



## Legislation Details (With Text)

**File #:** RES PH 11- 1054      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed  
**In control:** City Council  
**Final action:** 9/21/2011

**Title:** Approving adverse action against the Auto Body Repair/Painting license held by Heartland Auto Sales, Inc., d/b/a Heartland Auto at 877 Westminster Street.

**Sponsors:** Lee Helgen

**Indexes:**

**Code sections:**

**Attachments:** 1. Notice of Council Hearing & Affidavit.pdf, 2. Uncontested License Matter List.pdf, 3. License Group Comments Text.pdf, 4. License Group Conditions Text.pdf, 5. Site Plan dated August 15th 2006.pdf, 6. Photographs from June 26th 2011 inspection.pdf, 7. Notice of Violation.pdf, 8. Request for Public Hearing.pdf

Date	Ver.	Action By	Action	Result
9/27/2011	1	Mayor's Office	Signed	
9/21/2011	1	City Council	Adopted	Pass

Approving adverse action against the Auto Body Repair/Painting license held by Heartland Auto Sales, Inc., d/b/a Heartland Auto at 877 Westminster Street.

WHEREAS, adverse action was taken against the Auto Body Repair/Painting license held by Heartland Auto Sales, Inc. d/b/a Heartland Auto (License ID #20060002711) for the premises located at 877 Westminster Street in Saint Paul by Notice of Violation dated July 8, 2011, alleging during an inspection of the licensed premises on June 16, 2011, an inspector from the Department of Safety and Inspections (DSI) found several license condition violations; and

WHEREAS, the licensee was given ten (10) days to bring the licensed establishment into compliance with his license conditions; and

WHEREAS, during a re-inspection of the premises on June 26, 2011, the DSI inspector found five (5) condition violations; and

WHEREAS, this is the third (3<sup>rd</sup>) violation within the past eighteen (18) months; therefore, licensing office recommended a \$2,000.00 matrix penalty and a ten (10) day suspension of his license; and

WHEREAS, licensee did respond to the Notice of Violation on July 18, 2011, to request an administrative hearing but then after discussion with his attorney decided against that option; and

WHEREAS, on August 26, 2011, the licensee's attorney sent an electronic mail to the City Attorneys Office requesting a public hearing which was held on September 21, 2011; now, therefore, be it

RESOLVED, that the Auto Body Repair/Painting license held by Heartland Auto Sales, Inc. d/b/a Heartland Auto is hereby suspended for ten (10) days. Said suspension will begin at 12:00 a.m. on Wednesday, October 12, 2011, until 12:00 p.m. on Friday, October 21, 2011.

FURTHER RESOLVED, the licensee is ordered to pay a \$2,000.00 matrix penalty for failure to correct license condition violations cited during a re-inspection on June 26, 2011. Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

This resolution, and action taken above, is based upon facts contained in the July 8, 2011, Notice of Violation sent to the licensee and the arguments made at the public hearing on September 21, 2011.