



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 8, 2019

**NOTICE OF COUNCIL HEARING**

Todd L. Grosklags - Licensee  
6660 Anoka Street NE  
Fridley, MN 55432

RE: Peddler license held by Todd L. Grosklags for the City of Saint Paul  
License ID #: 20140001156

Dear Licensee:

Please take notice that this matter has been set on the Public Hearing Agenda for a City Council meeting on **Wednesday, March 20, 2019 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 is a copy of the letter the Department of Safety and Inspections received on March 6, 2019, 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 license matter related to inspections conducted on August 24, 2018 and August 30, 2018 where inspectors from the Department of Safety and Inspections observed you selling State Fair tickets on the median at Snelling Avenue and Midway Parkway in violation of Saint Paul Legislative Code §§345.08 (d) and (f).

Pursuant to Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty.

Sincerely,

Therese Skarda  
Assistant City Attorney  
License No. 0240989

Enclosures: March 20, 2019 Public Hearing packet

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 8<sup>th</sup> day of March, she served the attached **NOTICE OF COUNCIL HEARING** a correct copy thereof in an envelope addressed as follows:

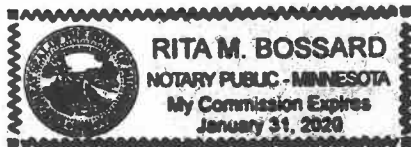
Todd L. Grosklags - Licensee  
6660 Anoka Street NE  
Fridley, MN 55432

(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 8<sup>th</sup> day of March 2019

  
\_\_\_\_\_  
Notary Public



## **UNCONTESTED LICENSE MATTER**

**Licensee Name:** Todd L. Grosklags

**Address:** 6660 Anoka Street NE  
Fridley, MN 55432

**Council Date:** Wednesday, March 20, 2019 at 5:30 p.m.

**Violation:** On August 24, 2018 and August 30, 2018, DSI Inspectors observed the licensee selling State Fair tickets on the median at Snelling Avenue and Midway Parkway while remaining stationary in violation of Saint Paul Legislative Code §§ 345.08 (d) and (f).

This location is a parkway within twenty-five (25) feet of a sidewalk forming the corner at the intersection of two streets.

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

**\$500.00 matrix penalty**

**Attachments:**

1. Resolution
2. DSI Handout with map given to all licensed peddlers (2 pages)
3. Inspection Report dated 2/08/2019 with photographs from August 2018 (19 pages)
4. Signed Warning Notice dated 8/24/2018 (1 page)
5. Ordinance 345 Peddlers – Violations of Todd Grosklags (1 page)
6. Email from Mike Tholl to David Eide dated 1/22/2019 (1 page)
7. Notice of Violation with Affidavit of Service dated 2/21/2019 (4 pages)
8. Letter from licensee requesting a public hearing received 3/6/2019 (2 pages)
9. License Group Comments Text and licensee information from ECLIPS System dated 2/13/2019 (5 pages)
10. Saint Paul Legislative Code § 345.08
11. Saint Paul Legislative Code § 310.05 (m)

WHEREAS, the Peddler license held by Todd L. Grosklags ("Licensee") (License ID# 20140001156) for the City of Saint Paul was the subject of a Notice of Violation ("Notice") dated February 21, 2019; and

WHEREAS, the Notice stated in August of 2018, the Department of Safety and Inspections conducted license compliance checks for peddlers operating during the Minnesota State Fair; and

WHEREAS, on August 24, 2018, a DSI inspector observed and photographed the Licensee selling State Fair tickets on the median at Snelling Avenue and Midway Parkway while remaining stationary in violation of Saint Paul Legislative Code §§ 345.08 (d) and (f); and

WHEREAS, this location is a parkway within twenty-five (25) feet of a sidewalk forming the corner at the intersection of two streets; and

WHEREAS, the licensee was issued a written Warning Notice stating his conduct was in violation of Saint Paul Legislative Code which he signed on August 24, 2018; and

WHEREAS, on August 30, 2018 a DSI inspector again observed and photographed the licensee selling State Fair tickets on the median at Snelling Avenue and Midway Parkway while remaining stationary in violation of Saint Paul Legislative Code §§ 345.08 (d) and (f); and

WHEREAS, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office recommended a \$500.00 matrix penalty; and

WHEREAS, the licensee responded to the Notice of Violation on March 6, 2019 to request a public hearing which was held on March 6, 2019; now, therefore, be it

RESOLVED, Todd L. Grosklags (License ID# 20140001156) is hereby ordered to pay a matrix penalty of \$500.00 for violations of Saint Paul Legislative Code §345.08 (d) and (f) documented by DSI Inspectors on August 24, 2018 and August 30, 2018.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution. Failure to pay the \$500.00 matrix penalty within the thirty (30) days will result in immediate suspension of the license.

# HANDOUT

## CITY OF SAINT PAUL LEGISLATIVE CODE

### Chapter 345. - Peddlers, Solicitors and Transient Merchants (excerpt)

#### Sec. 345.01. - Definitions.

*Peddler* means any person who shall sell or offer for sale goods or wares, or other articles of value including event tickets the term "peddler" shall not apply to any person who may sell or peddle the products of the farm or garden occupied and cultivated by themselves or who sells at a stand at one (1) of the public markets.

#### Sec. 345.02. - License required.

It is unlawful for any peddler, transient merchant or solicitor, other than a solicitor doing business by appointment, to engage in any such business within the City of Saint Paul without first obtaining a license therefor in compliance with the provisions of the chapter. In addition to the license required under this section, any person who shall sell edible products must also obtain the applicable food license under the provisions of Chapter 331, and any person applying to do business as a transient merchant within the city shall file proof of possession of the license required by Minnesota Statutes, Section 329.11. Such filing shall include an affidavit in which the applicant states compliance with Minnesota Statutes, Sections 329.099 to 329.17. No license shall be issued by the city without such proof being presented at the time application is made to the inspector for a transient merchant license.

#### Sec. 345.06. - Exhibition of badge; license.

Any person who shall exercise the vocation of a peddler or solicitor shall display a badge, containing a current photograph of the licensee, a number to correspond to the number of the license, and license expiration date issued by the Office of License Inspector, which badge shall be worn in a conspicuous place on the person's outer garment or clothing. Transient merchants shall post conspicuously in his place of business the license issued hereunder which license shall be shown at the request of any citizen or police.

#### Sec. 345.08. - Restrictions.

- (a) Peddlers peddling from vehicles or pushcarts shall not stand upon any sidewalk, street or alley for the purpose of disposing of their goods without first obtaining a use of street permit from the department of public works, but this provision shall not prevent such peddlers from stopping for a sufficient length of time to complete a sale to such purchasers as may be present at the place where such stop is made.
- (b) No licensee shall have any exclusive right to any location in the public sidewalks, streets or other public property without first obtaining a use of street permit from the department of public works, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or public ways. For the purpose of this chapter, the judgment of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- (d) Peddling is prohibited within twenty-five (25) feet of the sidewalk forming the corner at the intersection of two (2) streets, or on any sidewalk less than six (6) feet wide.
- (f) Peddling is prohibited within the State Capitol complex buildings and grounds and the Saint Paul River Centre complex buildings, grounds and surrounding sidewalks. Peddling is also prohibited at any park or parkway, building or place under the jurisdiction of the director of parks and recreation unless by the permission of said director or by some person duly authorized by the director and subject to such rules and regulations as the director shall prescribe. Peddling is not prohibited if the activity takes place on land owned or leased by said person.



#### ***Department of Safety and Inspections (DSI)***

Business Licensing

375 Jackson Street, Suite 220

Saint Paul, MN 55101

General Information & Complaints 651-266-8989





## Inspection Report

Date: 2/8/2019  
Inspector: David Eide  
Licensee Address: 6660 Anoka St NE, Fridley, MN 55432  
Licensee/ Violator: Todd L Grosklags  
License Number: 20140001156  
Violation: Saint Paul Legislative Code Section 345.08 (d) & 345.08 (f)  
Violation Location: Midway Parkway at Snelling Avenue North

Observation: Todd L Grosklags was frequently peddling within 25' of an intersection, which is not allowed per Section 345.08 (d). He was also peddling of Park Department property, which is a violation of 345.08 (f).

Photos Taken: Yes

Location of Photos: Midway Parkway at Snelling Avenue North

### **How do you know their name?**

Whenever inspectors are conducting Peddler compliance checks, a list of all current peddler licenses is carried. The inspector typically asked for their name and verifies that they are on the list. The badge is also inspected to ensure that it is valid and current. Todd Grosklags had the badge and his name was on the list.

### **How long did you watch them?**

A warning regarding operating on Park Department property was given on August 24, 2018. Photos of Todd peddling on Park Department property were taken on August 24<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup>, and the 31<sup>st</sup>. During each inspection, it was typical to watch the individual for a few minutes to determine if they were peddling, moving, or stationary. Todd spent much of his time on Park Property and would tend to move to places that were authorized when he noticed that inspectors were watching.

### **What behavior was observed and what items were changing hands?**

Todd L Grosklags was selling State Fair tickets. Customers would pay with cash. The photo taken on August 30<sup>th</sup>, 2018 (Todd was given a warning about peddling on Park Department property on August 24, 2018.) is very clear as to what is happening. This photo was taken on the median at Midway Parkway and Snelling Avenue. The customer has their wallet out and is clearly removing cash from it. Todd has the tickets in his hands. Although this behavior was observed frequently, this is the clearest photo. This photo has been attached.

### **How long were they standing in one place?**

Todd would frequently stand in one space for many minutes at a time. The ordinance clearly states that peddlers are only to stop for the length of a transaction. However, peddlers often find that certain spaces (such as street corners) are places where potential customers congregate while waiting to cross the street. Thus, Todd stood at the location for considerable lengths of time; moving to meet or speak with potential customers.

**Were they doing things to attract customers?**

Yes, Todd would ask fair attendees if they had their tickets yet. He would explain that if they bought tickets from him, they would pay the same price as at the gate but would not need to wait in line.

**Have they been warned before; what did you tell them?**

Yes, Todd was warned by DSI Inspector Akbar Muhammad that peddling is not permitted on Park Department property. Todd signed the warning notice, indicating that he understood that he could not sell tickets on Park Department property.

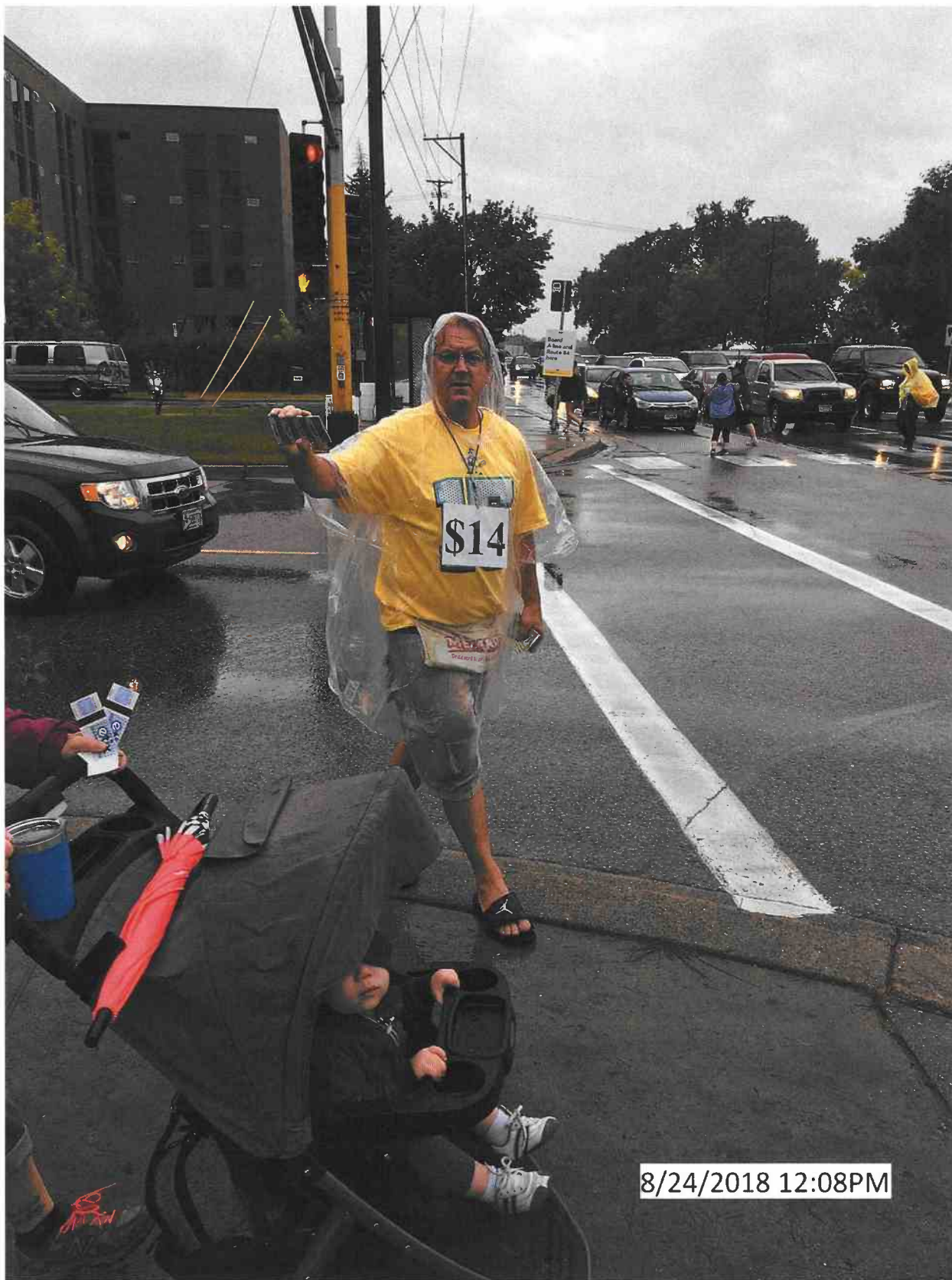
**Did you see them wearing their badge?**

Yes, Todd Grosklags wore his badge every day that he was peddling.

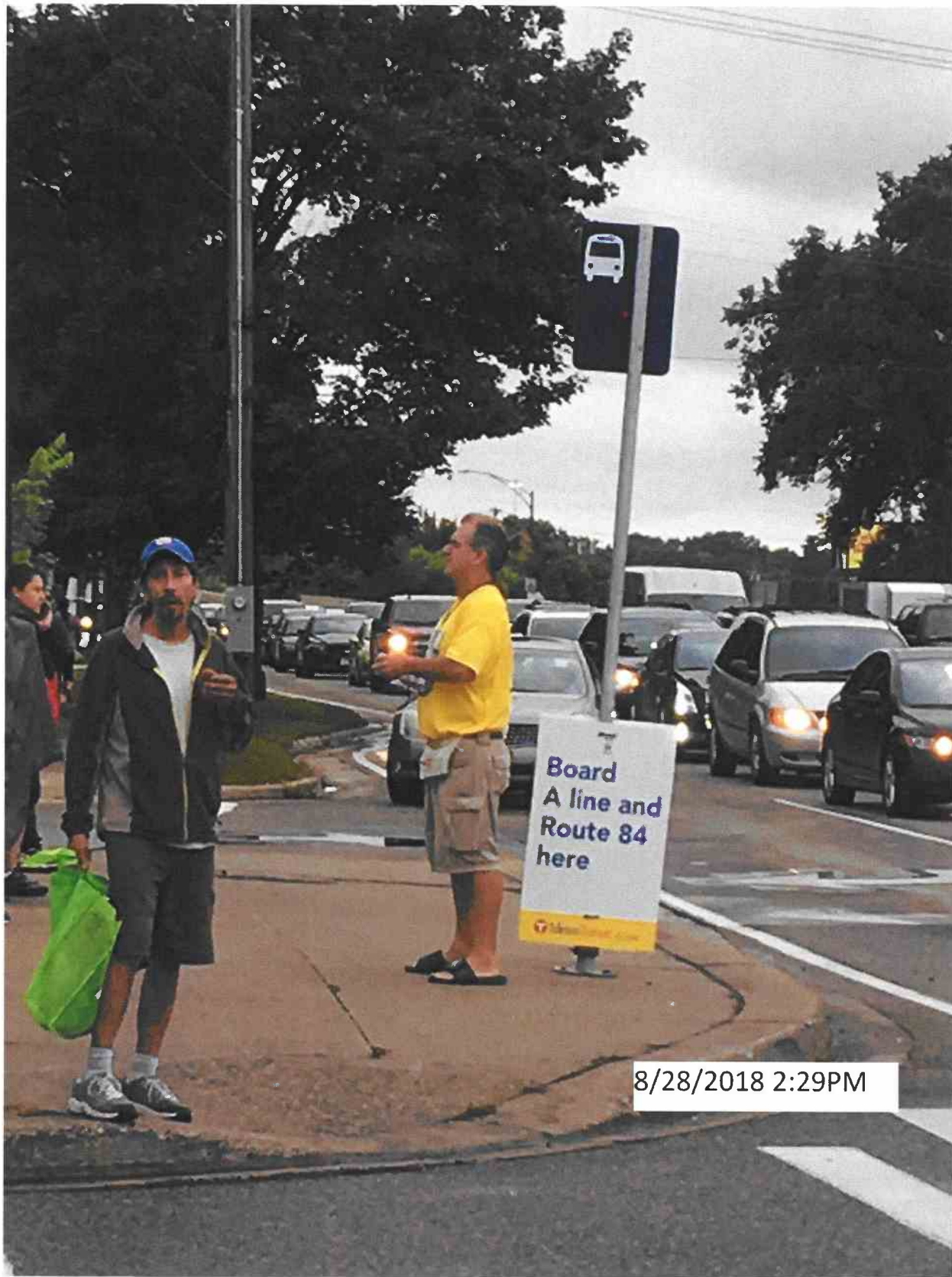
**How do we know that they did not have a Public Works Permit?**

I reached out to Mike Tholl with the City of Saint Paul Public Works Department. He queried the permit software for any permits issued on Midway Parkway during the 2018 season and found none. He also said that they typically never issue permits at this location during the State Fair. See the attached email.



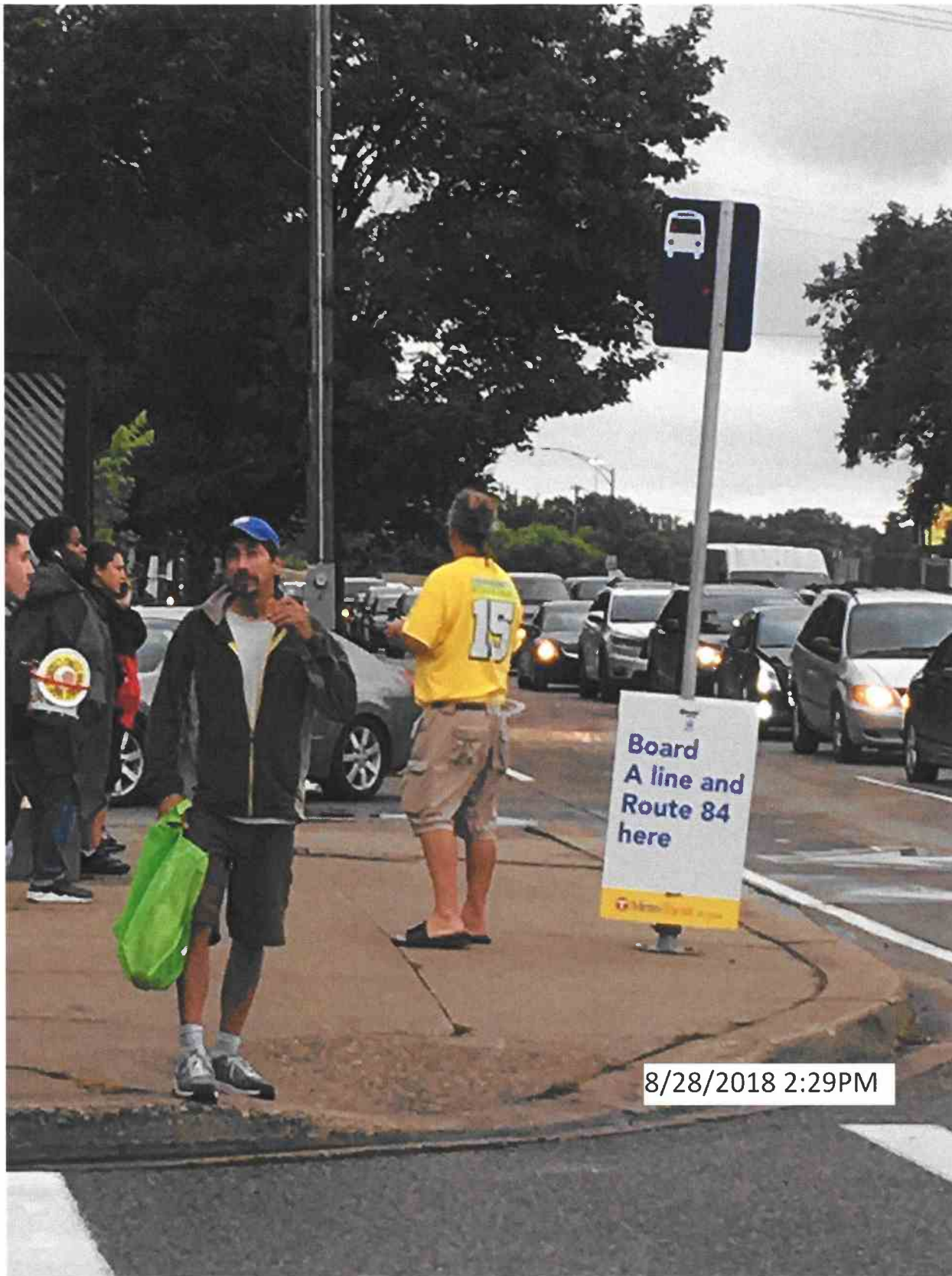


*The way that Todd Grosklags is holding the tickets with the purchase price sign around his neck seems to indicate that he is offering the tickets in exchange for \$14.*



*This photo is of Todd standing on the Midway Parkway median.*





*Todd facing south on the Midway Parkway median. Customers typically come from the south and the north at this location; this is a strategic spot because potential customers need to cross the crosswalk that he is facing to reach the main traffic control signal that allows pedestrians to cross Snelling Avenue.*



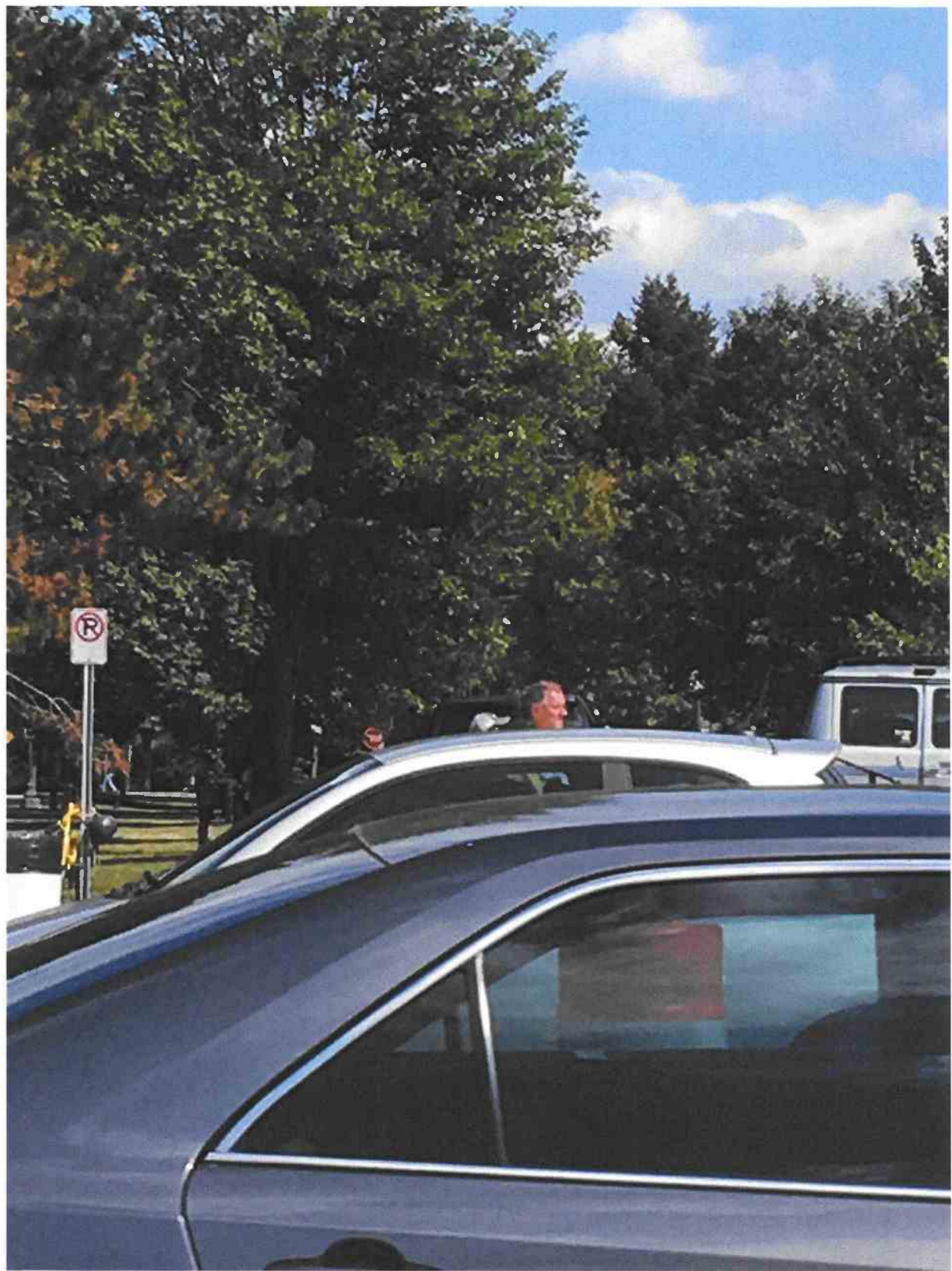
*The grassy area in this photo is the Midway Parkway median. The City of Saint Paul Parks Department controls this property.*

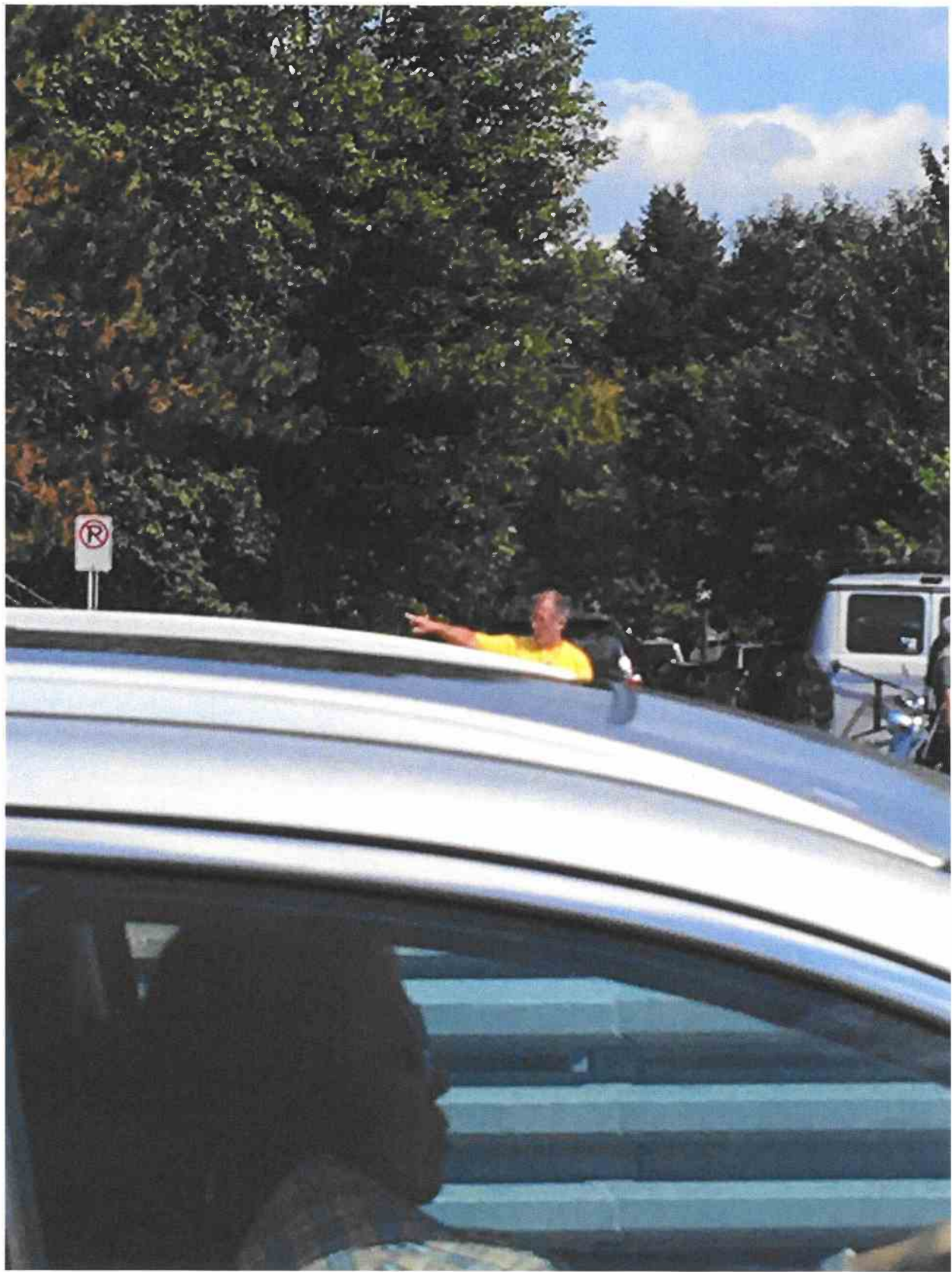




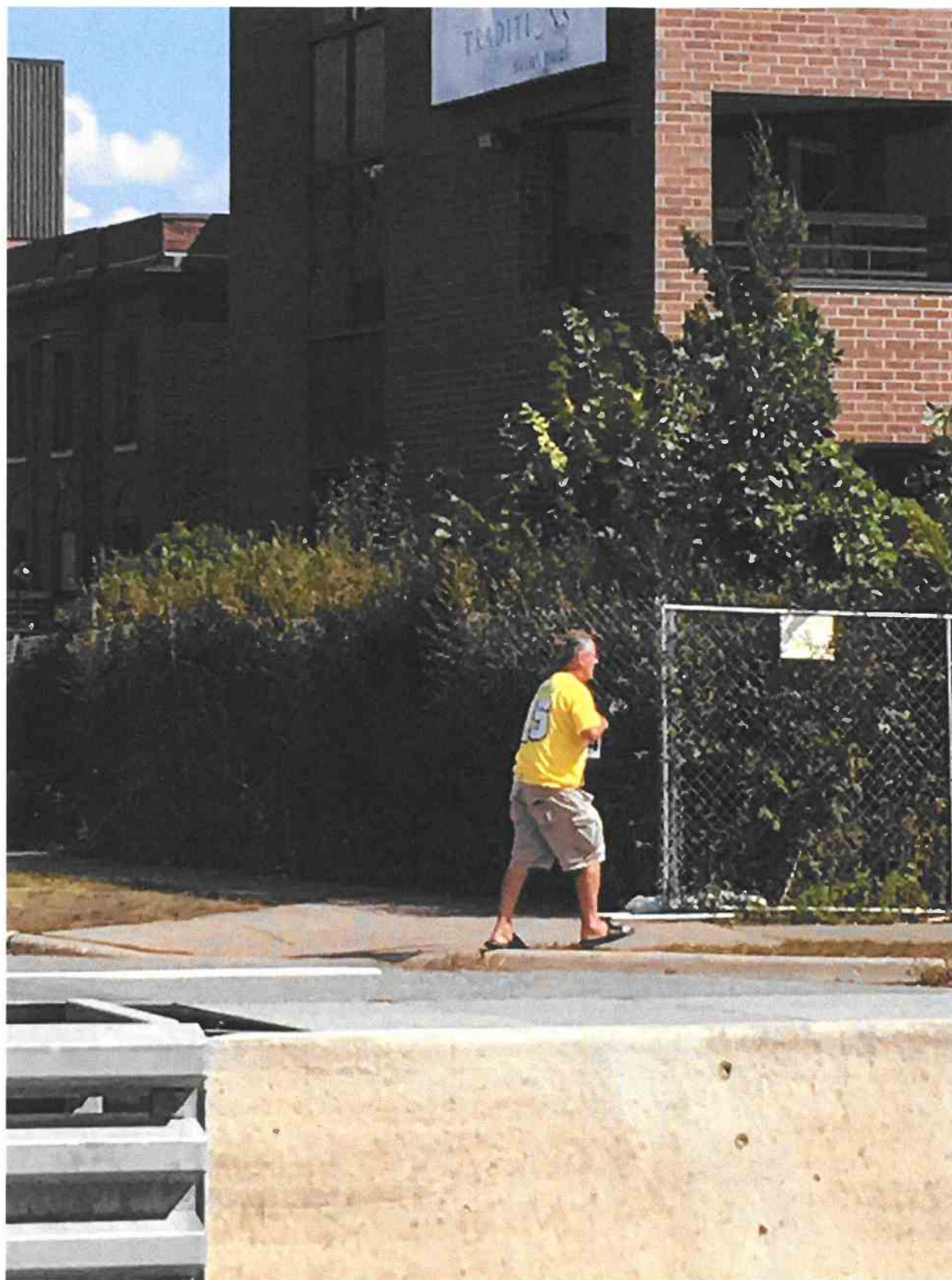


















*This is the same image as the one on the previous page, just not cropped to give some context. The bus shelter is the shelter on the median at Midway Parkway and Snelling Avenue. This photo was taken on August 30, 2018. Todd was warned not to peddle on Park Department property on August 24<sup>th</sup>, 2018. He is also within 25 feet of an intersection of two (2) streets. This is a violation of both Section 345.08 (d) and (f).*



*This is the clearest photo that was taken of this illicit activity. Todd and the other individuals in this photo are standing on the Midway Parkway median, which is Park Department Property. The man in the red shorts and dark baseball cap has his wallet out and is seemingly removing currency from it. The person standing in front of Todd and the lady to the left of the photo appear to be waiting for the transaction to commence. If you look closely, Todd has the "\$14" sign around his neck, indicating the price for the State Fair tickets. This photo was taken on August 30, 2018, six days after Todd signed the warning slip stating that he was in violation for peddling on Park Department property and peddling within 25 feet of an intersection of two (2) streets. This is a violation of both Section 345.08 (d) and (f),*





*Todd appears to be holding cash or tickets and is in the median at Midway Parkway and Snelling.*















CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

DEPARTMENT OF SAFETY AND INSPECTIONS  
Ricardo X. Cervantes, Director

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

### WARNING NOTICE - OPERATING WITHOUT A LICENSE

Violation Location: 25 ft from corner Date: 8/24/13  
Name: Todd Grusklags Title: \_\_\_\_\_  
Driver License Number: \_\_\_\_\_ Phone: \_\_\_\_\_  
License(s) Required: 201400001156

At the above location and date a Department of Safety and Inspections inspector observed you

AKhtar R. Mationmad Selling State Fair  
7.8 on Park Property  
This activity requires a license under Saint Paul Legislative Code Section \_\_\_\_\_. You are hereby ordered to immediately cease the above-stated business activity until such time you secure the required license(s). Engaging in licensed business activity without a license is cause for a misdemeanor criminal citation punishable by not more than 90 days incarceration or a fine of not more than \$1,000, or both. If you are again found to be engaging in the above-stated business activity without the required license(s) you will be cited accordingly.

Business licenses are obtained through the Department of Safety and Inspection located at 375 Jackson St., Suite 220, Saint Paul, MN 55101 during normal business hours. Questions may be directed to (651) 266-8989.

Todd Grusklags  
Business Representative Signature

Akhtar M 651-9139  
Inspector Signature / Phone Number

Todd signed this warning notice which indicates that he understood that he was not allowed to peddle on Park Department property. Note that the violation also indicates that he was within 25 feet of the corner. This is a violation of both Section 345.08 (d) and (f).



# Ordinance 345: Peddlers

## Violations: Todd Grosklags

- **Sec. 345.06. - Exhibition of badge; license.**

Any person who shall exercise the vocation of a peddler or solicitor shall display a badge, containing a current photograph of the licensee, a number to correspond to the number of the license, and license expiration date issued by the Office of License Inspector, which badge shall be worn in a conspicuous place on the person's outer garment or clothing. Transient merchants shall post conspicuously in his place of business the license issued hereunder which license shall be shown at the request of any citizen or police.

- **Sec. 345.08. - Restrictions.**

(a) Peddlers peddling from vehicles or pushcarts shall not stand upon any sidewalk, street or alley for the purpose of disposing of their goods without first obtaining a use of street permit from the department of public works, but this provision shall not prevent such peddlers from stopping for a sufficient length of time to complete a sale to such purchasers as may be present at the place where such stop is made.

(b) No licensee shall have any exclusive right to any location in the public sidewalks, streets or other public property without first obtaining a use of street permit from the department of public works, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or public ways. For the purpose of this chapter, the judgment of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(d) Peddling is prohibited within twenty-five (25) feet of the sidewalk forming the corner at the intersection of two (2) streets, or on any sidewalk less than six (6) feet wide.

(e) Peddling is prohibited within two thousand (2,000) feet of any area for which a permit has been issued under [chapter 366](#), except upon written permission from the organizers of the event.

(f) Peddling is prohibited within the State Capitol complex buildings and grounds and the Saint Paul River Centre complex buildings, grounds and surrounding sidewalks. Peddling is also prohibited at any park or parkway, building or place under the jurisdiction of the director of parks and recreation unless by the permission of said director or by some person duly authorized by the director and subject to such rules and regulations as the director shall prescribe. Peddling is not prohibited if the activity takes place on land owned or leased by said person.

(Ord. No. 17708, § 1, 1-23-90; C.F. No. 07-992, § 2, 12-12-07; Ord 13-25, § 1, 7-17-13)

## EMAIL STRING: Public Works ROW Permits-

**From:** Tholl, Mike (CI-StPaul)  
**Sent:** Tuesday, January 22, 2019 1:25 PM  
**To:** Eide, David (CI-StPaul) <[David.Eide@ci.stpaul.mn.us](mailto:David.Eide@ci.stpaul.mn.us)>  
**Subject:** RE: RW ROW permits- state fair 2018

David,

I did a search of the AMANDA permit application for any permits issued on MIDWAY PKWY during 2018 (especially looking for August) and found NONE.

Mike Tholl  
ROW Permits  
651-266-6151 (Ofc)  
651-266-9765 (Fax)

**From:** Eide, David (CI-StPaul)  
**Sent:** Tuesday, January 22, 2019 1:00 PM  
**To:** Tholl, Mike (CI-StPaul)  
**Subject:** RE: RW ROW permits- state fair 2018

Thank you!



**David Eide**  
*Zoning & Licensing Inspector*  
Department of Safety and Inspections  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806

P: 651.266.9088

F: 651.266.9009

The Most Livable  
City in America

[david.eide@ci.stpaul.mn.us](mailto:david.eide@ci.stpaul.mn.us)



Making Saint Paul the Most Livable City in America

**From:** Tholl, Mike (CI-StPaul)  
**Sent:** Tuesday, January 22, 2019 8:40 AM  
**To:** Eide, David (CI-StPaul) <[David.Eide@ci.stpaul.mn.us](mailto:David.Eide@ci.stpaul.mn.us)>  
**Subject:** RE: RW ROW permits- state fair 2018

I will check, but we typically never issue permits at that location during state fair.

**From:** Eide, David (CI-StPaul)  
**Sent:** Thursday, January 17, 2019 2:52 PM  
**To:** \*CI-StPaul\_PW-ROWpermits  
**Subject:** RW ROW permits- state fair 2018

Greetings! Were there any PW right-of-way permits issued around the state fair Midway Parkway entrance August 24-31, 2018?

Thank you,



**David Eide**  
*Zoning & Licensing Inspector*  
Department of Safety and Inspections  
375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806

P: 651.266.9088

F: 651.266.9009

The Most Livable  
City in America

[david.eide@ci.stpaul.mn.us](mailto:david.eide@ci.stpaul.mn.us)



Making Saint Paul the Most Livable City in America



CITY OF SAINT PAUL  
Mayor Melvin Carter

Civil Division  
400 City Hall Telephone: 651 266-8710  
15 West Kellogg Blvd. Facsimile: 651 298-5619  
Saint Paul, Minnesota 55102

February 21, 2019

## NOTICE OF VIOLATION

Todd L. Grosklags - Licensee  
6660 Anoka Street NE  
Fridley, MN 55432

RE: Peddler license held by Todd L. Grosklags for the City of Saint Paul  
License ID #: 20140001156

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Peddler license you hold within the City of Saint Paul.

The Department asserts that the following facts along with attachments herein constitute proof of violations of Saint Paul Legislative Code §§ 345.08 (d) and (f) by a preponderance of the evidence:

**When you received your license, you were given a handout which explained that under Saint Paul Legislative Code Section 345.08 you cannot peddle within twenty-five feet of the sidewalk forming the corner at the intersection of two streets, and that you were not permitted to peddle on any park or parkway.**

**On August 24, 2018 at approximately 12:08 p.m. Inspector Muhammad was conducting license compliance checks. He observed and photographed you selling State Fair tickets for fourteen dollars (\$14.00) at the corner of Snelling Avenue and Midway Parkway. This location is on the parkway within 25 feet of a corner or intersection. Inspector Muhammad also noted that you remained stationary. Inspector Muhammed talked with you and verified your peddler's license. He also issued a written warning stating that your conduct was in violation of Saint Paul Legislative Code. You signed this warning.**

**On August 30, 2018, Inspector Eide was conducting peddler license compliance checks. While conducting checks he observed and photographed you selling State Fair tickets on the median at Snelling Avenue and Midway Parkway. This location is a parkway and within 25 feet of a sidewalk forming the corner at the intersection of two streets. The photograph taken by Inspector Eide shows that your customer has their wallet out and is removing cash and that you had tickets in your hands.**

**Saint Paul Legislative Code §§ 345.08 (d) and (f) state that:**

**(d) Peddling is prohibited within twenty-five (25) feet of the sidewalk forming the corner at the intersection of two (2) streets, or on any sidewalk less than six (6) feet wide.**

**(f) Peddling is prohibited within the State Capitol complex buildings and grounds and the Saint Paul River Centre complex buildings, grounds and surrounding sidewalks. Peddling is also prohibited at any park or parkway, building or place under the jurisdiction of the director of parks and recreation unless by the permission of said director or by some person duly authorized by the director and subject to such rules and regulations as the director shall prescribe. Peddling is not prohibited if the activity takes place on land owned or leased by said person.**

Pursuant to Saint Paul Legislative Code Section 310.05 (m)(2), a violation of provisions of the legislative code relating to the licensed activity is a basis for adverse action. The City alleges that you violated Saint Paul Legislative Code § 345.08. This is your first violation and pursuant to Saint Paul Legislative Code Section 310.05 (m)(2) the Department is recommending 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 by **Monday, March 4, 2019**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the **Wednesday, March 13, 2019** 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 4, 2019**. 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 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, March 4, 2019**. 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, March 4, 2019**. 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, March 4, 2019, 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 Wednesday, March 13, 2019 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,



Therese Skarda  
Assistant City Attorney  
License No. #0240989

Attachments: Inspection Report with photographs from August 24, 28, 30 and 31<sup>st</sup> 2018  
Signed Warning Notice dated August 24, 2018  
Handout with map  
Ordinance 345: Peddlers – Violations: Todd Grosklags  
Email from David Eide to Mike Tholl regarding Public Works right-of-way permits  
Screen shots from DSI ECLIPS System dated February 13, 2019  
Saint Paul Legislative Code §345.08  
Saint Paul Legislative Code § 310.05 (m)

STATE OF MINNESOTA)  
 ) ss.


**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY)

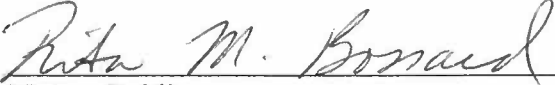
Julie Kraus, being first duly sworn, deposes and says that on the 21<sup>st</sup> day of February, she served the attached **NOTICE OF VIOLATION** a correct copy thereof in an envelope addressed as follows:

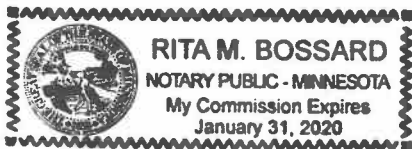
Todd L. Grosklags - Licensee  
6660 Anoka Street NE  
Fridley, MN 55432

(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 21<sup>st</sup> day of February 2019

  
Notary Public





Dear City of St. Paul,

I admit that is me in the pictures taken. But I would still like to speak before the City Council.

Thanks,

Todd Grosklags

Peddlers Permit notice of violation.

skl995  
ST. NE  
J 55432

MINNEAPOLIS MN 554

04 MAR 2019 PM 1 L



IN D.S.I.

2019



CITY OF SAINT PAUL

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

RECEIVED IN D.S.I.

MAR 06 2019



Licensee: TODD L GROSKLAGS

DBA: TODD L GROSKLAGS

License #: 20140001156

2/8/19 Request for adverse action sent to CAO. KS  
05/14/15 OB per KS



License Query

Address

Licensee

Contact

License

Cardholder

Licensee Name: TODD L GROSKLAGS

DBA: TODD L GROSKLAGS

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	Effective	Expiration
140001156	0	TODD L GROSKLAGS	TODD L GROSKLAGS	Peddler	Canceled	05/14/15 OB per KS	05/06/2014	05/06/2015
					Active	All Requirements Met	08/27/2015	08/26/2016

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Properties For License 6660 ANOKA ST NE



Licensee: TODD L GROSKLAGS  
DBA: TODD L GROSKLAGS

License Licensee Lic. Types Insurance Bond Requirements

☐ Property ☒ Licensee ☐ Unofficial

Street #: 6660  
Street Name: ANOKA  
Street Type: ST Direction: North East  
Unit Ind: Unit #:   
City: FRIDLEY  
State: MN Zip: 55432  
[Browse](#)

Project Facilitator: ZANGS, LAWRENCE (LARRY)

Adverse Action Comments

05/14/15 OB per KS

License Group Comments:

2/8/19 Request for adverse action sent to CAO. KS  
05/14/15 OB per KS

Licensee: TODD L GROSKLAGS  
DBA: TODD L GROSKLAGS  
Sales Tax Id: \*\*\*\*\* Bus Phone: ( ) -

Licensee Comments:

License Type	Class	Effective	Expiration	Conditions	License Fee
Peddler	R	05/06/2014	05/06/2015	N	\$72.00
Peddler	R	08/27/2015	08/26/2019	N	\$76.00
Total:					\$148.00

License # 140001156

Save Changes to History ☒

OK

Cancel

Help

Properties For License 6660 ANOKA ST NE



Licensee TODD L GROSKLAGS  
DBA TODD L GROSKLAGS

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: TODD L GROSKLAGS Browse...  
DBA: TODD L GROSKLAGS  
Sales Tax Id: \*\*\*\*\* Non-Profit: ☐ Worker's Comp: 00/00/0000 Properties...  
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

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho	Mail License To:
Business/M	05/06/2014	00/00/0000	GROSKLAGS	TODD		( ) -	(765	<input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address
								Mail Invoice To: <input checked="" type="radio"/> Mail To Contact <input type="radio"/> License Address

Background Check Required ☐

Contact Properties...

License # 140001156

Save Changes to History ☒

OK

Cancel

Help



Properties For License 6660 ANOKA ST NE



Licensee: TODD L GROSKLAGS  
DBA: TODD L GROSKLAGS

License    Licensee    Lic. Types    Insurance    Bond    Requirements

License Type: Peddler  
Effective: 08/27/2015    Expiration: 08/26/2019  
Apply Discount: ☐    Remove Discount: ☐    Discount Rec'd: ☐  
Replace Fee: ☐    # of Units: 1

License Class: R  
Status: Active  
Status Changed: 08/23/2018  
Application Date: 08/27/2015

Inspector Name	Type	Phone #	
			Add
			Remove

Name	Trade Type	Card #	Card Type	Expiration	
					Add Mast
					Remove

Tag #: 0    CN/VIN

Fields

Goods to be sold: TICKETS

License Type Comments(long):

New    Delete

<<    2 of 2    >>

License # 140001156

Save Changes to History ☒

OK

Cancel

Help

Sec. 345.08. - Restrictions.

- (a) Peddlers peddling from vehicles or pushcarts shall not stand upon any sidewalk, street or alley for the purpose of disposing of their goods without first obtaining a use of street permit from the department of public works, but this provision shall not prevent such peddlers from stopping for a sufficient length of time to complete a sale to such purchasers as may be present at the place where such stop is made.
- (b) No licensee shall have any exclusive right to any location in the public sidewalks, streets or other public property without first obtaining a use of street permit from the department of public works, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets or public ways. For the purpose of this chapter, the judgment of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- (c) Peddling is prohibited within one hundred (100) feet of an entrance to an entertainment venue within three (3) hours of an event scheduled at that entertainment venue.
- (d) Peddling is prohibited within twenty-five (25) feet of the sidewalk forming the corner at the intersection of two (2) streets, or on any sidewalk less than six (6) feet wide.
- (e) Peddling is prohibited within two thousand (2,000) feet of any area for which a permit has been issued under chapter 366, except upon written permission from the organizers of the event.
- (f) Peddling is prohibited within the State Capitol complex buildings and grounds and the Saint Paul River Centre complex buildings, grounds and surrounding sidewalks. Peddling is also prohibited at any park or parkway, building or place under the jurisdiction of the director of parks and recreation unless by the permission of said director or by some person duly authorized by the director and subject to such rules and regulations as the director shall prescribe. Peddling is not prohibited if the activity takes place on land owned or leased by said person.

(Ord. No. 17708, § 1, 1-23-90; C.F. No. 07-992, § 2, 12-12-07; Ord 13-25, § 1, 7-17-13)

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)