



## Legislation Details (With Text)

**File #:** RES 23-1334 **Version:** 1

**Type:** Resolution **Status:** Passed  
**In control:** City Council  
**Final action:** 9/13/2023

**Title:** Approving adverse action against the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744 Third Street East. (Licensee will speak to Council on their own behalf) (Laid over from September 6, 2023)

**Sponsors:** Jane L. Prince

**Indexes:**

**Code sections:**

**Attachments:** 1. Castillo Auto Repair - Council Hearing Packet with previous adverse actions, 2. Castillo Auto Repair - Notice of Council Hearing with current adverse action

Date	Ver.	Action By	Action	Result
9/14/2023	1	Mayor's Office	Signed	
9/13/2023	1	City Council	Adopted	Pass
9/6/2023	1	City Council	Laid Over	Pass

Approving adverse action against the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744 Third Street East. (Licensee will speak to Council on their own behalf) (Laid over from September 6, 2023)

WHEREAS, the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage ("Licenses") held by Castillo Auto Repair d/b/a Castillo Auto Repair ("Licensee") (License ID# 20200001910) for the premises located at 744-3<sup>rd</sup> Street East ("Licensed Premises") was the subject of a Notice of Violation and Request for Imposition of a 10-Day License Suspension and \$2,000 Matrix Penalty, herein incorporated as ("Notice") sent August 11, 2023; and

WHEREAS, the Licenses held by Licensee have been the subject of the following adverse actions which form the basis for the Department's request for a third violation presumptive penalty :

WHEREAS, on February 2, 2022, the licensee was sent a Notice of Violation and Request for Imposition of \$500 matrix penalty based on violations to license conditions #2, #5 and #7 observed and documented with photographs by a DSI Inspector during a follow-up inspection on January 21, 2022; and

WHEREAS, the licensee failed to respond the Notice so a resolution was brought before City Council (RES 22 -360) which was adopted on March 9, 2022; and

WHEREAS, a Notice of Council Action was sent to the licensee on March 19, 2022, with a deadline of April 1, 2022 to pay the \$500 matrix penalty. The licensee paid the \$500 matrix penalty on April, 20, 2022, thereby

admitting to the first (1<sup>st</sup>) violation; and

WHEREAS, on July 6, 2022, the licensee was sent a Notice of Violation and Request for Imposition of \$1,000 matrix penalty based on violations to license conditions #2, #4, #9 and #13 observed and documented by a DSI Inspector during an inspection on June 6, 2022; and

WHEREAS, the licenses responded to the Notice to request an administrative hearing which was held on December 8, 2022; and

WHEREAS, the Findings of Fact, Conclusion of Law and Recommendation from the Administrative Law Judge (ALJ) was received on January 19, 2023. The ALJ found that the licensee violated Saint Paul Legislative Code §310.06 (a) for failure to comply with conditions set forth in the license and the ALJ recommended imposition of the \$1,000 matrix penalty; and

WHEREAS, the ALJ report was brought before City Council during a public hearing on February 22, 2023. The matter was continued to March 1, 2023 at which time the City Council adopted the ALJ's report as amended (RES PH 23-31) and imposed the \$1,000 matrix penalty; and

WHEREAS, a Notice of Council Action was sent to the licensee on March 1, 2023 with a deadline of April 7, 2023 to pay the \$1,000 matrix penalty. The licensee paid the \$1,000 matrix penalty on April 28, 2023, thereby admitting to the second (2<sup>nd</sup>) violation; and

WHEREAS, the August 11, 2023, Notice alleged, that during a complaint-based inspection June 7, 2023, a DSI Inspector observed and documented with a report and photographs violations to license conditions #2, #4, #7 and #9; and

WHEREAS, a Correction Notice was sent to the licensed premises as well as the licensee's home address detailing the license condition violations observed and stating the violations must be fully corrected on or before June 13, 2023; and

WHEREAS, the Department of Safety and Inspections received a complaint on June 21, 2023, of excessive vehicle parking overnight as well as a second complaint on June 26, 2023 of employees working on cars on the street and sidewalk, blocking the street with cars and leaving tires out in the open; and

WHEREAS, a DSI Inspector returned for a re-inspection on June 28, 2023, where he observed and documented with a report and photographs violations to license condition #2, #4, #6, #10 and #12 (see pages 1, 3, 4,5,6,7,8 and 9); and

WHEREAS, a DSI Inspector returned a second time on July 10, 2023, where he observed and documented with a report and photographs violations to license conditions #2 and #7 (see pages 2, 10, 11); and

WHEREAS, a DSI Inspectors returned a third time on July 11, 2023, where he observed and documented with a report and photographs violations to license conditions #2 and #5 (see pages 12,13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27); and

WHEREAS, under the penalty matrix contained in Saint Paul Legislative Code section 310.03(m)(1)(1), the presumptive penalty for a third violation is a 10 day license suspension and a \$2,000 matrix penalty; and

WHEREAS, the Notice gave the licensee until August 21, 2023, to either: 1) do nothing and a resolution would be submitted to Council suspending the licenses for 10 days and imposing the \$2,000 matrix penalty; 2) admit the facts but request a hearing before City Council to dispute the penalty or 3) dispute the facts and request an administrative hearing; and

WHEREAS, on August 19, 2023, the City Attorney's Office received an email from the licensee admitting to facts as laid out in the August 11, 2023, Notice but contesting the 10-day license suspension and imposition of the \$2,000 matrix penalty and requesting a hearing before City Council; now, therefore, be it

RESOLVED, that the Second Hand Dealer-Motor Vehicle Parts and Auto Repair Garage licenses held by Castillo Auto Repair d/b/a Castillo Auto Repair (License ID# 20200001910), for the premises located at 744-3<sup>rd</sup> Street East in Saint Paul are hereby suspended for ten (10) days and a \$2,000 matrix penalty is imposed as a result of the numerous license conditions violations observed and documented by a DSI Inspector during inspections on June 28, 2023; July 10, 2023 and July 11, 2023; and be it,

FURTHER RESOLVED, the Department of Safety and Inspections is directed to select a date no later than 14 days after the adoption of this resolution for the 10-day suspension to begin; and be it,

FINALLY RESOLVED, payment of the \$2,000 matrix penalty will be paid within thirty (30) days of the date of adoption of this resolution.