



Legislation Details (With Text)

File #: RES 24-732 **Version:** 1
Type: Resolution **Status:** Passed
In control: City Council
Final action: 5/15/2024

Title: Directing the Department of Safety and Inspections to proceed with the denial of the Auto body Repair License and adverse action against Simba Truck & Trailer Repair LLC. d/b/a Simba Truck & Trailer Repair, (License ID #20230000862) located at 44 Acker Street.

Sponsors: Anika Bowie

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/16/2024	1	Mayor's Office	Signed	
5/15/2024	1	City Council	Adopted	Pass

Directing the Department of Safety and Inspections to proceed with the denial of the Auto body Repair License and adverse action against Simba Truck & Trailer Repair LLC. d/b/a Simba Truck & Trailer Repair, (License ID #20230000862) located at 44 Acker Street.

WHEREAS, the Auto Body Repair Shop license ("License") held by Simba Truck & Trailer Repair LLC. d/b/a Simba Truck and Trailer Repair ("Simba Truck and Trailer Repair LLC") under License ID #20230000862 for the premises located at 44 Acker Street in Saint Paul ("Licensed Premises"), which is owned by Juma Ariema was the subject of adverse action pursuant to a April 2, 2024, Notice of Intent to Deny License (Notice") in which the Department of Safety and Inspections ("Department") provided notice to the Licensee of its intent to deny license and move forward with adverse action supported by Saint Paul Legislative Code 310.03(a) ; and

WHEREAS, on July 24, 2023 an inspector from the Department of Safety and Inspections informed the Licensee they failed to submit a completed Class "N" License Application, Proof of Current Minnesota Secretary of State Registration, and a Personal Affidavit.

WHEREAS, the Notice laid out the basis for adverse action and the Legislative Code upon which the Department was relying as follows:

Saint Paul Legislative Code §310.01, defines Adverse Action as: "the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application of the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, Licensee or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a Licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Saint Paul Legislative Code §310.03(a) requires that new license applications be investigated and reviewed stating:

"The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise

available by law.”

Saint Paul Legislative Code §423.01 states that:

No person shall maintain or operate an automobile or motor vehicle repair garage in Saint Paul without a license. This does not apply where the work performed is done by a gasoline filling station licensed under Chapter 424 and consists of the usual servicing of motor vehicles ordinarily performed at such stations, such as the sale and installation of frost shields, radiator hoses, spark plugs, batteries and battery cables, brake fluid, oil filters, fuses, fan belts, light bulbs and windshield wipers, or such service as draining radiators; provided, however, that if such gasoline filling stations engage in the business of repairing mechanical parts of motor vehicles, a license as provided herein shall be required.”

WHEREAS, the Licensee had been notified on multiple occasions that they failed to provide a completed license application and Request to Withdraw/Request to Refund form. The Licensee failed to respond to emails and letters attempted by the Department of Safety and Inspections. The Department of Safety and Inspection recommended a denial of the Auto Body Repair Shop license application based on violation of the Saint Paul Legislative Code §310.03(a) and §423.01, and

WHEREAS, the Department of Safety and Inspections recommended a denial of the license application; and

WHEREAS, the Notice laid out options for the Licensee:

“You have five (5) options on how to proceed:

1. If I have not heard from you by April 12, 2024, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy and denial of your license application.
2. Submit the required information requested to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than April 12, 2024.
3. If you wish to admit the facts but you contest the penalty, you may have a 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 12, 2024. The matter will then be scheduled before the City Council to determine whether or not your Auto Body Repair Shop license applications should be denied. You will have an opportunity to appear before the City 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 12, 2024. 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 hearing will need to be scheduled before the City Council. At that time, the City Council will decide whether to adopt, modify or reject the ALJ’s report and recommendation.
5. You can withdraw your Auto Body Repair Shop license application. Complete and return the attached REQUEST TO WITHDRAW REQUEST FOR REFUND form to the Department of Safety and Inspections (DSI), located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than April 12, 2024.”

WHEREAS, the Licensee contacted the Department of Safety and Inspections stating they are no longer

operating the business and have vacated the premises due to the owner not renewing the Licensee's lease; and

WHEREAS, on April 18, 2024, the City Attorney's Office contacted the Department of Safety and Inspections to confirm whether the requested documents had been received and was informed the Licensee is no longer operating and has vacated the premises; and

WHEREAS, the Notice stated if the Licensee failed to contest to the denial of the license application, that the matter would be placed on the City Council Agenda to impose the recommended penalty; now, therefore, be it

RESOLVED, the Auto Body Repair Shop license held by Simba Truck & Trailer Repair LLC d/b/a Simba Truck and Trailer Repair (License ID #20230000862) for the premises located at 44 Acker Street in Saint Paul is hereby ordered to submit all requested documents upon completion to the Department of Safety and Inspections in violation of Saint Paul Legislative Code §310.03(a).