

Fine payment received from Corp Auto Inc (see below).

Have fun frolicking in the snow this weekend!! ☺

8/5/2016	Payment			-799.00	1012	Check	Payment
6/9/2017	Sales	993875	362.00				030002015 Motor Vehicle Salvage De
6/9/2017	Sales	993875	453.00				030002015 Auto Repair Garage Expi
8/7/2017	Payment			-815.00	MC- 5025	Credit Card	Payment
4/13/2018	Sales	1021590	500.00				Fine
4/13/2018	Payment			-500.00	5878	Check	Payment

Thanks,
Aj

Amanda Johnson
Customer Service Specialist
Department of Safety and Inspections
375 Jackson St, Suite 220
Saint Paul, MN 55101
P: 651-266-9044
F: 651 266-9124
E: Amanda.johnson@ci.stpaul.mn.us

"DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all."

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

May 23, 2018

NOTICE OF VIOLATION

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

RE: Auto Repair Garage and Motor Vehicle Salvage Dealer licenses held by Corp Auto, Inc. d/b/a Corp Auto, Inc. for the premises located at 1221 Pierce Butler Route in Saint Paul
License ID #20030002015

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 Corp Auto, Inc. d/b/a Corp Auto, Inc. for the premises located at 1221 Pierce Butler Route in Saint Paul. The basis for this recommendation is as follows:

On May 14, 2018, an Inspector from the Department of Safety and Inspections conducted a re-inspection of the licensed premises. During the inspection, the following eight (8) repeat license conditions violations were observed and documented with photographs:

- 1. Vehicles were parked on the boulevard right of way in violation of approved site plan and license condition #1: "All vehicles for sale displayed outdoors, customer and employee vehicles must be parked in areas designated on a LIEP approved site plan."**
- 2. Exterior storage of auto parts and business materials in violation of license condition #2: "There shall be no exterior storage of parts or materials associated with the business." and license condition #5: "Vehicle parts, tires, oil or similar items will not be stored outdoors. Trash will be stored in a covered dumpster."**
- 3. Vehicle illegally parked on Griggs Street in which you were never granted a Vacation in violation of license condition #3: "Cars for sale may not be parked on the street or public right-of-way."**

In addition, the inspector observed that you built a fence across Griggs Street. Public Works records show that you applied for an Encroachment Permit on August 17, 2009 but failed to finish the following steps for approval:

- 1) Submit written approval of the abutting property owner**
- 2) Submit a signed petition and pay the filing fee for vacation of Griggs Street**
- 3) Remove any gravel from the city boulevard(s) near the premises**

As a result, installation of the fence was never approved by Public Works and has been built illegally and must be removed immediately.

- 4. Vehicles parked outside not fully assembled in violation of license condition #4: *"All vehicles parked outdoors must appear to be completely assembled with no major body parts missing."* and license condition #7: *"Customer vehicles may not be parked longer than 10 days on the premises."***
- 5. Trash was not put in covered dumpster in violation of condition #5: *"Vehicle parts, tires, oil or similar items will not be stored outdoors. Trash will be stored in a covered dumpster."***
- 6. Vehicles were parked longer than ten (10) days on the premises in violation of license condition #7: *"Customer vehicles may not be parked longer than 10 days on the premises."***
- 7. Vehicles parked on the premises that did not allow other vehicles to enter or exit in violation of license condition #8: *"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."***
- 8. License condition #9 states: *"Licensee must comply with all federal, state and local laws."***

This is the second (2nd) incident of violations to your license conditions within the past twelve (12) 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, June 4, 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 \$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, June 4, 2018**. 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 no later than **Monday, June 4, 2018**. 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, June 4, 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, June 4, 2018, 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 contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,



Therese Skarda
Assistant Saint Paul City Attorney
License No: 024989

cc: Kamran Farizheudi Mortezaee, 15737 Sunset Trail, Pine City, MN 55063
Michael Kuchta, Executive Director, District 10 Como Community Council
1224 Lexington Parkway North, St. Paul, MN 55103-1000

Attachment: Application and Encroachment Permit #09-0628

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 23RD day of May she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Kamran Farizheudi Mortezaee, President
Corp Auto, Inc.
1221 Pierce Butler Route
St. Paul, MN 55104

Kamran Farizheudi Mortezaee
15737 Sunset Trail
Pine City, MN 55063


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.

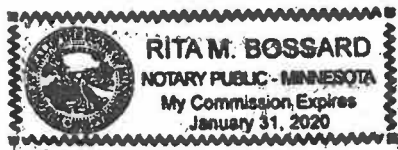


Julie Kraus

Subscribed and sworn to before me
this 23RD day of May, 2018



Notary Public



Kraus, Julie (CI-StPaul)

From: Vang, Lee (CI-StPaul)
Sent: Monday, June 4, 2018 3:29 PM
To: Fischbach, Jeffrey (CI-StPaul); Schweinler, Kristina (CI-StPaul); Kraus, Julie (CI-StPaul)
Subject: Corp Auto Inc. - 20030002015
Attachments: Corp Auto Inc.pdf

Licensee just came in to paid the \$1000.00 fine.

Lee



DSI RECEIPT

CITY OF SAINT PAUL
Department of Safety and Inspections
375 Jackson Street Suite 220
Saint Paul, Minnesota 55101-1808
Phone: (651) 266-8989 Fax: (651) 266-9124
www.stpaul.gov/dsi

Date: 06/04/2018

Received From: CORP AUTO INC
15737 SUNSET TRAIL PINE CITY MN 55063

Description:

Invoice Details	Invoice Amount	Amount Paid
1025331		
Fine	\$1,000.00	\$1,000.00
TOTAL AMOUNT PAID:		\$1,000.00

Paid By:

Payment Type	Check #	Received Date	Amount
Check	5587	06/04/2018	\$1,000.00

Sec. 310.05. - Hearing procedures.

(m) *Presumptive penalties for certain violations* . The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00	\$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00	Revocation	n/a	n/a

(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Critical violations under 331A	\$250.00	\$500.00	\$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under 331A	\$150.00	\$250.00	\$500.00	\$1,000.00
(11) Taxi fail to display driver's license as required by 376.16(f)	\$100.00	\$250.00	\$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	\$100.00	\$250.00	\$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	\$200.00	\$400.00	\$800.00	Revocation

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

- (ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.
- (iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.
- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
 - (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
 - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
 - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
 - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
 - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)