

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:

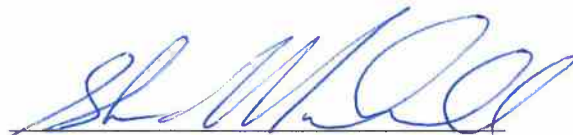
A & M Auto Sales Inc.
d/b/a A & M Auto Sales
845 Robert Street South
St. Paul, MN 55107

Alexis Abreu
3565 Bailey Ridge Bay
Woodbury, MN 55125

Alexis Rivero
845 Robert Street S.
Saint Paul, MN 55107

Chuck Repke, Executive Director
Greater East Side Community Council
1365 Prosperity Avenue
Saint Paul, MN 55106

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



Shawn McDonald

Subscribed and sworn to before me
This 3rd day of April 2020


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

April 3, 2020

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

A & M Auto Sales Inc.
d/b/a A & M Auto Sales
845 Robert Street South
St. Paul, MN 55107

RE: Auto Repair Garage and Second Hand Dealer- Motor Vehicle licenses held by A & M Auto Sales Inc. d/b/a A & M Auto Sales for the premises located at 845 Robert Street South in Saint Paul
License ID #20110000794

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 A & M Auto Sales Inc. d/b/a A & M Auto Sales for the premises located at 845 Robert Street South 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 #1, #4 and #13 states:

1. All vehicles must be parked according to the site plan (with revisions) on file with DSI dated 08/3/2011.

Vehicles, associated with the business, may not be stored in or project into the public sidewalk or into the street.

4. Street access and internal traffic maneuvering lanes must remain unobstructed, as shown on the site plan, to allow safe vehicular access to the site. 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 and/or sidewalk is prohibited.

13. Prior written approval and the necessary permit(s) shall be obtained from DSI before the installation of any signage. This shall include both permanent and temporary signage.

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:

- All vehicles must be parked according to the site plan or file with DSI dated 08/2/2011. Vehicles parked must not block garage doors.
- Street access and internal traffic maneuvering lanes must remain unobstructed- Vehicle parking in the maneuverable space.
- Prior written approval DSI Zoning for both permanent and temporary signage.

On February 26, 2020 DSI inspector Pang Yang went to 845 Robert Street South for the re-inspection of the license conditions. Upon arrival she observed two vehicles parked in the maneuvering lane blocking street access, internal traffic and office door, vehicles were not parked according to the site plan. Yang also observed feather flags and banners that required zoning permits. She met with an employee named Alfonso Garcia and explained that she was there for an re-inspection to make sure the owner was in compliance of his license conditions. Garcia called you and Yang spoke with you to explained the reason for his visit and if you received the CORRECTION NOTICE that was sent February 18, 2020. Yang also informed you that she found violations of your license condition for parking vehicles not according to your site plan. You argued that you submitted a new site plan and DSI have the wrong plan on file. Yang said she would check with DSI Zoning to confirm the new site plan. After the inspection Yang checked with Zoning to confirm the new site plan and Zoning denied the plan submitted.

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.
2. You can pay the \$500.00 matrix penalty. If this is your choice, you should send your payment to the Department of Safety and Inspections at 375 Jackson Street, Ste. 220, St. Paul, MN 55101-1806 no later than **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,

A handwritten signature in blue ink that reads "Therese Skarda / s.m." with a stylized flourish at the end.

Therese Skarda
Assistant City Attorney
License No. 0240989

cc: Alexis Abreu, 3565 Bailey Ridge Bay, Woodbury, MN 55125
Alexis Rivero, 845 Robert Street S., Saint Paul, MN 55107
Chuck Repke, Executive Director, Greater East Side Community Council, 1365 Prosperity Avenue, Saint Paul, MN 55106

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



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

Inspector's Report

Inspectors Name: Pang Yang

Date: 02/26/2020

Business/Property Name: A & M Auto Sales Inc

Property Address: 845 Robert St. S, St. Paul, MN 55107

Reason for Visit: Correction notice re-inspection

Observations: Vehicles are not parked according to site plans. Vehicle blocking garage door and maneuverable space for street access and internal traffic. Feather flags and banners, without first obtaining the correct permits from Zoning.

Photos Taken: X Yes, Location of Photo(s):

 No

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival, two vehicles were parked in the maneuvering lane blocking street access, internal traffic and the office door, vehicles are not parked according to the site plan. I identified myself as a DSI licensing inspector for the City of Saint Paul and handed Alfonse Garcia an employee a business card. I observed feather flags and banners that require Zoning permits. I explained that I was there for a re-inspection to ensure that the licensee was in compliance with their license conditions. After the employee called the owner, I explained the reason for my visit and asked if he receive the correction order letter that's dated 2/18/2020. I informed the owner that he was in violation of his license conditions, parking vehicles not according to his site plan and that he would receive another letter in the mail. The owner argued that he has new site plan and DSI has the wrong site plan on file. I told the owner that I would check was Zoning for a new site plan and I would leave a copy of his current site plan with the employee along with my business with instructions to call me if he has further questions.

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

Licensee: A & M AUTO SALES INC

DBA: A & M AUTO SALES

License #: 20110000794

1. All vehicles must be parked according to the site plan (with revisions) on file with DSI dated 08/3/2011. Vehicles, associated with the business, may not be stored in or project into the public sidewalk or into the street.
2. A maximum of seventeen (17) vehicles may be parked on the property at any time. This includes fourteen (14) for-sale vehicle parking spaces, and three (3) customer/employee vehicle parking spaces.
3. The following areas labeled on the site plan on file with DSI dated 8/3/2011 shall be striped and maintained in accordance with the plan: the "no parking" area in the southeast corner, five (5) "inventory" parking spaces fronting on Robert St, and the three (3) "cust/empl" parking spaces (one (1) on the south side of the building, and two (2) on the north side).
4. Street access and internal traffic maneuvering lanes must remain unobstructed, as shown on the site plan, to allow safe vehicular access to the site. 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 and/or sidewalk is prohibited.
5. 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.
6. The auto repair operation shall be an accessory use to the used car dealership.
7. The repair of any vehicle outdoors is prohibited. All repair work shall be conducted within an enclosed building.
8. Storage and handling of hazardous waste shall be in accordance with the Ramsey County Hazardous Waste regulations.
9. Licensee shall monitor noise of equipment required for servicing vehicles. Overhead doors shall be kept closed when using noise producing tools.
10. Vehicle salvage is not permitted. All vehicles parked outdoors on the lot must be completely assembled with no parts missing.
11. Auto body work and painting is not permitted.
12. For-sale, employee, and/or customer vehicles shall not be parked or stored on the street, sidewalk, alley, and/or public right-of-way. Vehicles throughout the lot must stay completely within the lot. Vehicles must not encroach upon the right-of way.
13. Prior written approval and the necessary permit(s) shall be obtained from DSI before the installation of any signage. This shall include both permanent and temporary signage.
14. It shall be the responsibility of the licensee to ensure that snow removed from the property is not placed on the sidewalk, street, alley, or public right-of-way.
15. The licensee must comply with all federal, state, and local laws.

Licensee: A & M AUTO SALES INC

DBA: A & M AUTO SALES

License #: 20110000794

ADVERSE ACTION COMMENTS:

NOTE: Lic. group comments and lic. type comment boxes not working- placing comments in adv. action comment box. DSE
SEE BELOW THESE COMMENTS FOR LICENSE GROUP COMMENTS--

10/21/2019 Sent delinquent letter. Response deadline date is November 12, 2019. Max
12/19/2018 CF #18-380 Imposes \$500.00 penalty for lic. cond. violations. Penalty stayed 6 mos. no same or sim. SLH
12/6/2018 - Initiated resolution and attachments in Legistar (RES PH #18-380) for 12/19/2018 Public Hearing Agenda. JAK
12/6/2018 - Sent Notice of Council Hearing with attachments to licensee and District Council (December 19th 2018 @ 5:30 p.m.). JAK
11/28/2018 - Received an email from licensee requesting a public hearing. JAK
11/20/2018 - Sent Notice of Violation with an 11/30/2018 deadline to respond. JAK

LICENSE GROUP COMMENTS:

NOTE: Lic. group comments and lic. type comment boxes not working- placing comments in adv. action comment box. DSE

2/26/2020: Re-inspection. In violation of license conditions 1, 4, and 13. KY
2/18/2020 Correction Letter Sent for violations JNV
02/10/2020: Complaint received. In violations of license conditions 1, 4, 13 and 14. KY
11/15/2018 To CAO for adverse action. JWF
11/06/2018 Inspected site- in violation of condition 1, 3, and 4. Not parked according to site plan. Drive land obstructed. Not striped according to site plan.
DSE
09/17/2018 Sent enforcement notice for parking and striping with Oct 15, 2018 compliance deadline. DSE
09/13/2018 Inspected site- not striped according to site plan, not parking according to site plan. To send enforcement notice. DSE
08/13/2018 Enforcement notice sent for violations of conditions 1, 4, 5 + 13 with compliance date of August 27, 2018. DSE
06/28/2018 Inspected site in response to complaint. Signs without permits, vehicles not parked according to site plan and obstructing drive lane, and parts stored



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

Abreu Alexis
3565 Bail Ridge Bay
Woodbury, MN 55125

CORRECTION NOTICE

Re: 845 Robert Street South – A & M Auto Sales Inc - License Number: 20110000794

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:

- All vehicles must be parked according to the site plan on file with DSI dated 08/3/2011.
Vehicles parked must not block garage doors. (Subject to license condition #1)
- Street access and internal traffic maneuvering lanes must remain unobstructed – **Vehicle parking in the maneuverable space (Subject to license condition #4)**
- Prior written approval DSI Zoning for both permanent and temporary signage. **(Subject to license condition #13)**

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 Joseph.voyda@ci.stpaul.mn.us

Sincerely,

Joseph Voyda
Inspector, DSI Licensing

C: A & M Auto Inc - Abreu Alexis – 845 Robert Street South - Saint Paul, MN 55107

Licensee: A & M AUTO SALES INC

DBA: A & M AUTO SALES

License #: 20110000794

1. All vehicles must be parked according to the site plan (with revisions) on file with DSI dated 08/3/2011. Vehicles, associated with the business, may not be stored in or project into the public sidewalk or into the street.
2. A maximum of seventeen (17) vehicles may be parked on the property at any time. This includes fourteen (14) for-sale vehicle parking spaces, and three (3) customer/employee vehicle parking spaces.
3. The following areas labeled on the site plan on file with DSI dated 8/3/2011 shall be striped and maintained in accordance with the plan: the "no parking" area in the southeast corner, five (5) "inventory" parking spaces fronting on Robert St, and the three (3) "cust/empl" parking spaces (one (1) on the south side of the building, and two (2) on the north side).
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5. 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.
6. The auto repair operation shall be an accessory use to the used car dealership.
7. The repair of any vehicle outdoors is prohibited. All repair work shall be conducted within an enclosed building.
8. Storage and handling of hazardous waste shall be in accordance with the Ramsey County Hazardous Waste regulations.
9. Licensee shall monitor noise of equipment required for servicing vehicles. Overhead doors shall be kept closed when using noise producing tools.
10. Vehicle salvage is not permitted. All vehicles parked outdoors on the lot must be completely assembled with no parts missing.
11. Auto body work and painting is not permitted.
12. For-sale, employee, and/or customer vehicles shall not be parked or stored on the street, sidewalk, alley, and/or public right-of-way. Vehicles throughout the lot must stay completely within the lot. Vehicles must not encroach upon the right-of way.
13. Prior written approval and the necessary permit(s) shall be obtained from DSI before the installation of any signage. This shall include both permanent and temporary signage.
14. It shall be the responsibility of the licensee to ensure that snow removed from the property is not placed on the sidewalk, street, alley, or public right-of-way.
15. The licensee must comply with all federal, state, and local laws.

Properties For License 845 ROBERT ST S

Pay Print Warn Hist Summ Licensee A & M AUTO SALES INC DBA A & M AUTO SALES

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: A & M AUTO SALES INC Browse...
 DBA: A & M AUTO SALES Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
ABREU	ALEXIS	PRESIDENT	(651) 222-5222	(651) 795-9554	3565 BAILEY RIDGE B. () - (651) 222-5222 845 ROBERT ST S
ZAHEDI	ALI	VICE PRESIDEI	() -	(612) 532-6601	16748 WHITTINGTON

Background Check Required Contact Properties...
 License # 110000794 Save Changes to History OK Cancel Help

Properties For License 845 ROBERT ST S

Pay Print Warn Hist Summ Licensee A & M AUTO SALES INC DBA A & M AUTO SALES

License Licensee Lic. Types Insurance Bond Requirements

Licensee Name: A & M AUTO SALES INC Browse...
 DBA: A & M AUTO SALES Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses Financial Hold Reasons

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Driv
3565 BAILEY RIDGE BAY	WOODBURY	55125	06/16/1975	00/00/0000	P24619
845 ROBERT ST S	ST PAUL	55107	00/00/0000	00/00/0000	
16748 WHITTINGTON WALK	EDEN PRAIRIE	55346	04/19/1950	00/00/0000	S88917

Background Check Required Contact Properties...
 License # 110000794 Save Changes to History OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 03/02/20 11:56 AM

House#: 845

Last updated from Ramsey County data on:

Street Name: robert

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

845 Robert St S - 55107-3231 - [Other Applications](#)

PIN: 082822330049	Census Track: 37200	Census Block: 2002	Council Ward: 2
Year Built:	Foundation Sq Feet:	Loan Company:	Land Value: 50300
			District Council: 3
			Building Value: 25000

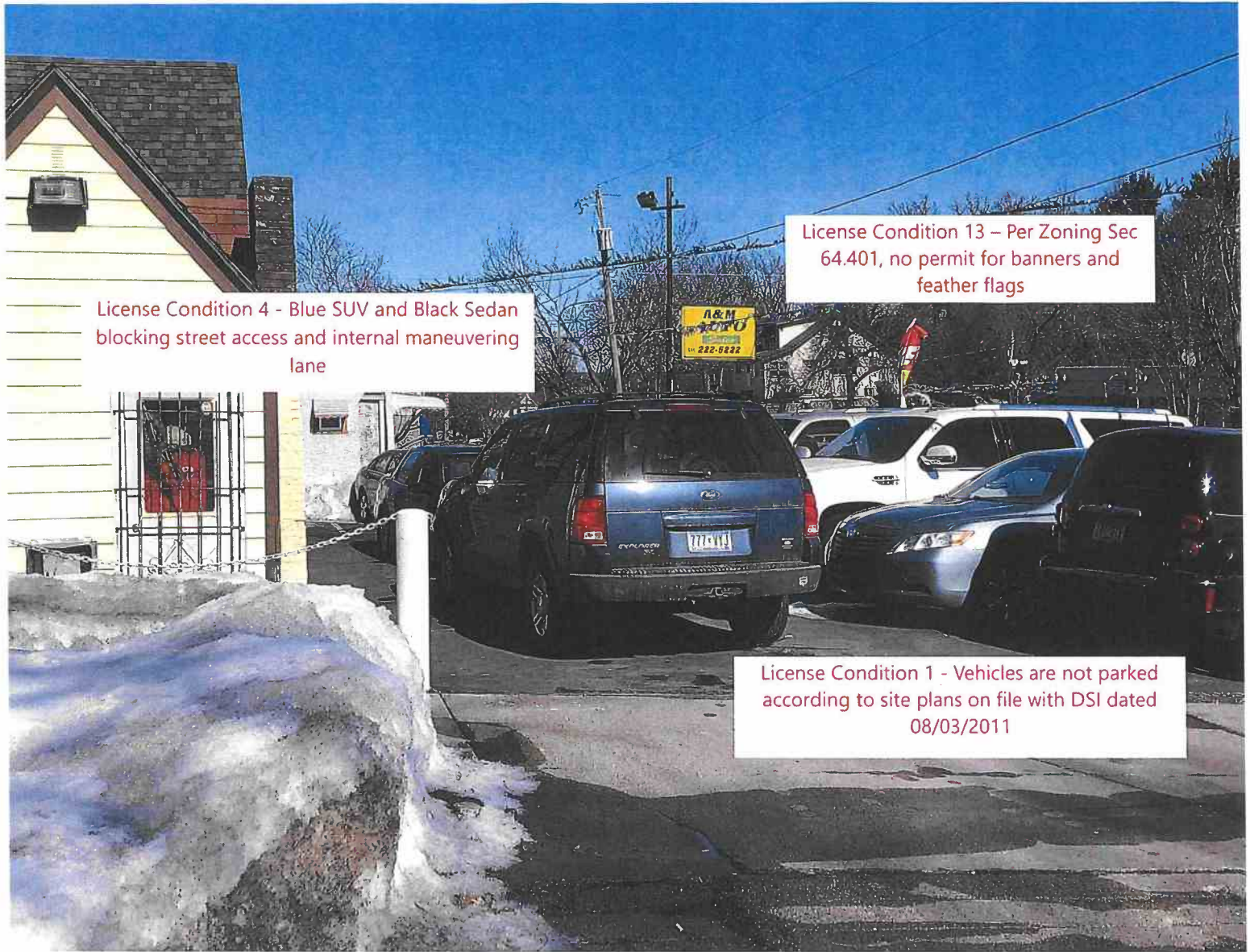
Unverified Usage: 10- GENERAL RETAIL & SVC- B- Commercial **ISP:** **Units:** 0

Zoning: B2

Legal Desc: AUDITOR'S SUB OF L6 BIDWELLS LOT 25 AND EX W 31 5/10 FT OF N 9 FT LOT 26

Owner:
 Alexis A Rivero
 845 S Robert St
 St Paul MN 55107-3231

Certificate of Occupancy Responsible Party:
 Alexis Rivero
 845 Robert St S
 St Paul MN 55107

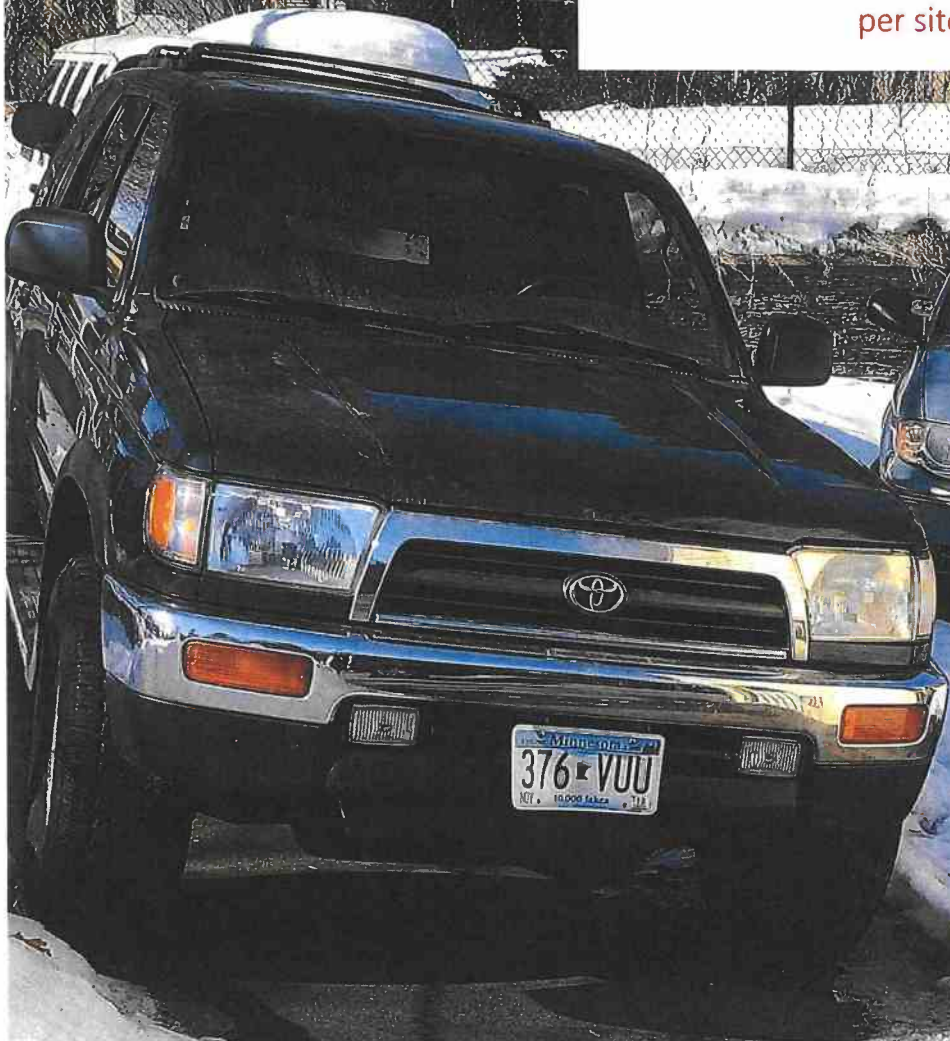


License Condition 4 - Blue SUV and Black Sedan blocking street access and internal maneuvering lane

License Condition 13 - Per Zoning Sec 64.401, no permit for banners and feather flags

License Condition 1 - Vehicles are not parked according to site plans on file with DSI dated 08/03/2011

License Condition 1 - Vehicles are not parked according to site plans on file with DSI dated 08/03/2011. Silver Chrysler is parked incorrectly per site plan





Vehicle #5 -->

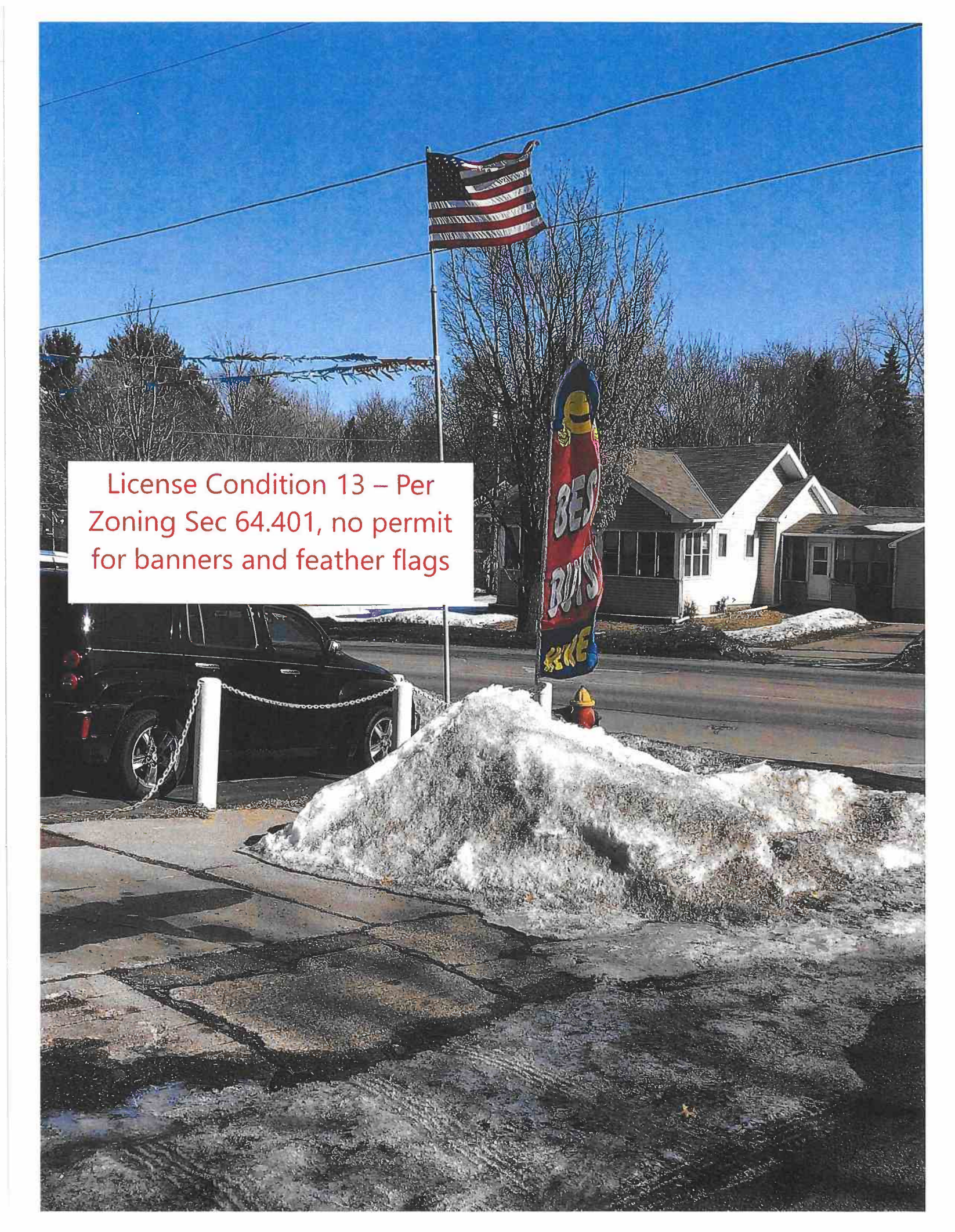
Vehicle #4 -->

Vehicle #3

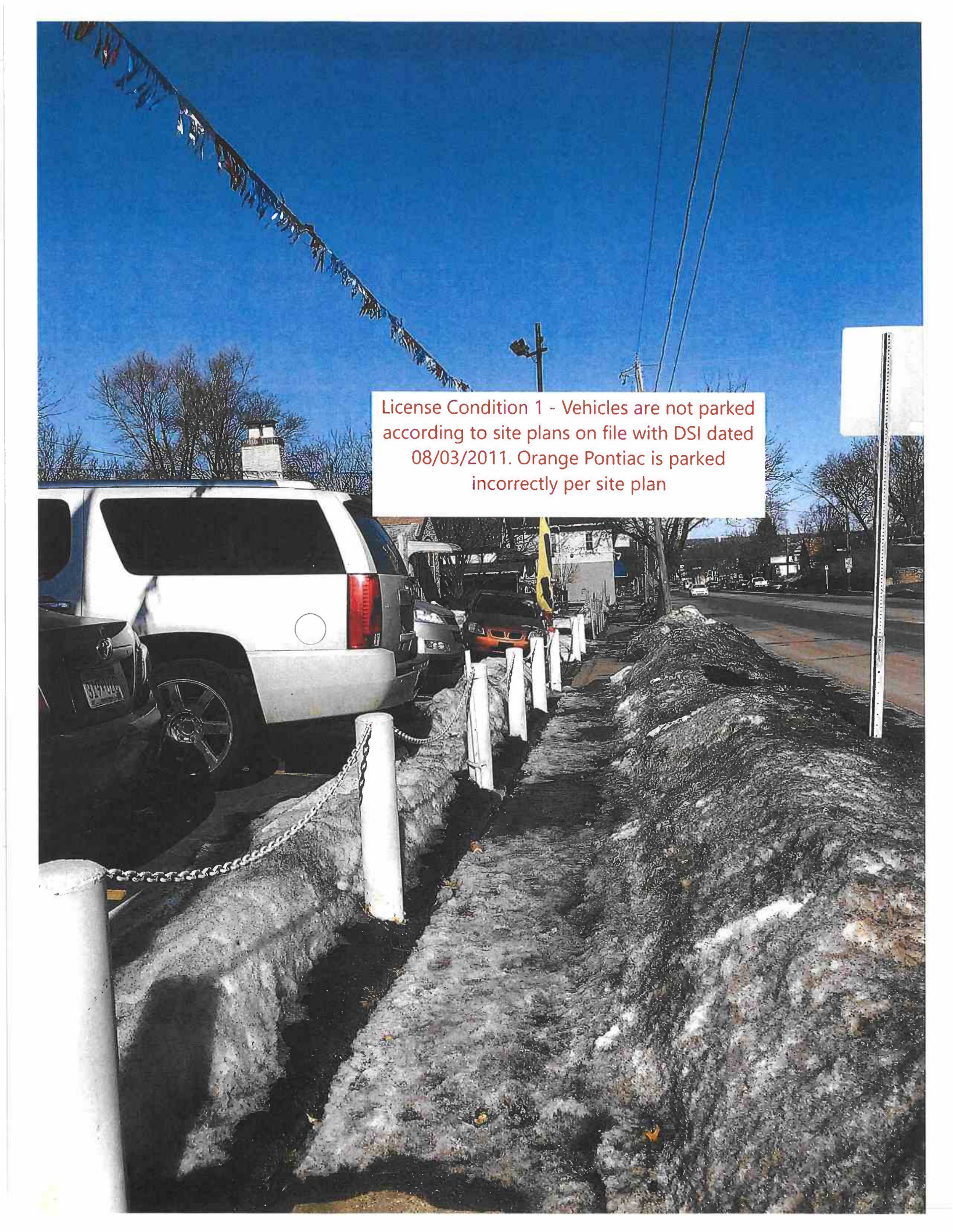
Vehicle #2

Vehicle #1

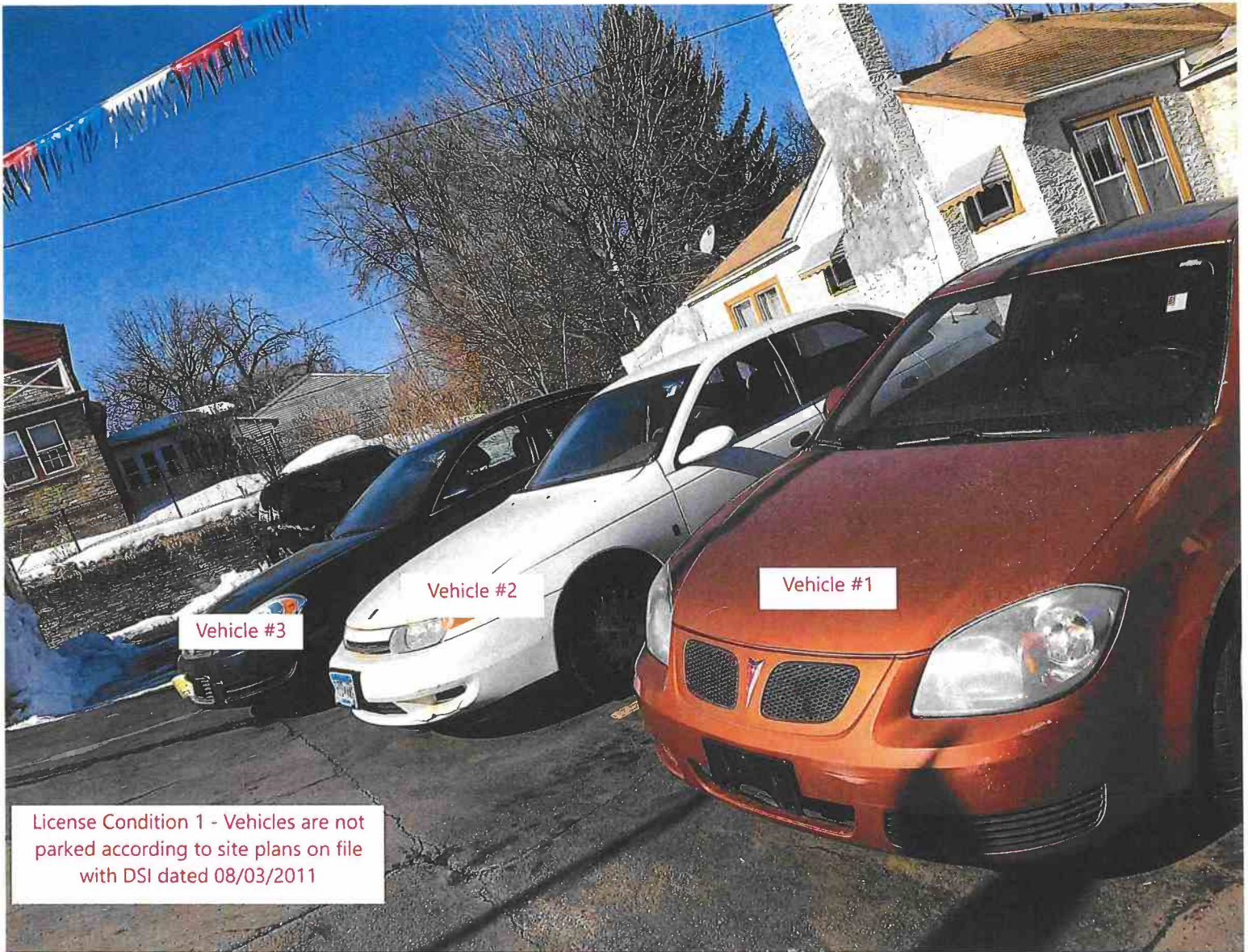
License Condition 1 - Vehicles are not parked according to site plans on file with DSI dated 08/03/2011



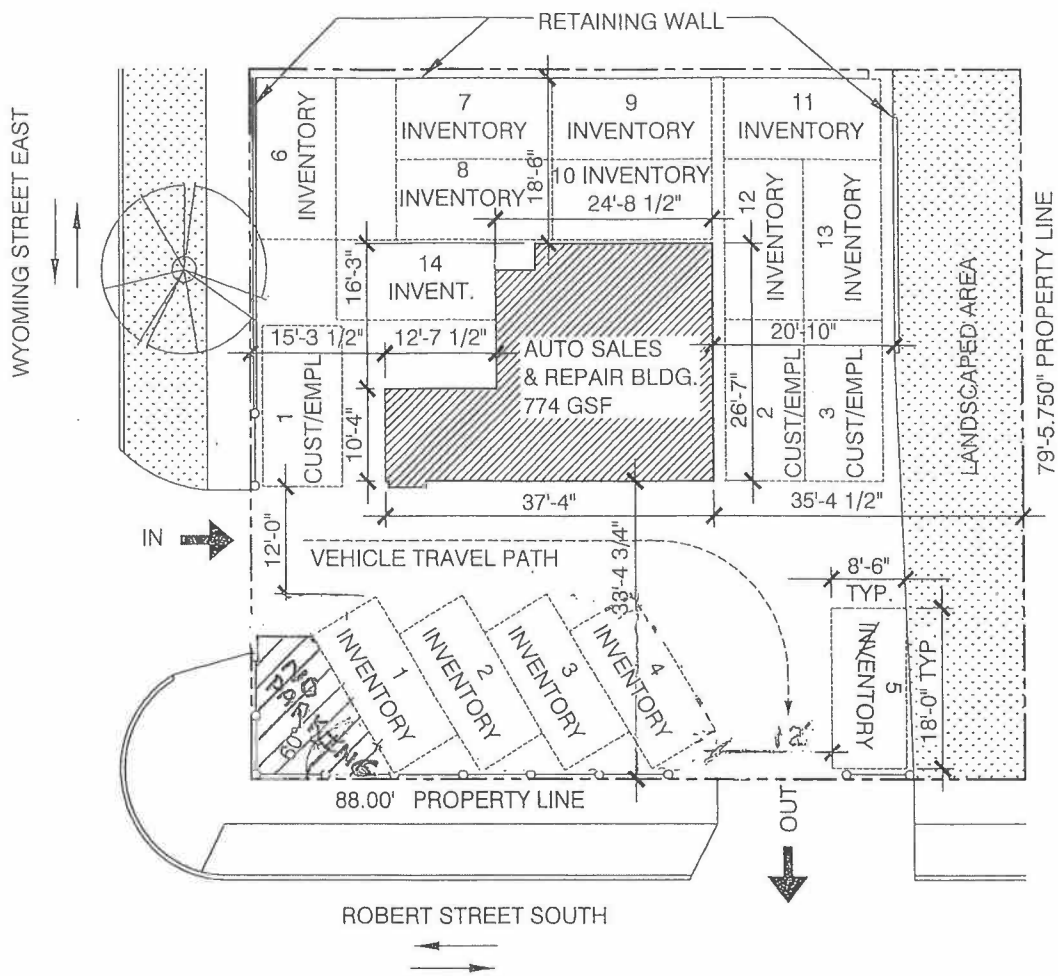
License Condition 13 – Per
Zoning Sec 64.401, no permit
for banners and feather flags



License Condition 1 - Vehicles are not parked according to site plans on file with DSI dated 08/03/2011. Orange Pontiac is parked incorrectly per site plan



License Condition 1 - Vehicles are not parked according to site plans on file with DSI dated 08/03/2011



PARKING CODE REQUIREMENTS

- BUILDING 774 GSF/400 SF : 2
- OUTDOOR SALES AREA 4998 SF/5000 SF : 1
(BLDG. FOOTPRINT & LANDSCAPING NOT INCLUDED)
- ONE AUTO SERVICE STALL /1 PER SPACE: 1
- TOTAL REQUIRED: 4**

PARKING SUMMARY

- CUSTOMER/EMPLOYEE REQUIRED PARKING SPACES: **3**
- INVENTORY PARKING SPACES: 14
- GRAND TOTAL : 17**

PROPERTY ADDRESS: 845 ROBERT STREET SOUTH ST. PAUL, MN 55107
 PROPERTY ID: 08-28-22-33-0049
 LEGAL DESCRIPTION: AUDITOR'S SUBDIVISION OF LOT 6, BIDWELL'S ADDITION
 TO WEST ST. PAUL LOT 25 AND EX W 31 5/10 FT OF N 9FT LOT 26



SITE PLAN 06-08-2011 8-3-2011 9/12	Glenhurst Design Group 14665 109th Street North Stillwater, MN 55082 GDG 2011.4 Scale: 1"=20'-0"	D: 612.275.1041 F: 612.275.0651 www.glenhurstdesign.com	A 1
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