

STATE OF MINNESOTA)  
) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY)

Alan Tellez Berkowitz, being first duly sworn, deposes and says that on the sixth day of December he served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Metro Tree & Stump Service  
d/b/a Metro Tree & Stump Service  
10101 Naples Street Northeast  
Blaine, MN 55449

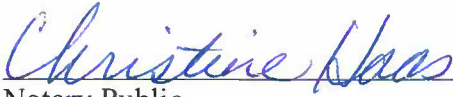
Michael Straus,  
10101 Naples Street Northeast,  
Blaine, MN 55449

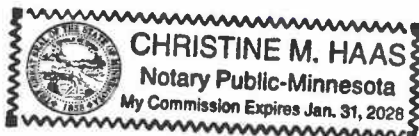
Uriah Ward, Executive Director  
SunRay Shopping Center  
2105 1/2 Old Hudson Road  
Saint Paul, MN 55119

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

  
\_\_\_\_\_  
Alan Tellez Berkowitz

Subscribed and sworn to before me  
This sixth day of December 2023

  
\_\_\_\_\_  
Notary Public





December 6, 2023

## NOTICE OF INTENT TO DENY LICENSE

Metro Tree & Stump Service  
d/b/a Metro Tree & Stump Service  
10101 Naples Street Northeast  
Blaine, MN 55449

RE: Tree Trimmer and Tree Trimmer Vehicle license applications submitted by Metro Tree & Stump Service d/b/a Metro Tree and & Stump Service for the premises located at 10101 Naples Street Northeast, Blaine, MN 55449  
License ID #: 20190002218

Dear Applicant:

The Department of Safety and Inspections will recommend denial of the Tree Trimmer, and Tree Trimmer Vehicle license applications submitted by Metro Tree & Stump Service d/b/a Metro Tree & Stump Service ("Licensee") located at 10101 Naples Street Northeast in Blaine.

### Legal Basis for Adverse Action:

*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 for 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 §310.04(a) states: "Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application."

Saint Paul Legislative Code § 362.01 states: "No person shall fell, cut, or trim any tree for hire in Saint Paul, or engage in the business of so doing without a license. This shall apply only to the felling, cutting, or trimming of trees, limbs and branches which are two (2) inches or more in diameter at the point of cutting or severance."

Saint Paul Legislative Code § 362.03(a) states: "In addition to other required information, the application shall state the . . . make and style of trucks or vehicles to be used by the applicant in carrying on the business of tree trimmer." Saint Paul Legislative Code § 362.03(c) goes on to state: "The department of safety and inspections shall furnish the licensee with a sticker for each vehicle licensed".

### **Adverse Action Recommendation:**

Because you have been notified several times that your license application needed to include a vehicle inspection and because you cannot be for your failure to respond to emails and phone calls attempted by the Department, the Department of Safety and Inspections will recommend denial of the Tree Trimmer and Tree Trimmer Vehicle license applications based on violation to Saint Paul Legislative Code § 310.03 and § 310.04(a).

### **Factual basis for denial of Tree Trimmer and Tree Trimmer vehicle license applications:**

On July 11, 2019, you submitted Class "R" License Applications for a tree trimming and tree trimmer vehicle licenses.

On July 20, 2020, the Department sent a delinquent letter to the licensee for failure to keep the licenses in proper order.



On September 2, 2020, the licensee had failed to respond to the delinquent letter and the license was canceled as a voluntary surrender of the license.

On April 13, 2021, the licensee re-applied for the tree trimmer and tree trimmer vehicle licenses. That same day the Department sent an email requesting the required vehicle information.

On March 29, 2023, the Department left a voicemail with the licensee regarding the need to get a vehicle inspection on the pending application.

On October 9, 2023, licensing inspector Allan Vang sent an email to [metrotree1@gmail.com](mailto:metrotree1@gmail.com), the applicant's email address. In the email Inspector Vang asked the licensee to schedule vehicle inspections for all the vehicles that would be operating in Saint Paul. Inspector Vang gave the licensee until October 23, 2023, to respond otherwise an adverse action would commence to deny the license.

On October 13, 2023, Inspector Vang sent out another email to [metrotree1@gmail.com](mailto:metrotree1@gmail.com) outlining several other requirements needed to complete the licensing application requirements.

On November 1, 2023, Inspector Vang called and left a message with the front counter at the applicant's office and emailed the applicant at [metrotree1@gmail.com](mailto:metrotree1@gmail.com) stating that the Department had yet to receive any of the required information needed to approve the licenses.

The emails and voicemails stated that if you failed to take appropriate action in this matter, the Department of Safety and Inspections would recommend that adverse action be taken to deny your license applications.

As of today, the Department of Safety and Inspections has not been contacted with the information requested to continue processing your license applications.

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

1. If I have not heard from you by **December 18, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Agenda for approval of the proposed remedy and denial of you 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 **December 18, 2023**.

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 **December 18, 2023**. The matter will then be scheduled before the City Council to determine whether or not your Tree Trimmer and Tree Trimmer Vehicle 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 **December 18, 2023**. 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.

**Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to recommend that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code §310.05 (k).**

5. You can withdraw your Tree Trimmer and Tree Trimmer Vehicle license applications. 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 **December 18, 2023**.

**If you have not contacted me by December 18, 2023, I will assume that you do not contest the denial of your Tree Trimmer and Tree Trimmer Vehicle license applications. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.**

If you have questions about these options, please contact my Law Clerk, Alan Tellez Berkowitz at (651) 266-8744 or [alan.tellez@ci.stpaul.mn.us](mailto:alan.tellez@ci.stpaul.mn.us).



**SAINT PAUL**  
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY  
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall  
Saint Paul, MN 55102  
Tel: 651-266-8710 | Fax: 651-298-5619

Sincerely,

Therese Skarda  
Assistant City Attorney  
License No. 0402652

Cc: Michael Straus, 10101 Naples Street Northeast, Blaine, MN 55449  
Uriah Ward, Executive Director, SunRay Shopping Center  
2105 1/2 Old Hudson Road St. Paul, MN 55119

Attachment: Copy of Class R license Application dated 07/11/2021  
Adverse Action Comments Text Screenshot  
License Group Comments Text Screenshot  
Requirement Comments Text Screenshot  
ECLIPS Screenshots  
Email from Inspector Allan Vang to [metrotree1@gmail.com](mailto:metrotree1@gmail.com) – 11/1/2023  
Email from Inspector Allan Vang to [metrotree1@gmail.com](mailto:metrotree1@gmail.com) – 10/13/2023  
Email from Inspector Allan Vang to [metrotree1@gmail.com](mailto:metrotree1@gmail.com) – 10/9/2023  
310.03 – St. Paul, MN Code of Ordinance  
310.04 – St. Paul, MN Code of Ordinance  
362.01 – St. Paul, MN Code of Ordinance  
362.03 – St. Paul, MN Code of Ordinance



# CITY OF ST. PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS  
375 JACKSON STREET, SUITE 220  
ST. PAUL, MINNESOTA 55101-1806  
Phone: 651-266-8989 Fax: 651-266-9124  
Visit our Web Site at [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

## CLASS R LICENSE APPLICATION

LICENSES ARE NOT TRANSFERRABLE

Payment must be received with Each Application

(This application is subject to review by the public)

### Business Address

10101 NAPLES ST. N.E. BLAINE, MN. 55449  
(Street number/name, direction, etc.)

### Name on Business Sign (DBA)

METRO TREE & STUMP

### Date

07/11/19

### Types of License(s) being applied for: (Office Use Only)

### Fees

Tree Trimming & Removal	
Total	

Licensee/Owner Name: MICHAEL JOHN STRAUS OWNER Birth Date: 07/24/64  
(Responsible Party) First Middle Maiden Last Title

Have you used any other names? (list them here) N/A

Home Address: [Redacted] Home Phone: [Redacted]  
Street Number/Name City State

Place of Birth: [Redacted] Driver's License # [Redacted]

Business Phone: 763-785-9779 Fax: N/A E-Mail: METRO TREE 1@gmail.com

Company Name: METRO TREE & STUMP Circle Type: Corporation Partnership Sole Proprietorship

Address (If different from Business Address): N/A  
Street Number/Name City State Zip+4

Preferred Mailing Address: 10101 NAPLES ST. N.E. BLAINE, MN. 55449

Anticipated Date of Opening: 07/11/19

Licensee Work History (list name, address and phone number of all employers for the previous 5 year period)

VEHICLES ARE PARKED IN BLAINE, MN. 55449

**SUPPLEMENTAL LICENSE INFORMATION REQUIRED FOR THIS APPLICATION**

Business Manager if different from Applicant

Manager's Name: Jon THOMAS NORSTEN MGR. Other Name(s) Used: B.J.

Home Address: [REDACTED] Home Phone: [REDACTED]

Birth Date: [REDACTED] Place of Birth: [REDACTED] Driver's License #: [REDACTED]

Other Person(s) to Appear on Business License (Circle Type: Shareholder Officer Partner )

Name: \_\_\_\_\_ Other Name(s) Used: \_\_\_\_\_  
First Middle Maiden Last Title

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Street Number/Name City State Zip+4

Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Place of Birth: \_\_\_\_\_ Driver's License # \_\_\_\_\_

Other Person(s) to Appear on Business License (Circle Type: Shareholder Officer Partner )

Name: \_\_\_\_\_ Other Name(s) Used: \_\_\_\_\_  
First Middle Maiden Last Title

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Street Number/Name City State Zip+4

Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Place of Birth: \_\_\_\_\_ Driver's License # \_\_\_\_\_

The following additional information is required for your application to be complete: (check if received)

☐ Zoning Worksheet + Floor plan & Site plan.

☐ Property Lease Agreement or Proof of Ownership

**FALSIFICATION OF ANSWERS GIVEN OR MATERIAL SUBMITTED WILL RESULT IN DENIAL OF APPLICATION**

I hereby state that I have answered all of the preceding questions and that the information contained herein is true and correct to the best of my knowledge and belief. I hereby state further that I have received no money or other consideration, by way of loan, gift, contribution, or otherwise, other than already disclosed in the application which I herewith submitted. I also understand this premise may be inspected by police, fire, health and other city officials at any and all times when the business is in operation.

[REDACTED] OWNER  
Title

07/11/19  
Date

**NOTE: GROCERY, RESTAURANT OR OTHER BUSINESS LICENSES, REQUIRING ENVIRONMENTAL HEALTH APPROVAL ARE SUBJECT TO AN ADDITIONAL CHARGE FOR THE ENVIRONMENTAL PLAN REVIEW OF YOUR FOOD SERVICE BUSINESS. YOU WILL BE INVOICED SEPARATELY FOR THIS CHARGE.**



**Adverse Action Comments Text**

**11/27/2023**

**Licensee: MICHAEL J STRAUS**

**DBA: METRO TREE & STUMP SERVICE**

**License #: 20190002218**

09/02/2020 No response to dlnqt. ltr. canceled as voluntary surrender of license. JWF

Licensee: MICHAEL J STRAUS

DBA: METRO TREE & STUMP SERVICE

License #: 20190002218

11/1/23 Spoke to front counter staff (651-260-2676) and left message to LH & email LH regarding vehicle inspection. Deadline to resp. 11/8/23. AYV

10/13/2023 Spoke and email vehicle inspection requirements to LH. AYV

10/9/2023 Email sent to LH regarding vehicle inspection. Deadline to respond by 10/23/23. AYV

3/29/2023 Left VM to licensee regarding vehicle inspection on pending application. AYV

04/13/2021 Licensee is re-applying for a Tree Trimmer License. Change of DBA from Michael J. Straus DBA Metro Tree and Stump to Michael J. Straus DBA Metro Tree & Stump Service. LKK

09/02/2020 No response to dlqnt. ltr. canceled as voluntary surrender of license. JWF

7/20/2020 Delinquent letter sent. Response deadline date is August 10, 2020. SLH

07/15/2019 Vehicles are parked in Blaine, MN

**Licensee:** MICHAEL J STRAUS

**DBA:** METRO TREE & STUMP SERVICE

**License #:** 20190002218

10/16/2023 Application forwarded to Ross Haddow. LKK

03/24/2022 Received voicemail from Sandra wanting to know the status of the license. I returned her call letting her know we have not received the information needed to complete the license. Also followed up with an email. SLH

02/14/2022 Per phone conversation sent email with requirement needed to complete license. SLH

4/13/2021 Sent e-mail for vehicle information and certified arborist. LKK



Licensee: MICHAEL J STRAUS  
DBA: METRO TREE & STUMP SERVICE

License	Licensee	Lic. Types	Insurance	Bond	Requirements
<p>Licensee Name: MICHAEL J STRAUS</p> <p>DBA: METRO TREE &amp; STUMP SERVICE</p> <p>Sales Tax Id: ***** Non-Profit: <input type="checkbox"/> Worker's Comp: 12/16/2021</p> <p>AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000</p> <p>AA Fee Collected: 00/00/0000 Discount Rec'd: <input type="checkbox"/></p>					

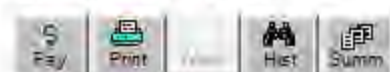
Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	
MN Dept of Agriculture / Tree Care Registry	20109966	12/31/2021				

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho
Business	07/11/2019	00/00/0000	STRAUS	MICHAEL		(651) 260-2878	

Background Check Required ☐ Contact Properties...

License # 190002218 Save Changes to History ☒ OK Cancel Help



Licensee: MICHAEL J STRAUS  
DBA: METRO TREE & STUMP SERVICE

License	Licensee	Lic. Types	Insurance	Bond	Requirements
<p>Licensee Name: MICHAEL J STRAUS</p> <p>DBA: METRO TREE &amp; STUMP SERVICE</p> <p>Sales Tax Id: ***** Non-Profit: <input type="checkbox"/> Worker's Comp: 12/16/2021</p> <p>AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000</p> <p>AA Fee Collected: 00/00/0000 Discount Rec'd: <input type="checkbox"/></p>					

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	
MN Dept of Agriculture / Tree Care Registry	20109966	12/31/2021				

Contacts for this Licensee

Home Phone	Contact Address	City	Zip	DOB	Last
	10101 NAPLES ST NE	BLAINE	55449	07/14/1984	00/00/0000

Background Check Required ☐ Contact Properties...

License # 190002218 Save Changes to History ☒ OK Cancel Help

## Allan Vang

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**From:** Allan Vang  
**Sent:** Wednesday, November 1, 2023 9:46 AM  
**To:** METROTREE1@GMAIL.COM  
**Subject:** Pending Application for City of Saint Paul- Vehicle Inspection  
**Attachments:** VEHICLE INFORMATION FORM.doc

Hi Michael,

I am contacting you that I have not receive any vehicle photos or response back regarding vehicle inspection that was set to be done by or before October 23, 2023. I had called and left a message to the front counter staff at your office. I will give you until November 8, 2023, to submit all requirements. If you fail to submit all vehicle inspection requirements by November 8, 2023, adverse action will be taken.

If you have any questions, I may be reach at 651-266-1915 or [allan.vang@ci.stpaul.mn.us](mailto:allan.vang@ci.stpaul.mn.us).

### **Required Photos for Each Vehicle:**

- Front - showing vehicle and license plate
- Back - showing vehicle and license plate
- Both side - showing the entire vehicle -printed name / phone number of company / DOT # (If required)
- Picture of VIN # of each vehicle
- A completed "Vehicle Information" form (See attached)
- DOT inspection form (If required)

Respectfully,

*Allan Vang*

Licensing Inspector

Department of Safety and Inspections (DSI)

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

Tel: 651-266-1915 Fax: 651-266-9124

[allan.vang@ci.stpaul.mn.us](mailto:allan.vang@ci.stpaul.mn.us)

General Information & Complaints 651-266-8989

[Business Licenses And Permits | Saint Paul Minnesota \(stpaul.gov\)](https://www.stpaul.gov/business/licenses-and-permits)



**SAINT PAUL**  
**MINNESOTA**

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**From:** Allan Vang  
**Sent:** Friday, October 13, 2023 2:36 PM

**To:** METROTREE1@GMAIL.COM

**Subject:** RE: Pending Application for City of Saint Paul- Vehicle Inspection

Hi Michael,

Per our conversation please follow the steps below for vehicle inspection. I had also attached some documents to be fill out and return back to me if you have not submit these documents to DSI. If you have any questions I may be reach at 612-266-1915 or [allan.vang@ci.stpaul.mn.us](mailto:allan.vang@ci.stpaul.mn.us).

To complete the license, you need to **submit the following information:**

1. For the vehicles that will need to be license (add all photos as an attachment file and must be clearly readable):
  - a. A copy of the most recent DOT inspection report for each vehicle.
  - b. Pictures as follows for each vehicle:
    - Front picture showing vehicle and license plate.
    - Back picture showing vehicle and license plate.
    - Both side of the vehicle picture showing the entire vehicle, including printed name/DOT #/phone number of company on the vehicle. (Must be permanently attached to the vehicle with a minimum of 3" in size)
    - Picture of VIN # of each vehicle (If possible)
2. A Certificate of Insurance showing current Insurance with general liability in the amount of \$100,000 for bodily injury and \$100,000 for property damage. The Certificate Holder listed must be City of St Paul – DSI, 375 Jackson St Suite 220, St Paul MN 55101
3. Proof of MN Dept of Agriculture Tree Care registration
4. A copy or picture of your registered arborist current certification
5. A completed Workers' Compensation Insurance certification form (see attached).
6. A completed "Vehicle Information" form (See attached)
7. DOT Inspection form(s)

Respectfully,

***Allan Vang***

Licensing Inspector

Department of Safety and Inspections (DSI)

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

Tel: 651-266-1915 Fax: 651-266-9124

[allan.vang@ci.stpaul.mn.us](mailto:allan.vang@ci.stpaul.mn.us)

General Information & Complaints 651-266-8989



**SAINT PAUL**  
**MINNESOTA**

**From:** Allan Vang

**Sent:** Monday, October 9, 2023 8:35 AM

**To:** [METROTREE1@GMAIL.COM](mailto:METROTREE1@GMAIL.COM)

**Subject:** Pending Application for City of Saint Paul- Vehicle Inspection

Hi Michael,

I am contacting you regarding your pending application for Tree Trimmer & 1 vehicles for the City of Saint Paul. To continue with the application process we would need vehicle inspection done to all vehicle that will be operating in the City of Saint Paul.

Metro Tree & Stump Service, have until October 23, 2023, to respond regarding vehicle inspection or submit requirements. If fail to respond by October 23, 2023, the application will be forward to the City Attorney's Office for denial. If you have any questions, I may be reach at 651-266-1915 or [allan.vang@ci.stpaul.mn.us](mailto:allan.vang@ci.stpaul.mn.us)

Respectfully,

***Allan Vang***

Inspector I

***Department of Safety and Inspections (DSI)***

*375 Jackson Street, Suite 220*

*Saint Paul, MN 55101-1806*

*Tel: 651-266-1915 Fax: 651-266-9124*

[allan.vang@ci.stpaul.mn.us](mailto:allan.vang@ci.stpaul.mn.us)

***General Information & Complaints 651-266-8989***

[Business Licenses And Permits | Saint Paul Minnesota \(stpaul.gov\)](http://stpaul.gov)



**SAINT PAUL**  
**MINNESOTA**



## Sec. 310.04. - Levels of approval; recommendations.

- (a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.
- (b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.
- (c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.
- (d) *Class N licenses.*
  - (1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in



section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal*. The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses*. An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal*. The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

## Sec. 362.03. - Licensing requirements.

- (a) *Application.* In addition to other required information, the application shall state the name and address of the applicant; whether the applicant is an individual, partnership, firm or corporation; the number, and make and style of trucks or vehicles to be used by the applicant in carrying on the business of tree trimmer.
- (b) *Insurance.* An applicant must submit evidence of insurance issued by an insurance company authorized to do business in the State of Minnesota, insuring said applicant in a sum of at least one hundred thousand dollars (\$100,000.00) for bodily injuries to or death of any person or persons not covered by the workers' compensation law, and in a sum of at least one hundred thousand dollars (\$100,000.00) for damage to or destruction of property.
- (c) *License plates and register.* The department of safety and inspections shall furnish the licensee with a sticker for each vehicle licensed, which shall be displayed on the licensed vehicle and which shall indicate the month and date of the license expiration. The name of the company, the license number, and a telephone contact number must be displayed permanently on the vehicles.
- (d) *Registration with the commissioner of agriculture.* Any individual or company licensed under this chapter shall be registered with the commissioner of agriculture as required by Minn. Stat. § 18G.07, and proof thereof shall be provided to the department of safety and inspections with all license applications and renewals.
- (e) *Compliance with recognized industry standards.* All licensees performing work under this chapter must comply with the American National Standards Institute (ANSI) Standard A300. Effective within one (1) year from the date of the adoption of these amendments, any new or renewal license applications shall require that the licensee employ an individual who possesses current certification as an arborist from the International Society of Arboriculture (ISA).
- (f) *Advertising.* The license number of a licensee under this chapter must appear in any advertising by that licensee including but not limited to signs, vehicles, business cards, published display ads, flyers, brochures, web sites, and internet ads.

(Code 1956, §§ 263.02—263.04; Ord. No. 11-107, § 1, 11-9-11)

Sec. 310.03. - Investigation and review of new applications, etc.

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. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

Sec. 362.01. - License required.

No person shall fell, cut or trim any tree for hire in Saint Paul, or engage in the business of so doing without a license. This shall apply only to the felling, cutting or trimming of trees, limbs and branches which are two (2) inches or more in diameter at the point of cutting or severance.

(Code 1956, §§ 263.01, 263.06)