



Legislation Details (With Text)

File #: RES 24-867 **Version:** 2
Type: Resolution **Status:** Passed
In control: City Council
Final action: 6/26/2024

Title: Approving adverse action against the Auto Repair Garage license held by Mobile America Service Center d/b/a Mobile America Service Center (License ID #20210002100) for the premises located at 1431 Rice Street.

Sponsors: HwaJeong Kim

Indexes:

Code sections:

Attachments: 1. Mobile America Service Center - NOV FINAL PACKAGE

Date	Ver.	Action By	Action	Result
7/1/2024	2	Mayor's Office	Signed	
6/26/2024	1	City Council	Adopted As Amended	Pass

Approving adverse action against the Auto Repair Garage license held by Mobile America Service Center d/b/a Mobile America Service Center (License ID #20210002100) for the premises located at 1431 Rice Street.

WHEREAS, the Auto Repair Garage license, Class "N" License Auto Repair Garage License Application submitted held by Mobile America Service Center d/b/a Mobile America Service Center (License ID #20210002100) for the premises located at 1431 Rice Street, in Saint Paul was the subject of a Notice of Intent to Deny License (Notice") dated April 12, 2024; and

WHEREAS, the Notice stated that on January 25, 2022, the Department of Safety and Inspections sent a letter requesting the licensee to submit the following: obtain a DSI Zoning Division approved parking layout/stripping plan, submit a signed statement listing all owners, submit a completed Personal Affidavit, submit a signed letter describing your method of operation;

WHEREAS, you submitted a Class "N" License Application for an Auto Repair Garage license;

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 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 §310.02(2) states:

“No applicant will be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, in addition to any other requirements, rules or ordinances heretofore or hereafter required, the director determines that said applicant has paid all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.”

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 Applicant had been notified on multiple occasions that they failed to obtain Zoning approval. The Licensee Applicant failed to respond to emails and letters attempted by the Department of Safety and Inspections. The Department of Safety and Inspections recommended a denial of the Auto Repair Garage 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 Applicant as follows:

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

1. If I have not heard from you by April 22, 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 22, 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 22, 2024. The matter will then be scheduled before the City Council to determine whether or not your Auto Repair Garage 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 22, 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 Repair Garage 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 22, 2024."

WHEREAS, on December 1, 2022, Inspector Fischbach sent the Applicant a letter to ~~you~~ requesting you to obtain a final DSI Zoning approval for a parking/stripping plan from DSI Zoning Inspector Farhan Omar;

WHEREAS, on December 1, 2022, Inspector Fischbach sent the Applicant ~~you~~ an email at jerfrank76@gmail.com regarding your pending license application. ~~You~~ The Applicant was also requested to obtain a site/parking plan approval from DSI Zoning Inspector Farhan Omar;

WHEREAS, on January 19, 2023, Inspector Fischbach sent ~~you~~ the Applicant an email at jerfrank76@gmail.com following up ~~on with you in regard to~~ the letter he sent on December 1, 2022, requesting that ~~you~~ the Applicant get the Zoning approval from Farhan Omar;

WHEREAS, on May 25, 2023, Inspector Fischbach sent ~~you~~ the Applicant an email at jerfrank76@gmail.com and to Farhan Omar asking if the parking layout /stripping plan was approved by DSI Zoning Division;

WHEREAS, on January 8, 2024, Inspector Fischbach sent a letter to ~~you~~ the Applicant requesting that you obtain an approval from the DSI Zoning Division with a deadline of February 9, 2024. Failing to complete the request by February 9, 2024, the Applicant was informed that this matter will be referred to the City Attorney with a recommendation that adverse action be taken to deny the application;

WHEREAS, on January 8, 2024, Inspector Fischbach sent ~~you~~ the Applicant an email at jerfrank76@gmail.com with attached letter that was sent to both ~~your~~ the Applicant's business address and personal residence address. ~~You were~~ The Applicant was requested to obtain an approval from the DSI Zoning Division, which ~~you~~ the Applicant still failed to obtain. ~~You~~ The Applicant was ~~were~~ also informed that ~~your~~ the application was going to be forwarded to the City Attorney and appropriate adverse action will have to be taken to deny ~~your~~ the license application; and

WHEREAS, the Notice stated if the ~~licensee~~ Applicant 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 (denial of the license application); now, therefore, be it

RESOLVED, the Auto Repair Garage license held by Application submitted by Mobile America Service Center d/b/a Mobile America Service Center (License ID #20210002100) for the premises located at 1431 Rice Street, in Saint Paul, application is hereby denied.