



Legislation Text

File #: RES PH 19-60, **Version:** 1

Approving adverse action against the Auto Body Repair Shop license held by S & S Automotive Service Corp., d/b/a Parkway Auto Body, Inc. at 1906 Stillwater Avenue. (Public hearing held March 20)

WHEREAS, the Auto Body Repair Shop license held by S & S Automotive Service Corp. d/b/a Parkway Auto Body, Inc. (License ID# 19990003142) for the premises located at 1906 Stillwater Avenue was the subject of a Notice of Violation dated January 10, 2019; and

WHEREAS, the Notice stated that during a complaint-based inspection of the licensed premises on January 8, 2019 an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs three (3) repeat license condition violations; and

WHEREAS, this was third (3rd) violation within eighteen (18) months so pursuant to Saint Paul Legislative Code § 310.05 (m) (1), the licensing office recommended a \$2,000.00 matrix penalty and a ten (10) day suspension of the Auto Body Repair Shop license; and

WHEREAS, the licensing office also recommended imposition the \$500.00 matrix penalty stayed by City Council on December 19, 2018 (RES PH #18-382) because these new license condition violations occurred within six (6) months of the previous violations; and

WHEREAS, on January 22, 2019, the licensee's attorney responded to the Notice of Violation to hand-deliver a letter on behalf of the licensee to request a public hearing which was held on March 20, 2019; ~~now therefore be it; and~~

WHEREAS; subsequent to the issuance of the January 10, 2019 Notice of Violation, the Department of Safety and Inspections examined enforcement actions of Auto Repair Licensees and determined that it would encourage inspectors to write orders with compliance deadlines before initiation of a new adverse action; and

WHEREAS, that policy will afford the licensees an opportunity to submit written requests for deadline extensions unless there are egregious violations and/or public safety issues; and

WHEREAS, Council finds that this new policy would have given this licensee an opportunity to work with the Department to correct the violations; and

WHEREAS, Council determines that the nearness in time of the violation to the new policy and Licensee's missed opportunity to correct without a penalty is a substantial and compelling reason to deviate from the prescribed matrix penalty; and

WHEREAS, Council finds that DSI should provide Licensee with an opportunity to correct the violations; now therefore be it;

RESOLVED, S & S Automotive Service Corp. d/b/a Parkway Auto Body, Inc. (License ID# 19990003142) for the premises located at 1906 Stillwater Avenue is hereby ordered to pay a matrix penalty of \$2,000.00 for three (3) repeat license condition violations observed and documented by a DSI Inspector during a complaint-based inspection of the licensed premises on January 8, 2019.

~~FURTHER RESOLVED, the licensee is also hereby ordered to pay the \$500.00 matrix penalty stayed by City Council on December 19, 2018 by RES #18-832.~~

~~Payment of such penalties shall be made within thirty (30) days of the date of the adoption of this resolution. Failure to pay the penalties within thirty (30) days will result in immediate suspension of the license.~~

~~FINALLY RESOLVED, the Auto Body Repair Shop license held by S & S Automotive Service Corp. d/b/a Parkway Auto Body, Inc. is hereby suspended for a period of ten (10) days. Said suspension shall begin at 12:00 midnight on Wednesday, April 10, 2019 and end at 11:59 p.m. on Friday, April 19, 2019.~~

RESOLVED, that this matter is laid over to May 1, 2019 to allow Licensee to correct the violations and for DSI to inspect and report to the Council. If DSI reports that the violations have been corrected this adverse action will be dismissed. If corrections have not been made by May 1, 2019, S & S Automotive Service Corp. d/b/a Parkway Auto Body, Inc. (License ID# 19990003142) will be subject to the matrix penalty of \$2,000.00 and a ten day suspension of licenses; and be it.

FURTHER RESOLVED, the licensee must pay the \$500.00 matrix penalty stayed by City Council on December 19, 2018 by RES #18-832. within thirty (30) days of the date of the adoption of this resolution.