STATE OF MINNESOTA)

) SS.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 3rd day of April, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

M F K Enterprises 830 Robert Street St. Paul, MN 55107 Attn: Moe Faryaneh Kia

Moe Faryaneh Kia 9133 Utica Avenue South Bloomington, MN 55437-1851

Mohmmad Bagher Abedi/Mostafa Farzaneh Kia 830 Robert Street South Saint Paul, MN 55107-3232

Monica Bravo, Executive Director West Side Community Council Baker Center 209 Page Street West Saint Paul, MN 55107

(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 3rd day of April 2020

Bona

Notary Public





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, 2020

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

M F K Enterprises 830 Robert Street St. Paul, MN 55107 Attn: Moe Faryaneh Kia

RE: Auto Repair Garage and Second Hand Dealer- Motor Vehicle licenses held by M F K Enterprises Inc. d/b/a M F K Enterprises for the premises located at 830 Robert Street in Saint Paul License ID #0057957

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 830 Robert Street in Saint Paul. The basis for this recommendation is as follows:

The Department believes that the following summary along with the attachments herein provide proof of the alleged violation of your license conditions by a preponderance of the evidence.

License Condition #4 and #5 states:

4. All repair and servicing of vehicles shall be conducted inside the building and not on the exterior of the lot or in public streets or boulevards.

5. There shall be no exterior storage of vehicle parts.

On February 10, 2020 the Department of Safety and Inspections received a complaint of violations of the license conditions. On February 18, 2020, you were sent an CORRECTION NOTICE informing you to correct the following license condition violations before a re-inspection on or after February 24, 2020:

- Auto parts, Trash, automobile seats, tires, and other parts stored outside.
- Oil containers and Oil equipment stored outside.

On February 27, 2020 DSI inspector Pang Yang went to 830 Robert Street South for the re-inspection of the license conditions. Upon arrival he met with an employee named Claude Washington. Yang asked if the owner was available and Washington said he was out of town. Washington was asked if he was aware of the CORRECTION NOTICE and he responded no. Inspector Yang inspected the area and observed and photographed cars on jacks and trash by the sheds for parts in violation of license condition #4 and #5. She explained to Washington that this was a violation of the license conditions and a letter will be mailed with his options.

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.

This is your first (1st) 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 **April 27, 2020**, 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 April 27, 2020. 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 **April 27, 2020** 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 April 27, 2020. 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 April 27, 2020, 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,

Skude /s.m.

Therese Skarda Assistant City Attorney License No. 0240989

"The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices."

cc: Moe Faryaneh Kia, 9133 Utica Avenue South, Bloomington, MN 55437-1851 Mohmmad Bagher Abedi/Mostafa Farzaneh Kia, 830 Robert Street South, Saint Paul, MN 55107-3232

Monica Bravo, Executive Director, Baker Center, 209 Page Street West, Saint Paul, MN 55107

enc: Inspectors Report License Group Conditions Text Correction Notice EClips System Screenshot STAMP- Ownership/Zoning Information Photographs

"The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices."

DEPARTMENT OF SAFETY AND INSPECTIONS Ricardo X. Cervantes, Director



CITY OF SAINT PAUL

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

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

Inspector's Report

Inspectors Name: Pang Yang

Date: 02/27/2020

Business/Property Name: MFK Enterprises Inc

Property Address: 830 Robert St. S, St. Paul, MN 55107

Reason for Visit: Complaint re-inspection

Observations: <u>Vehicles not parked per site plan, box full of debris by the garage door, desk</u> behind black SUV, black SUV on jacks, and trash by the shed

Photos Taken: <u>X</u> Yes, Location of Photo(s):

____ No

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival, I identified myself as a DSI licensing inspector for the City of Saint Paul to an employee by the name of Claude Washington, I handed my business card to him and asked Claude, if the owner Moe was available? Claude informed me that Moe was out if town and not available at this time. I explained that I conducted an inspection on February 10th and the reason for my visit today is to conduct a re-inspection to ensure that MFK Enterprises are incompliance with their license conditions. I ask Claude if he was aware of a Correction Notice dated 2/18/2020. He replied no, I gave him a copy of the Correction Notice, and began my inspection, I observed cars on jacks (obviously being worked on) violation of license conditions #4, and trash by the parts sheds, violation of license conditions #5. I informed Claude of these violations and a letter will be mailed to the owner explaining his options.

NOTE: After the Inspection I verified with Zoning of the events that transpired. In conclusion, Zoning denied the site plans that he submitted.

Licensee: M F K ENTERPRISES INC

DBA: M F K ENTERPRISE

License #: 0057957

07/12/2000 CF00-653

1. The number of vehicles on the lot for sale shall not exceed (20) twenty. There shall be (8) eight customer/employee parking spaces provided on the property. The arrangement of sales display area and off-street parking shall be as shown on site plan on file with DSI.

2. A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

3. Vehicles shall not project into or be parked on public streets or boulevards. The post and chain barrier restraint device must be maintained along the property line on Winona to prevent encroachment into the public area.

4. All repair and servicing of vehicles shall be conducted inside the building and not on the exterior of the lot or on the public streets or boulevards.

5. There shall be no exterior storage of vehicle parts.

6. Storage of vehicle fluids batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste Regulations.

7. The dumpster must be stored on the property in an area of the site which is not required for customer parking or maneuvering.

8. Licensee shall monitor noise of equipment required for servicing vehicles. Overhead doors shall be kept closed when using noise producing tools.

9. Customer/employee parking spaces shall be designated with painted lines on parking surface and with appropriate signage delineating these spaces for the intended use. Striping of parking to be completed by July 1, 2000.

Licensee: M F K ENTERPRISES INC

DBA: M F K ENTERPRISE

License #: 0057957

02/26/2020: Re-inspection. In violation of condition 1. Black SUV on jacks and desk behind the black suv. KY

2/18/2020 Correction Letter Sent for violations JNV

02/10/2020: Complaint received. In violations of license conditions 5 and 6. KY

09/30/2019 Sent delinquent letter. Response deadline date is October 21, 2019. Max

3/6/2019 Received complaint 2/26/2019 regarding too many vehicles; inspected 3/5/2019. Lot was compliant regarding amount of vehicles. Called both lic. holders to let them know that they need to clean up the auto parts outside. Closed complaint. DSE

11/07/2018 CF #18-331 Imposes \$500.00 penalty for lic. cond. violations. Penalty stayed 6 mos. no same or sim. SLH

11/07/2018 Went to City Council on Nov 7, 2018. Both Import Auto and MFK: matrix penalty imposed but stayed imposition for 6 months pending no same or similar violations. DSE

07/05/2018 Sent to CAO for adverse action- \$500 penalty requested for first violation within 12 months. DE

06/28/2018 Reinspection- Vehicles not parked according to site plan, blocking drive lane, exterior storage of vehicle parts. To send to CAO for adverse action. DE

06/21/2018 Inspected site in response to complaint. 33 vehicles on lot, drive lane blocked, exterior storage of parts, and painted lines missing. Gave verbal warning. DE

09/29/2015 Sent delinquent letter. Response deadline date is October 20, 2015. Max

12/11/2014 Inspected site based on complaint of veh. parked on street nearby possibly associated with business. Observed 25 total cars on lot (18 for-sale + 7 cust./employee). One veh. parked on Robert St which an licensee (Moe Kia) stated had been repaired and was waiting for the owner to come pick-up (NOTE: whiel I was present someone from the property got into the car, drove onto the lot and spoke with Mr. Kia, left the lot in the vehicle, then returned with the vehicle and parked in the cust./employee parking area to the north of the bldg.). Provided licensee a copy of lic. cond. and site plan. Pictures taken. JWF

9/24/14 29 cars on lot numerous veh on Winona and Robert St. Watched customers park on Winona and Robert and walk in. Police incident at the time of my visit.KS

8/7/14Cars registered to MFK Parked on S.bound Robert.customer waiting for Moe to make a payment. Pic.taken.KS

12/11/2013 25 veh. parked on lot, one veh. not parked according to site plan (was a maneuvering lane of 9' between cars), no veh. parked on street surrounding property. Advised veh. not parked according to plan must be moved, they stated would be corrected by next day because customer parked it here and took keys. Took pictures. JWF

5/8/13 28 veh. on lot. One on street. Female came from office and got into silver car. Pict. taken. Several parked on street spoke to one of the owners that was very agumentive. KS

12/28/11 written orders to clean up garbage and car parts. comply by 12/30/11KS

10/28/11 In comp. with cond. 19 cars on lot 10 days to get rid of pallets dropped off by strangers. KS

4/19/11 In comp. with conditions 22 cars total on lot that included cars for sale and customer cars parked in lot.KS

2/24/09 Checked 830 So. Robert for license conditions. I spoke to Mohammad Abedi owner of Import Auto.

I explained to him that I needed to go over the conditions on the licenses with him. I counted the cars the total was within the allowable limit [he is allowed 28 total]. The number of vehicles for sale can not exceed 20.

The total offered for sale at the time of my inspection was 15. I saw no work being performed on the lot at the time of my inspection.RJ

01/10/2007 In compliance with lic. conditions. JWF

12/22/2006 Orders issued regarding inspections conducted on 10/17/2006, 10/23/2006, and 12/04/2006. See AMANDA complaint #06-249439. JWF 2/16/06Complaint of too many vehs-complaint stated that 35 cars were for sale-counted 19 no cause for complaint RWJ

4/12/05met Donna S on site concerning possible no parking sign on Robt.e-mail sent to PW requesting signRWJ 02/03/2005 in comp. owner showed up and we walked the area. Side walk clear. Red car HAF694 is not his or emp. KS.

01/24/2005 Met with owner went over conditions-in compliance . Owner indicated that he did not know about the Jeep.RWJ

01/24/2005 Rich Jents has verified that the JEEP has been removed. CAR

01/18/2005 Received complaint from Donna Swanson regarding Jeep parked for repair on the street. CAR

07/12/2000 Adopted resolution 00-653, finalizing City Council action taken 06/28, granting the application for auto repair garage.

06/15/2000 Notice of Council Hearing from CAO for ALJ report. Hearing set for 06/28/2000 at 5:30 PM. ALJ is recommending approval of the license with conditions. CAR

05/15/2000 96 Ply.van 036-MPV regist. to MFK Enterprises parked on Robert St. Pic. taken.KS

04/26/2000 Letter from CAO rescheduling hearing from 05/26/2000 to 06/05/2000, 9:30AM, Room 41.CAR

04/20/2000 Notice of Hearing on adverse action set for 05/26/2000, 9:30AM, Room 41. CAR

03/23/2000 complaint, cars parked on Robert Stl. Dealer sticker for MFK, Dlr.#2065493 Maxzda also 95Mitsubishe Plate #391-LLy.

03/08/2000 Resolution 00-135 app for auto repair garage laid over indefinitely and referred to LIEP for initiation of scheduling ALJ. CAA

03/06/2000 took picture of a car regis to MFK on Wyoming St. Permit #CO331049 DrLic.R-200-139-275-093. Also recd.comp. about a junk car in front of 800 Robert took pic.KS.

02/23/2000 Public hearing notification mailed 02/23/2000, copy to Mike Wilde, Attorney for Mr. Kia; 66M & 43EM/JL

02/16/2000 Council laid over to March 8 for public hearing. CAA

02/03/2000 Gerry Strathman to recommend approval w/conditions to City Council, Consent Agenda on 02/16. CAA

01/18/2000 Leg hrg sched: 02/03/2000 at 11:00am. CAA

12/14/1999 Notification response date 01/14/2000, notices mailed 12/14/1999; 68M & 43EM. Condition affidavit mailed for signature and returned to our office/JL

12/06/1999 Need zoning approval to send out 30 day notice for Auto Repair Garage. CAM

11/29/1999 Licensee paid \$500.00 fine - final payment. KS/CAM

11/04/1999 20 cars on the lot.KS

10/29/1999 Paid \$500 fine. \$500 due 11/30. CAR Licensee wants to make payment on fine.1/2 now and the 2nd 1/2 in 30 days.Ok per CR.

10/27/1999 Kris hand delivered Suspension and/or Fine and Stayed Suspension letter - LAB

10/13/1999 CF99-989 Finalizing City Council action taken 09/22 concerning adverse action against licenses held. Details: 1) The licenses shall be suspended for a period of thirty days effective 12:01am on 11/03/1999 - 11:59pm on 12/02/1999 or in the alternative, the licensees shall pay a fine of \$2,000.00 each, which fine shall be due on or before 10/26. 2) An additional 30-days suspension shall be imposed, which suspension is hereby stayed for a period of 18 months on the condition that there be no further violations of the license conditions or violations of law during that period. 3) The condition on each of the licenses that permit the display of 40 cars on the premises shall be amended to permit the display of no more than 20 vehicles for sale. In addition, in the even there is a violation of conditions of the licenses, or of law, within the next 18 months, the stayed 30 day suspension will be imposed. CAM

Council Hearing Scheduled 09/22

Licensee: M F K ENTERPRISES INC

DBA: **M F K ENTERPRISE**

License #: 0057957

10/17/2018 - Entered resolution and attachments into Legistar (RES PH #18-331) for 11/7/2018 Public Hearing Agenda. JAK

10/16/2018 - Sent Notice of Council Hearing with attachments to licensee and District Council (November 7th 2018 @ 5:30 p.m.) JAK 10/03/2018 - Received letter from licensee requesting a public hearing. JAK

9/25/2018 - Sent Notice of Violation with a 10/05/2018 deadline to respond. JAK

09/26/2006 Cancel alarm permit per verbal & written confirmation from the licensee. LKK



CITY OF SAINT PAUL

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

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

February 18, 2020

M F K Enterprises Inc Moe Faryaneh 830 Robert Street South Saint Paul, MN 55107

CORRECTION NOTICE

Re: 830 Robert Street South - M F K Enterprises Inc - License Number: 0057957

Dear licensee,

Your Property was inspected on February 10, 2020 at the referenced address above for a complaint received by the Department of Safety and Inspections (DSI). The following license condition violations must be corrected immediately. A re-inspection will be made on or after February 24, 2020.

Failure to bring your license in compliance your file may be forwarded to the city attorney's office and may result in an adverse action against your license(s).

License conditions violation(s) observed:

- There shall be no exterior storage of vehicle parts. Auto parts Trash, automobile seats, tires and other parts stored outside. (Subject to license condition #5)
- Storage of vehicle fluids batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste Regulations. Oil containers and oil equipment stored outside (Subject to license condition #6)

NOTE: License Conditions are copied on the reverse side of this document.

NOTE: Contact David Eide at 651-266-9088 for Zoning questions and Permits that are required for the flags, and streamers on the premises.

If you have questions regarding this matter or wish to request additional information, I may be reached at 651-266-9014 or by email <u>Joseph.voyda@ci.stpaul.mn.us</u>

Sincerely,

1/mat

Joseph Voyda Inspector, DSI Licensing

CC: Moe Faryaneh -9133 Utica Avenue South -- Bloomington, MN 55437-1851

AA-ADA-EEO Employer

License Group Conditions Text

Licensee: M F K ENTERPRISES INC

DBA: M F K ENTERPRISES

License #: 0057957

07/12/2000 CF00-653

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2. A drive lane shall be maintained open for thru vehicle access as shown on the site plan.

3. Vehicles shall not project into or be parked on public streets or boulevards. The post and chain barrier restraint device must be maintained along the property line on Winona to prevent encroachment into the public area.

4. All repair and servicing of vehicles shall be conducted inside the building and not on the exterior of the lot or on the public streets or boulevards.

5. There shall be no exterior storage of vehicle parts.

6. Storage of vehicle fluids batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste Regulations.

7. The dumpster must be stored on the property in an area of the site which is not required for customer parking or maneuvering.

8. Licensee shall monitor noise of equipment required for servicing vehicles. Overhead doors shall be kept closed when using noise producing tools.

9. Customer/employee parking spaces shall be designated with painted lines on parking surface and with appropriate signage delineating these spaces for the intended use. Striping of parking to be completed by July 1, 2000.

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STAMP - Ownership / Zoning Information

New Search

Help using this report

Run Date:	03/03/20 11:43 AM	
House#:	830	Last updated from Ramsey County data on:
Street Name:	robert	

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

830 Robert St S - 55107-3232 - Other Applications

PIN: 082822340103	Census Track: 37200	Census Block: 2001	Council Ward: 2	District Council: 3	
Year Built:	Foundation Sq Feet:	Loan Company:	Land Value: 71600	Building Value: 94000	
Unverified Usage: 10-0	GENERAL RETAIL & SVC	- B- Commercial	ISP:	Units: 0	

Zoning: B2

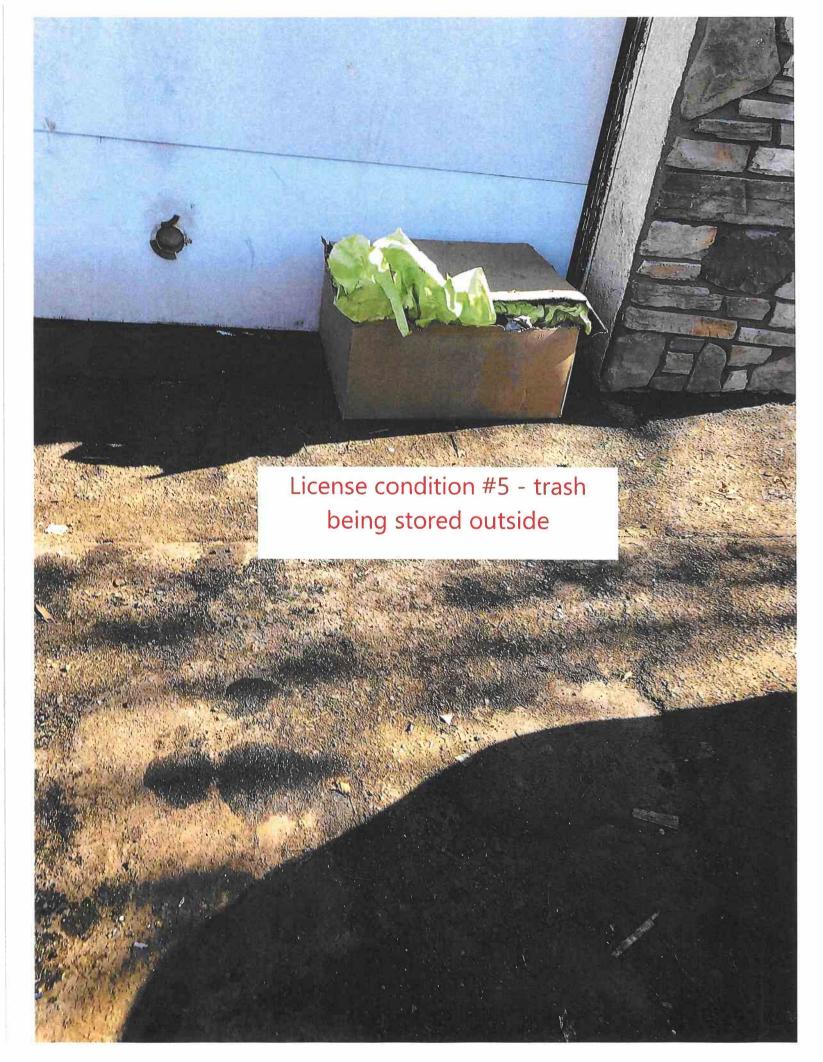
Legal Desc: AUDITOR'S SUB OF L6 BIDWELLS EX ST LOT 8 AND ALL OF LOT 9

Owner:

Mohmmad Bagher Abedi/Mostafa Farzaneh Kia 830 Robert St S St Paul MN 55107-3232

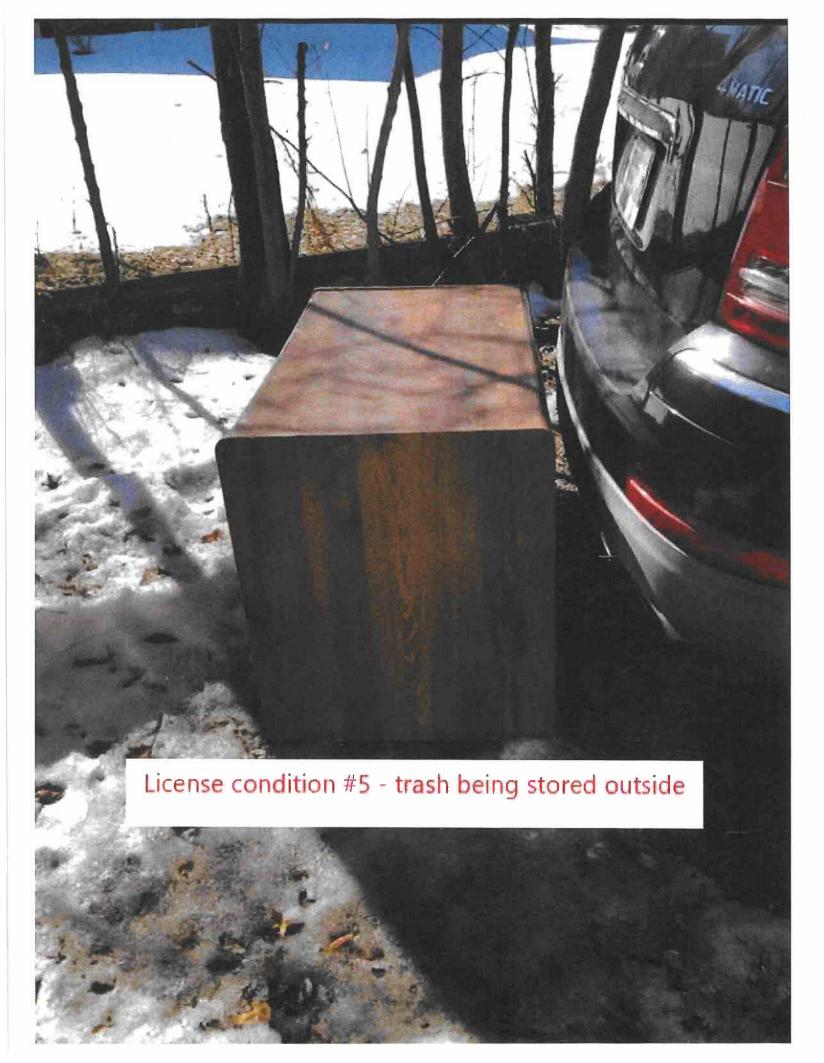
Certificate of Occupancy Responsible Party:

Mfk Ent. Inc. 830 Robert St S Saint Paul MN 55107 651-224-1661



License condition #1 & 4 - Vehicle not parked according to site plan and repairs being worked on outside





730 Robert StS 1, VINONA 1. Auto ALLOHSM C6. R arkin M. $\widehat{}$ M): BER 10 11 T 大 Umport 6.5 2 -A.U.+0--120 ∞ (7) 0 5 0 Ø Garage Scale I=I cm Garage 00 B Customer Parking. 12 9 2/3/00 fg