# AFFIDAVIT OF SERVICE BY U.S. MAIL

# COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 13<sup>th</sup> day of August, he served the attached **NOTICE OF INTENT TO SUSPEND LICENSE** and a correct copy thereof in an envelope addressed as follows:

SKD Auto Tek LLC 80 Cottage Avenue West St. Paul, MN 55117

Soe Doh 664 Cook Avenue East Saint Paul, MN 55117

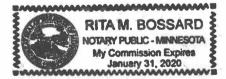
Kerry Antrim, Executive Director 171 Front Street Saint Paul, MN 55117

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

Shawn McDonald

Subscribed and sworn to before me This 13<sup>th</sup> day of August 2019

Notary Public



#### 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

August 13, 2019

# NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY

SKD Auto Tek LLC 80 Cottage Avenue West St. Paul, MN 55117

RE:

Auto Repair Garage and Auto Body Repair licenses held by SKD Auto Tek LLC d/b/a SKD Auto Tek for the premises located at 664 Cook Avenue East in Saint Paul

License ID #20170002848

#### Dear Licensee:

The Department of Safety and Inspections (DSI) is recommending adverse action against the Auto Repair Garage and Auto Body Repair licenses held by SKD Auto Tek LLC d/b/a SKD Auto Tek for the premises located at 80 Cottage Avenue West in Saint Paul. The basis for this recommendation is as follows:

Saint Paul Legislative Code Section 310.05 (m)(1) sets the penalty for a first-time violation of the conditions placed on a license at \$500.

On May 5, 2019 the Department of Safety and Inspections received a complaint of the poor conditions of this property. On May 8, 2019, an inspector from the Department of Safety and Inspections came to 80 Cottage Avenue West for an inspection and photographed and documented a number of violations including:

- Vehicles parked in a gravel area that is not permitted for storage or parking.
- Vehicles double parked and not parked in accordance with the site plan.
- Extensive exterior storage.
- Trash.
- Improperly stored oil, engines, barrels, and vehicle fluids.
- A vehicle with major body parts missing.
- Repair work being done on a vehicle outside of the garage.

On May 13, 2019 the Department of Safety and Inspections sent you an Enforcement Notice that laid out the steps you needed to take in order to be in compliance with your license conditions. This notice set a compliance date of June 14, 2019.

On July 3, 2018, the inspector returned for a re-inspection and found that many of the same violations observed on May 8, 2019 still existed and found you to be in violation of license conditions #1, #5, #3, #6. Specifically these conditions state:

- 1. All customers, business, and employee vehicles must be parked in accordance with the approved site plan on file with Department of Safety and Inspections (DSI) dated 5/11/2012. A maximum of twenty-one (21) vehicle may be parked on the exterior of the property at any time."
- 2. "The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted."
- 3. "There shall be no exterior storage of vehicle parts, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous waste regulations."
- 4. "No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.

This is your first (1<sup>st</sup>) violation and pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$500.00 matrix penalty.

You have four (4) options to proceed:

- 1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Tuesday**, **August 27**, **2019** I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
- 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 Tuesday, August 27, 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 **Tuesday**, **August 27**, **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 **Tuesday**, **August 27**, **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 Tuesday, August 27, 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 City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact Shawn McDonald, my Legal Assistant at (651)266-8729.

Sincerely,

Therese Skarda

Assistant City Attorney License No. 0240989

cc: Soe Doh, 664 Cook Avenue East, Saint Paul, MN 55117

Kerry Antrim, Executive Director, 171 Front Street, Saint Paul, MN 55117

Sharda / s.m.

enc: Site Plan,

Signed License Conditions, May 13 Letter to Licensee,

Inspector's Report dated July 3, 2019

License Group Comments Text

Photographs from July 3, 2019 inspection

### Inspection Report

Date:

3 July 2019

Inspector:

David Eide

License Address:

80 Cottage Ave W

Licensee/ Violator:

SKD Auto Tek LLC, d/b/a SKD Auto Tek

License Number:

20170002848

Violation:

License Conditions 1, 3, 5 & 6

Condition #1. All customer, business, and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 5/11/2012. A maximum of twenty-one (21) vehicles may be parked on the exterior of the property at any time. Vehicles were parked in the gravel area, which isn't permitted for storage or parking. Vehicles were double parked and not parked according to the site plan.

Condition #3. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations. Extensive exterior storage was present. Trash was present on the property. Oil, engines, barrels, and vehicle fluids did not appear to be stored property. Large dark patches were present on the gravel and the rear gravel area smelled of petrochemicals. This issue was referred to Ramsey County-orders were issued.

Condition #5. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted. Major body parts were missing on at least one vehicle. See photos.

Condition #6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building. A hood was up on a vehicle, indicating that repair work was taking place outside.

## **Timeline**

- <u>7 May 2019 Received complaint.</u> Complaint says: "Auto repair looks like a junk yard. Vehicles with missing parts and tires at fence."
- 5 May 2019 Received complaint. Complaint says: "Property in poor condition, tires."
- <u>8 May 2019 Inspected property.</u> Tires and vehicle parts stacked along fence, too many vehicles, vehicle missing major body part.
- 13 May 2019 Sent enforcement notice with compliance date of June 14, 2019.
- 14 May 2019 Received complaint. Complaint says: "Excessive vehicles"
- <u>16 May 2019 Received complaint.</u> Complaint says: "Tires, scrap wood, oil bottles, barrels, auto parts and debris throughout the entire fenced property."
- <u>3 July 2019 (19 days after comply date) Reinspection.</u> Found to be in violation of condition 1, 3, 5, and 6. See photos.



# CITY OF SAINT PAUL Christopher B. Coleman, Mayor

Department of Safety & Inspections Ricardo X. Cervantes, Director 375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806

Web Site Address; vvvv.stpaul.gov/dsi

Telephone: 651-266-8989 Facsimile: 651-266-9124

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

License #:

20170002848

Type of Business:

Alarm Permit (New) Auto Body Repair Shop Auto Repair Garage

Applied for by:

SKD AUTO TEK LLC

Doing Business As: SKD AUTO TEK

80 COTTAGE AVE W

ST PAUL MN 55117

#### Conditions are as follows:

1. All customer, business, and employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) dated 5/11/2012. A maximum of twenty-one (21) vehicles may be parked on the exterior of the property at any time.

2. The property shall be maintained in good repair and in accordance with the approved site plan on file with DSI dated 05/11/2012. This includes striping of individual parking spaces (including one designated handicap parking space with ADA compliant signage/markings), fencing, landscaping (including a grass area in the northeast corner, grass and trees (six Black Hill Spruce) along the north property line, etc.), etc.

3. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.

- 4. At no time shall customer, business, and/or employee vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
- 5. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
- 6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.

7. Auto body spray painting is not permitted.

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

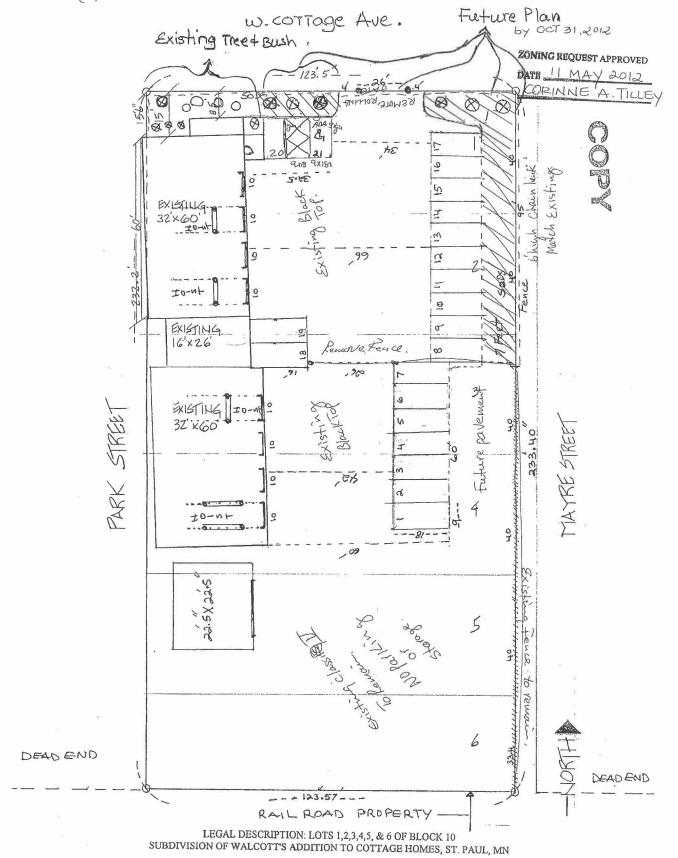
9. Vehicle sales is not permitted,

10. 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.

Licensee must comply with all federal, state and local laws.

Licensee

Date



SITE PLAN SCALE 14 20'

AutoFit.Inc 80 W. COTTAGE ST. PAUL, MN-55117



CITY OF SAINT PAUL

375 Jackson Street, Suite 220 St Paul, Minnesota 55101-1806 
 Telephone:
 651-266-8989

 Facsimile:
 651-266-9124

 Web:
 www.stpaul.gov/dsi

#### ENFORCEMENT NOTICE

May 13, 2019

Soe Doh SKD Auto Tek LLC DBA SKD Auto Tek 80 Cottage Ave W Saint Paul, MN 55117

Re:

80 Cottage Ave W- SKD Auto Tek LLC DBA SKD Auto Tek- License #20170002848 Violation of License Conditions

#### Dear Licensee:

The City of Saint Paul Department of Safety and Inspections (DSI) recently received a complaint regarding outdoor storage at the above referenced property. On May 8, 2019, an inspection was performed. During the inspection, it was observed that the business was not in compliance with condition one, three, and five attached to the Auto Repair Garage and Auto Body Repair Shop licenses.

Condition one states that all vehicles must be parked according to the site plan on file with DSI dated 5/11/2012. During the site visit, it was noted that vehicles were not parked according to the site plan on file. Specifically, vehicles in excess of the limit of 21 were parked on the property. Vehicles were parked in the drive lane and were parked in the gravel area on the south side of the property. No parking nor storage is permitted in this area.

Condition three states that there shall be no exterior storage of vehicle parts, tires, oil, or other similar materials associated with the business and that trash shall be stored in a covered dumpster. During the inspection, it was observed that the fence along the east side of the property was lined with tires and various vehicle parts were stored on top of the tires.

Condition five states that all vehicles on the exterior of the property must be completely assembled with no major body parts missing. A minivan parked outside one the property was missing a rear window.

#### Orders

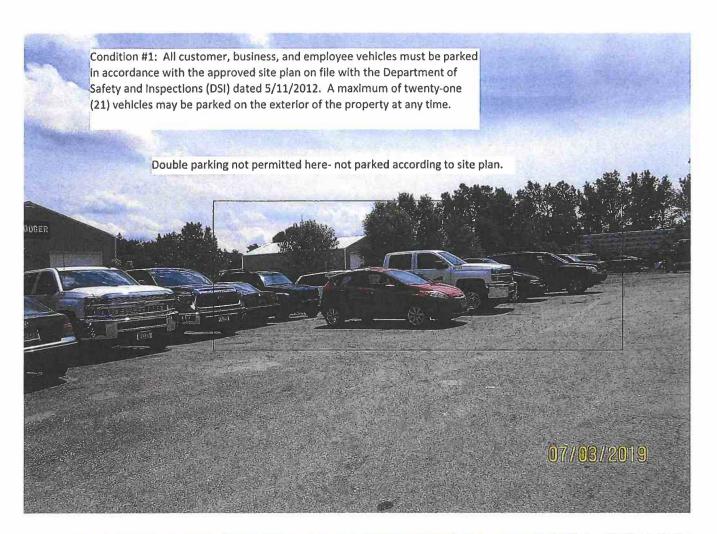
You must reduce the number of vehicles parked outside to twenty-one (21) and must park according to the approved site plan. All tires and vehicle parts stored outside must be removed. All vehicles parked outside must appear to be completely assembled with no major body parts missing. A reinspection will occur on or after June 14, 2019 to ensure compliance with <u>all</u> license conditions. If the licensed premises is found to be out of compliance at that time, this matter will be forwarded to the City Attorney's Office for adverse action. For any questions, please contact me at (651) 266-9088 or david.eide@ci.stpaul.mn.us.

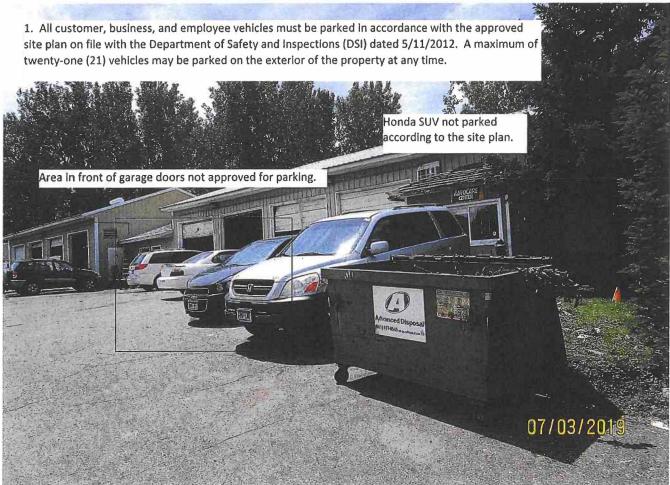
Sincerely,

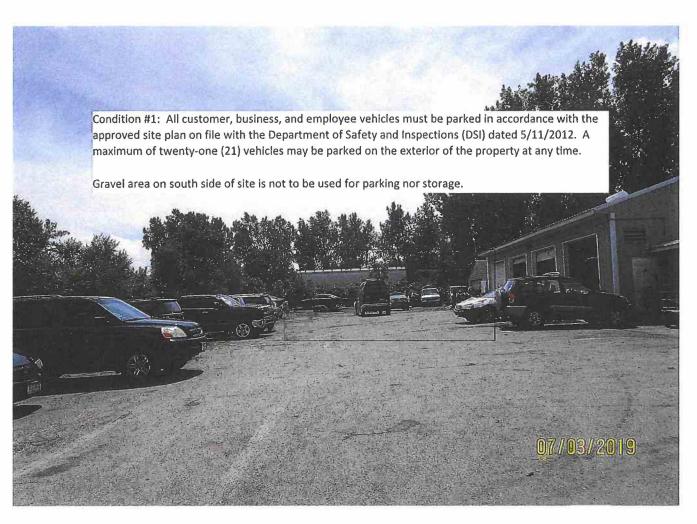
David Eide Licensing Inspector

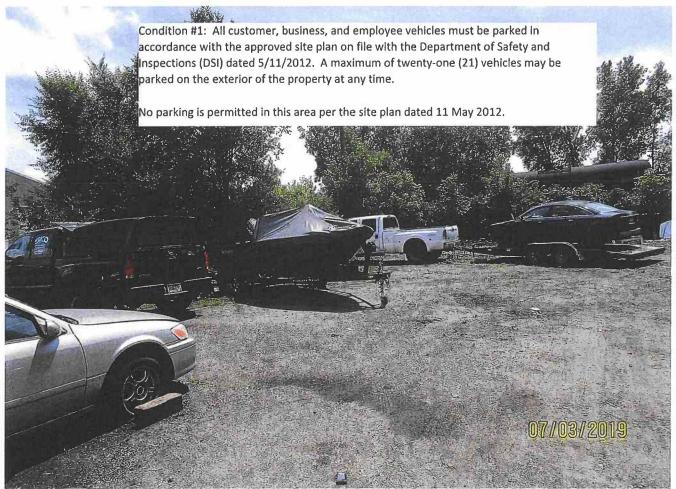
C: Soe Doh, 664 Cook Ave E, St. Paul, MN 55117

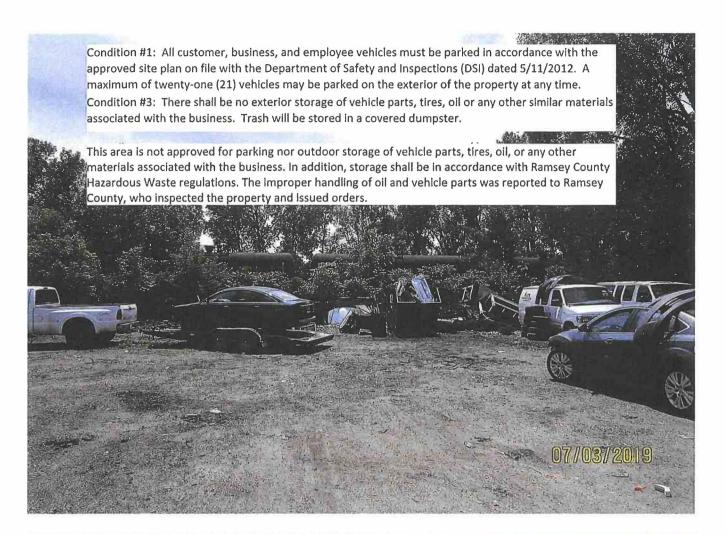
enc: Site plan dated 5/11/2012 + license conditions

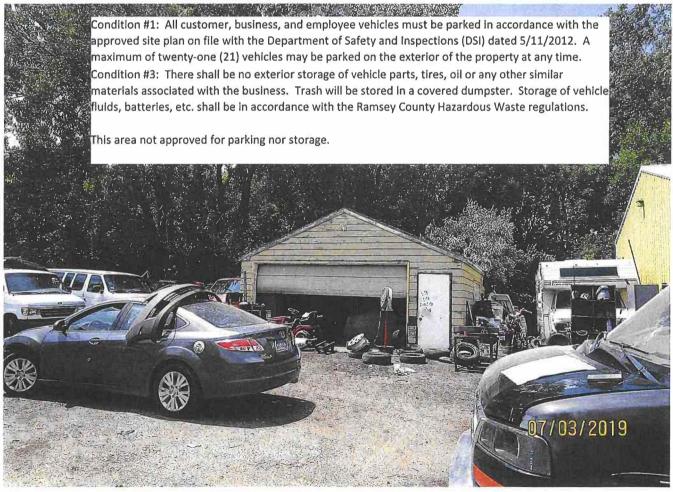


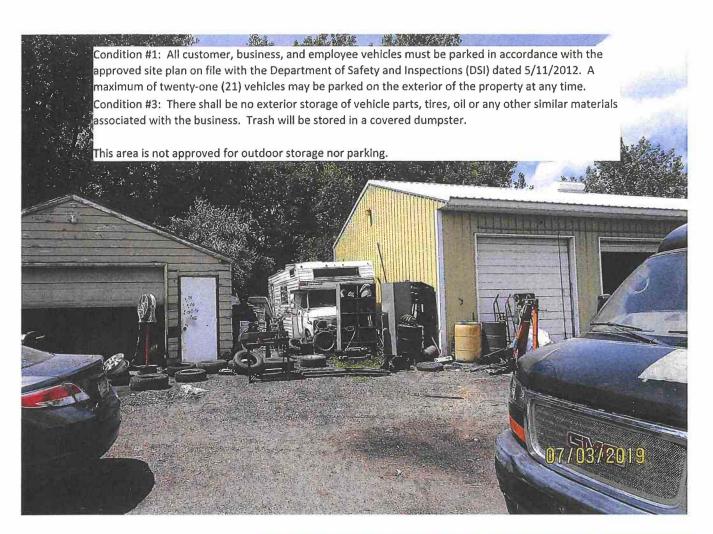


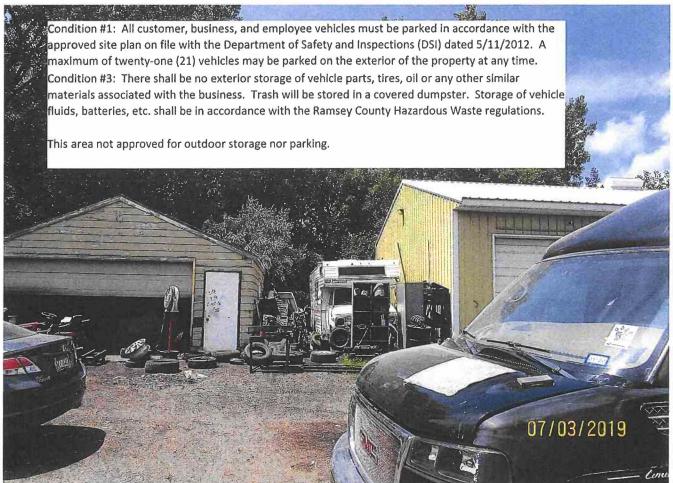




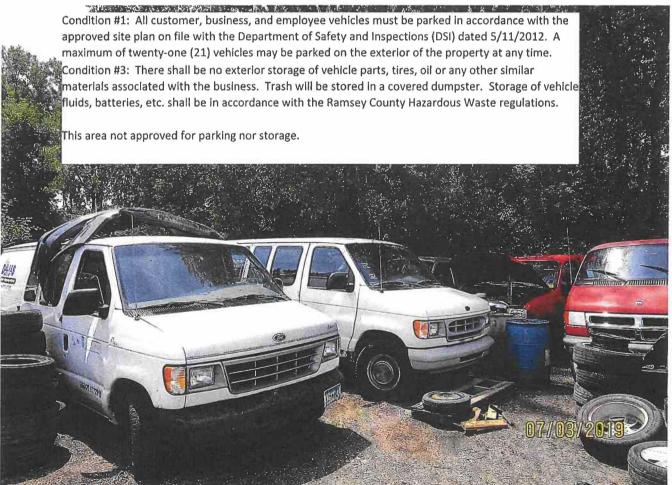


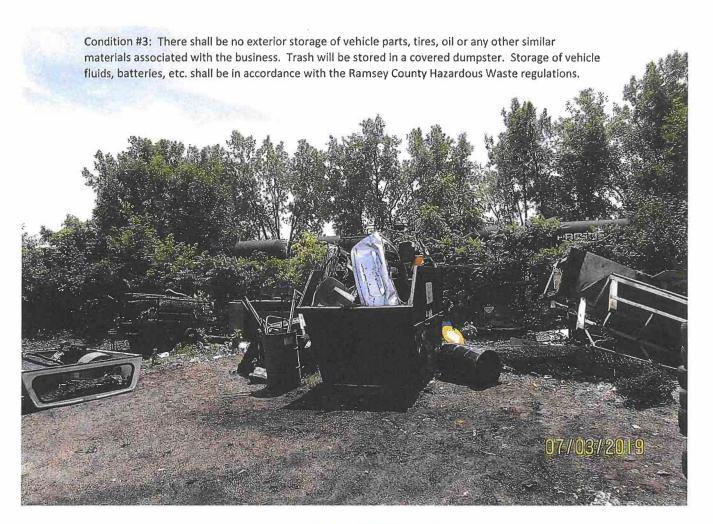


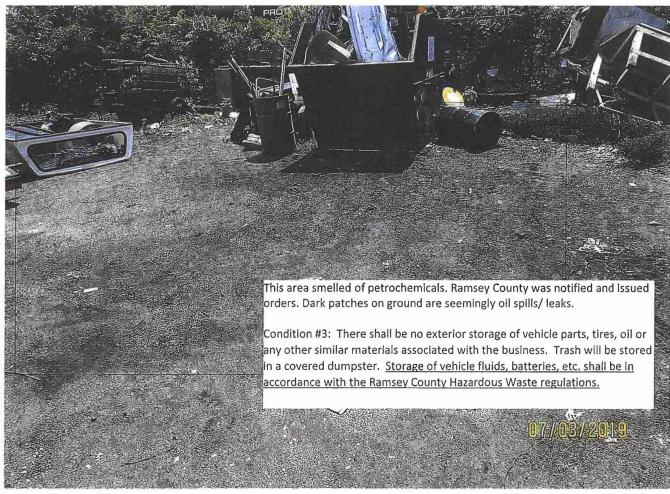


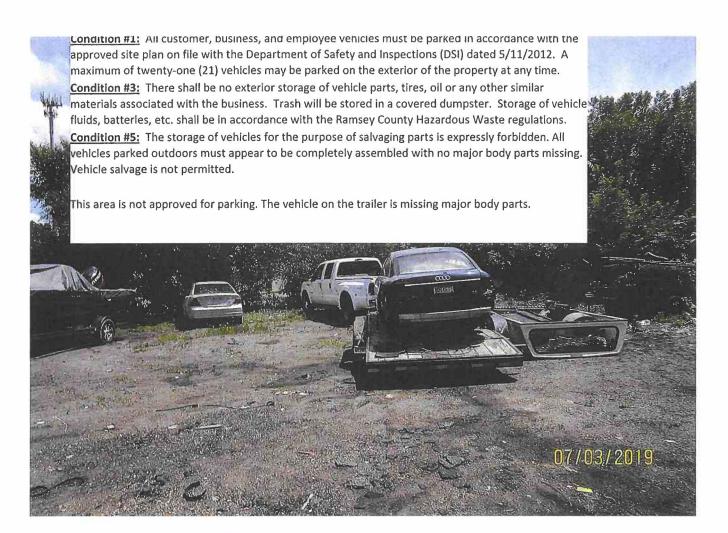




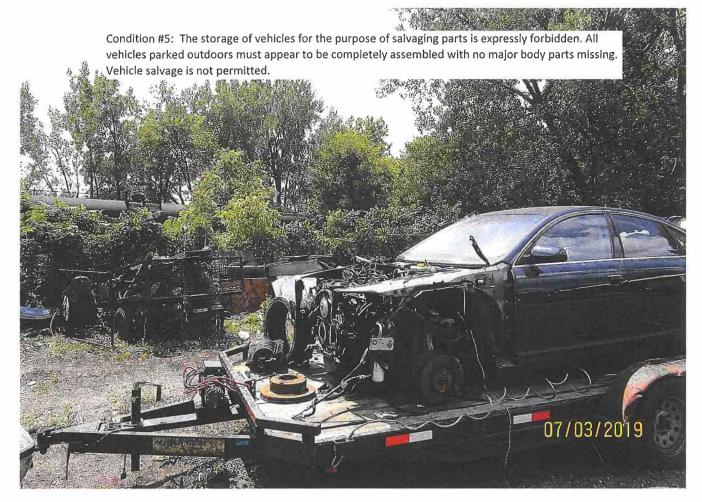


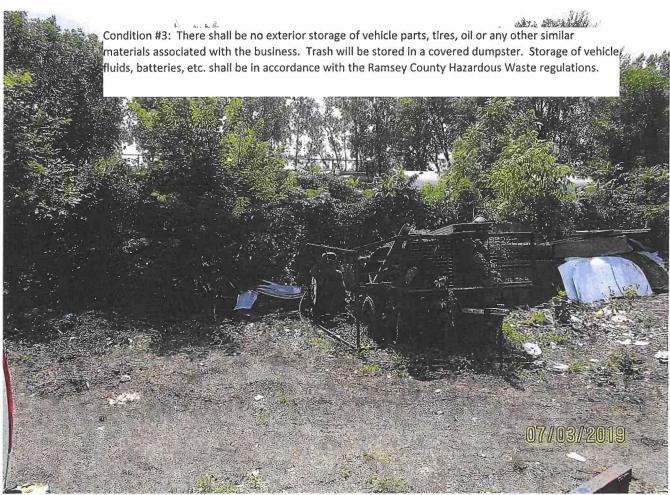


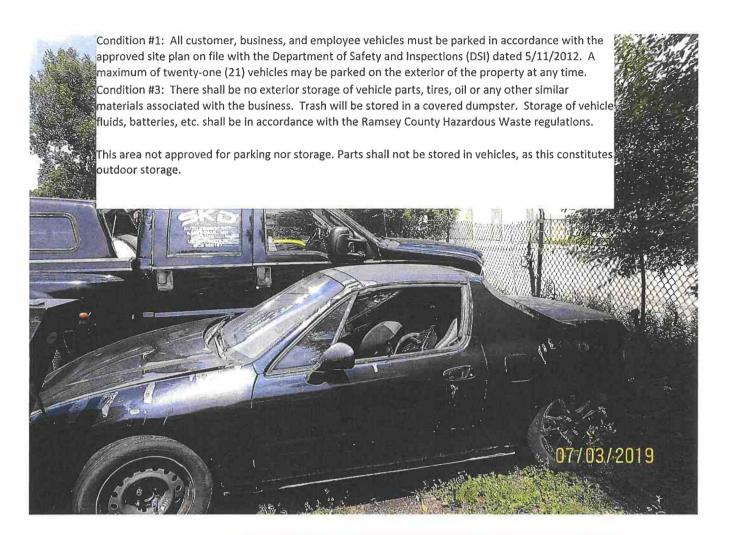


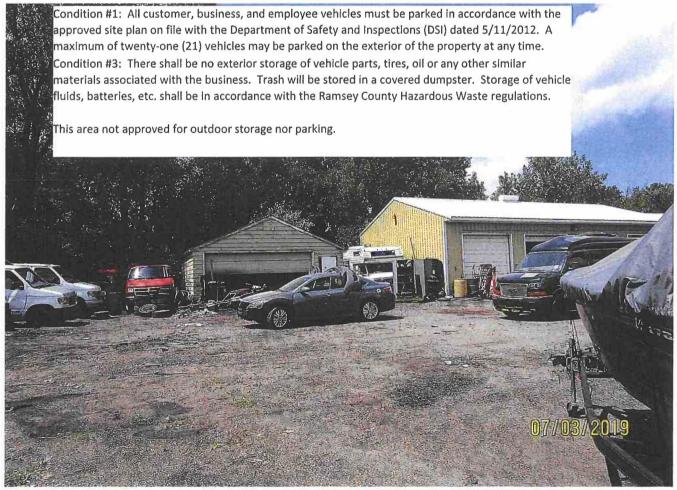


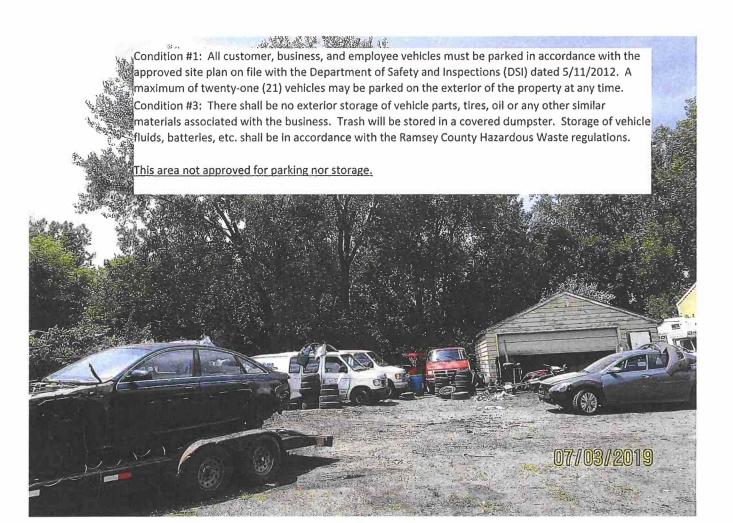


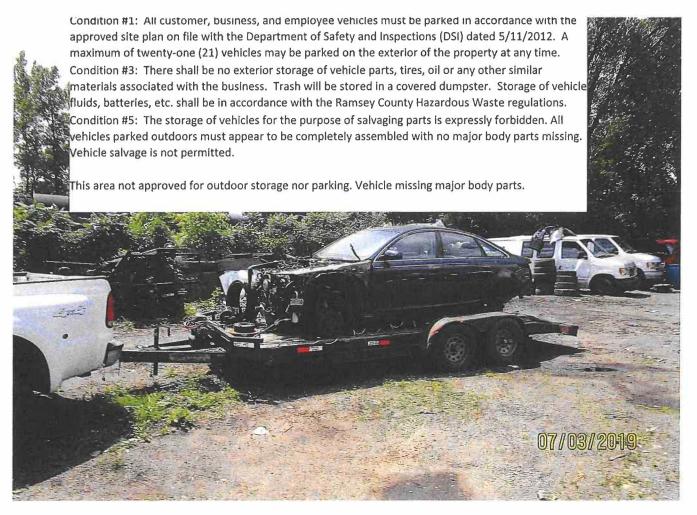


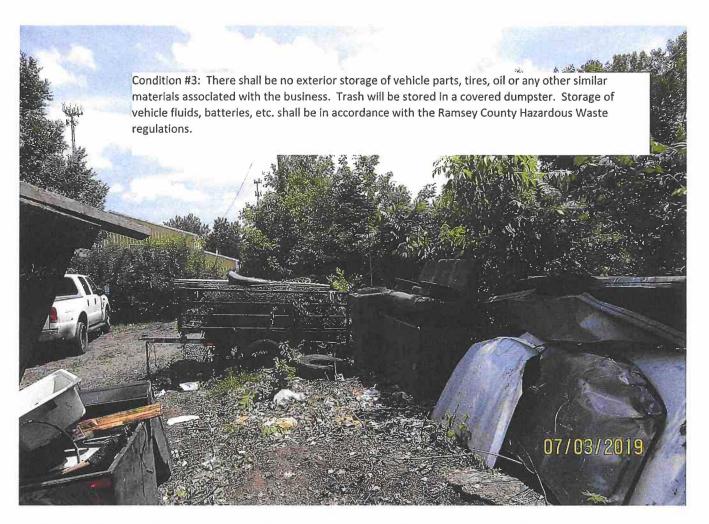


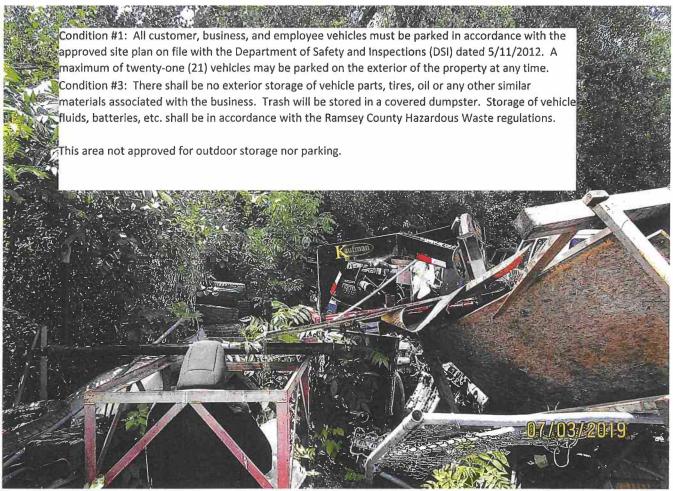


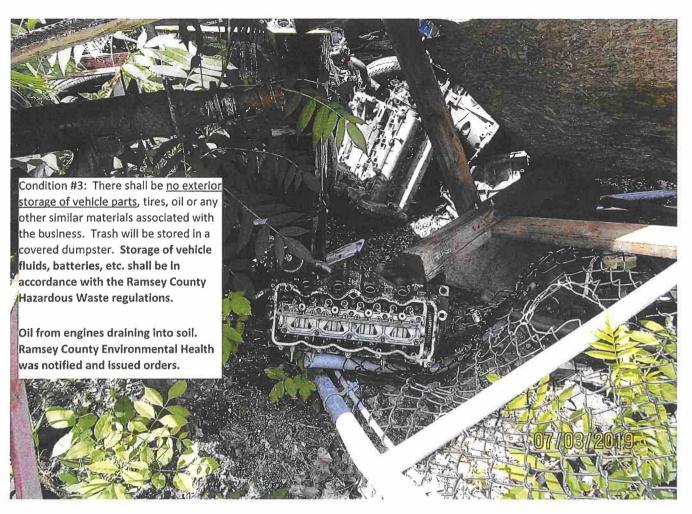


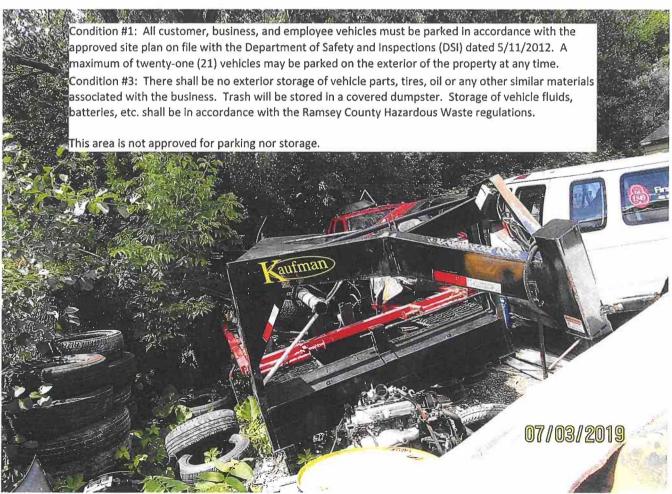


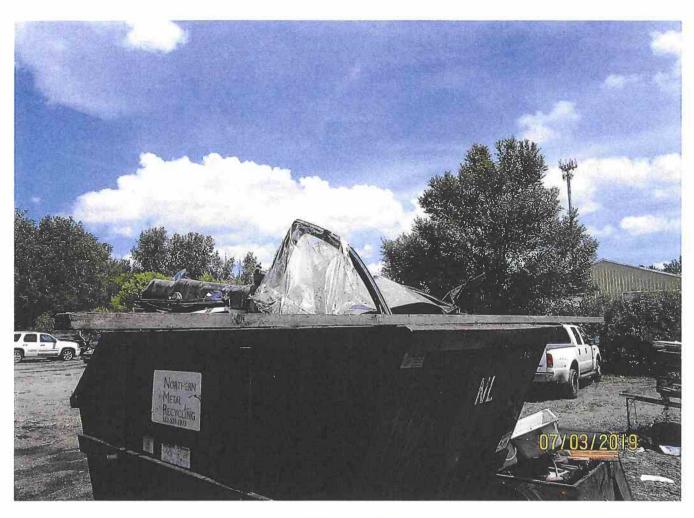






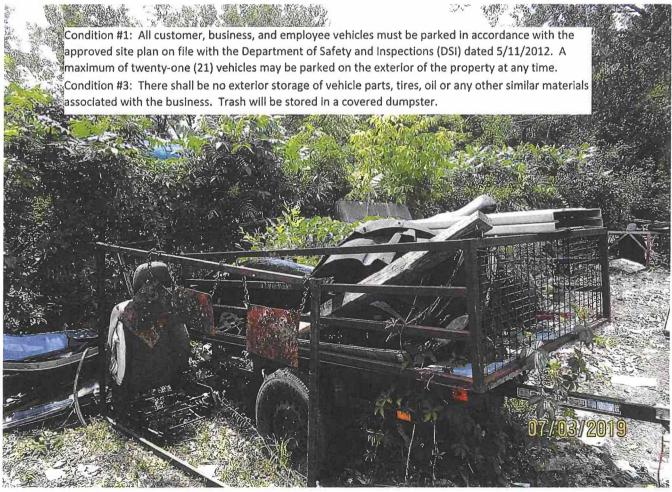


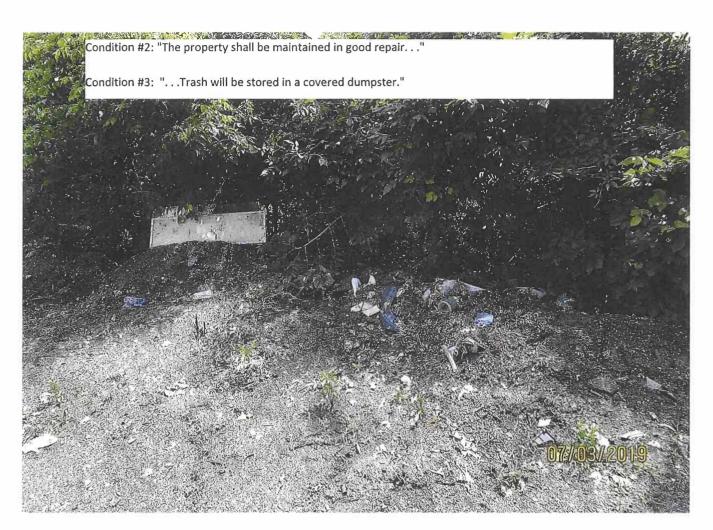


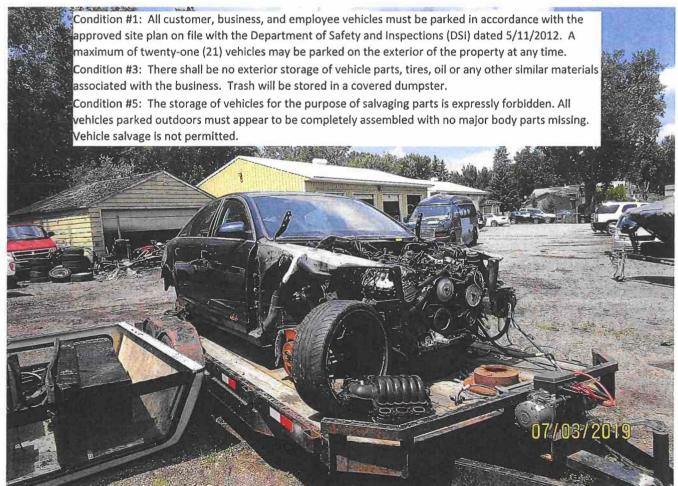












Licensee: SKD AUTO TEK LLC

DBA: S

SKD AUTO TEK

License #: 20170002848

07/10/2019 Sending to CAO for adverse action. \$500 matrix penalty requested. DSE

07/03/2019 Reinspected property. Not parked according to site plan, extensive non-permitted exterior storage present. Vehicle parts present in unauthorized areas. Major body parts missing on a vehicle. Repair happening outside. Also referred to Ramsey County due to the oil spills and improper handling of fluids and parts. DSE

05/08/2019 Inspected property in response to multiple complaints. Not parked according to site plan. Excessive storage/ trash. Sent orders with compliance date of June 14, 2019. DSE

10/19/2017 LIcense applicant submitted payment 1-month prorated renewal of existing lic. thru 11/16/2017, with anticipated closing date on purchase of 10/31/2017. Rck 11/14/2017 (gray file). JWF JWF

09/15/2017 Lic. applicant stated loan issues & anticipate resolution in next 30 days, 10/15/2017 rck. JWF

09/11/2017 Letter sent need closing documents for purch. of business, 10/11/2017 response date. JWF

09/08/2017 No objections to lic. notice per Nhia Vang's office, Leg. Hearing Officer. JWF

08/17/2017 Per conversation with new lic. app., must provide closing doc. or pay \$78 1-moth prorated lic. renewal by 09/15/2017. Lic. app. stating closing most likely won't happen until end of Sept. Rcvd. signed lic. cond. affidavit. JWF

07/26/2017 Lic. notice sent, 28M/35EM, response date 08/25/2107. JWF



# Request for City Attorney's Office Action

From the Depar	tment of Safety and Inspections		
Date: 10	July 2019		
To: Th	IERESE SKARDA		
Prepared by: DF	AVID EIDE		
	D AUTO TEK LLC DBA	SKD AUTO TEX	20170002848
Number:	O HOTO TEFUE DOA	SKD HOLOICK	
Adverse License Action Rec	quested:		
Type of Violation:		Requested Penalty:	
X First V	/iolation	\$500.00 MAT	RIX
Secon	d Violation (Within 12 Months)	PENALTY FOR	FIRST
Third	Violation (Within 18 Months)	VIOLATION OF	
Fourth	n Violation (Within 24 Months)	LICENSE CONDI	TIONS
Applic	cation Denial	WITHIN 12 M	IONITHS
Renev	val Revocation/Suspension		Name of the last o
Cause for Action:			
	eived multiple complain	its. Inspected M	av 8th.
Spl	Harders on May 13th	with June 14th	comply date
Ordina Ordina	At orders on May 13th found to Still be in viola ance Violations Ord	tion on July 3rd.	
			EPAIR GARAGE
Licens	e Condition Violations		DDY REPAIR SHOP
	Cor	dition Number(s): 1+3+	5+6
Supporting Documentation:			
	nforcement Data		
-	s License Data	: :	
4	e/Permit		
,	graph(s)		
	tor Report(s)	A) - 0 > 1 = A	
Cother 13 May 2019 Enforcement Notice			