



Legislation Text

File #: RES PH 23-31, **Version:** 2

Considering and adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge, and request of the Department of Safety and Inspections for imposition of \$1,000 matrix penalty against the Auto Repair Garage license held by Castillo Auto Repair at 744 3rd Street East. (Public hearing continued from February 22, 2023)

WHEREAS, the Auto Repair Garage license held by Castillo Auto Repair for the premises located at 744 3rd Street East ("Licensed Premises") were the subject of a Notice of Violation ("NOV") and request for imposition of \$1,000 matrix penalty by the Department of Safety and Inspections ("DSI") for the City of Saint Paul ("City") on July 6, 2022, herein incorporated as Exhibit 1; and

WHEREAS, the NOV outlined the City's basis for the recommendation for adverse action and request for imposition of \$1,000 matrix penalty; and

WHEREAS, the NOV alleged that the Licensee violated the following license conditions

- Condition #2: Failing to follow approved site plan
- Condition #4: Exterior Storage of Vehicle parts
- Condition #9: Failing to maintain maneuvering space on the property
- Condition #13: Tires displayed on public right of way (sidewalk)

WHEREAS, the NOV detailed that this was the second adverse action against the license in a twelve (12) month period; and

WHEREAS, under the penalty matrix in Chapter 310.05 (m) of the Legislative Code the presumptive penalty for a second violation within twelve (12) months is a fine of \$1,000.00; and

WHEREAS, the Licensee responded to the NOV by requesting a hearing before an Administrative Law Judge; and

WHEREAS, on December 8, 2022, a hearing was held before Administrative Law Judge, Christa L. Moseng ("ALJ"); and

WHEREAS, the official record from that hearing, titled OAH 22-6020-38526 ITM Auto Repair Garage License Castillo Auto Repair Official Record is attached and herein incorporated as Exhibit 2; and

WHEREAS, on January 19, 2023 the ALJ issued her Findings of Fact, Conclusions of Law and Recommendation, which are herein incorporated as Exhibit 3; and

WHEREAS, the ALJ found that on DSI issued an Notice of City Council Action on March 16, 2022 assessing a \$500 penalty for violating license conditions that an inspector observed on January 21, 2022; and

WHEREAS, the ALJ found that April 20, 2022 the Licensee paid the \$500 matrix penalty; and

WHEREAS, the ALJ further found that on June 6, 2022, a DSI Inspector conducted an inspection based on a complaint that the Licensee was violating license conditions; and

WHEREAS, the ALJ further found that during this complaint inspection the Inspector found that the Licensee violated license conditions #2, #4, #9, and #13; and

WHEREAS, 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

WHEREAS, the ALJ's report recommended the imposition of standard \$1,000 matrix penalty that DSI was recommending; and

WHEREAS, at a public hearing on February 22, 2023, the City Council considered all the evidence contained in the record including the ALJ's Report and the oral arguments presented before City Council; now therefore be it

RESOLVED, that the Council has considered the Findings of Fact, Conclusions of Law and Recommendation of the Administrative Law Judge and hereby adopts it as the Memorandum and Conclusions of the City Council in this matter; and be it

FINALLY RESOLVED, that the Auto Repair Garage license held by Castillo Auto Repair for the premises located at 744 3rd Street is imposed and Castillo Auto Repair is hereby ordered to pay the \$1,000 matrix penalty.

A copy of this resolution as adopted shall be sent by first class mail to the Administrative Law Judge and to the Licensee.

