

April 3, 2026

VIA EFILING ONLY

Shari Moore
City Clerk
City of St. Paul
310 City Hall
15 W Kellogg Blvd
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

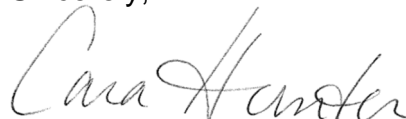
Re: *In the Matter of Auto Repair Garage & Second Hand Dealer – Motor Vehicle license held by M F K Enterprise Inc d/b/a M F K Enterprise at the premises located at 830 Robert Street South, in Saint Paul License ID #: 57957 CAH 25-6020-40909*

Dear City Clerk Moore:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter. The official record, along with a copy of the recording of the hearing, is also enclosed. The Court of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7970, cara.hunter@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,


CARA HUNTER
Legal Assistant

Enclosure

cc: Docket Coordinator
Monica Shaffer
Therese Skarda
Moe Faryaneh Kia

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF ST. PAUL

In the Matter of Auto Repair Garage &
Second Hand Dealer – Motor Vehicle
license held by M F K Enterprise Inc d/b/a
M F K Enterprise at the premises located
at 830 Robert Street South, in Saint Paul
License ID #: 57957

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND RECOMMENDATION**

The above-entitled matter came before Administrative Law Judge Megan McKenzie for a hearing on December 16, 2025. The record closed on January 7, 2026, following the deadline for submission of written closing arguments. The City offered Exhibits 1-20 into the record and those exhibits were admitted.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City). Moe Kia appeared on behalf of M F K Enterprise Inc. (Licensee).

STATEMENT OF THE ISSUES

1. Did Licensee fail to comply with Saint Paul Legislative Code Sections 310.01, 310.04(b)(5), 310.04(b)(6)(a), 310.04(b)(6)(c), 310.04(b)(7), 310.04(b)(8), 310.04(c)(1), 310.04(c)(2), 310.04(c)(3), 310.04(c)(4), and 310.04(c)(6)?
2. Did the City properly assess a penalty of \$1000 for those violations?
3. Is the imposition of additional license conditions appropriate?

SUMMARY OF RECCOMENDATION

The City failed to prove that MFK committed most of the violations cited. The City blamed MFK for the actions of the other licensed business on the property. However, MFK admitted several violations occurring in October and November of 2024. Because the established violations occurred within two years of the last adverse action against MFK, the matrix penalty of \$1000 is appropriate. However, future inspections need to appropriately differentiate and allocate responsibility between the two businesses on the property. The addition of the additional license conditions is reasonable.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. M F K Enterprise Inc. (MFK) holds an auto repair and second hand dealer license from the City.¹
2. MFK conducts business at 830 Robert Street South in St. Paul.²
3. Another licensed business, Import Auto Enterprise Inc. (Import Auto), conducts business on the same premises.³ Import Auto holds a second hand dealer license from the City.⁴
4. MFK's license has various conditions.⁵ The license also incorporates a site plan diagram.⁶
5. The site plan assigns certain parking spaces to MFK and certain parking spaces to Import Auto.⁷ There is a conflict between the number of cars MFK is allowed to have on the premises in the license (28) and the parking spaces assigned to MFK in site plan (14).⁸ This conflict is part of a pattern by the City of conflating MFK and Import Auto.
6. MFK no longer employs a mechanic. Import Auto employs a mechanic who occasionally will perform work referred from MFK, but this has become less frequent.⁹ Mr. Kia primarily runs MFK on his own with occasional help from a friend and a female employee.¹⁰
7. The City Council passed a resolution for adverse action against MFK on January 12, 2024 for violations observed July 23, 2023 and August 9, 2023.¹¹
8. On February 10, 2025, the City issued MFK a Notice of Violation and Request for Imposition of \$1000 Matrix Penalty (Notice of Violation).¹²
9. MFK timely contested the Notice of Violation.¹³
10. On May 28, 2025, the City Council passed a resolution referring this matter to the Court of Administrative Hearings.¹⁴

¹ Testimony (Test.) Moe Kia.

² Exs. 1, 14, Test. Eric Hudak.

³ Ex. 1.

⁴ Test. E. Hudak.

⁵ Ex. 13; Test. E. Hudak.

⁶ Ex. 14; Test E. Hudak.

⁷ *Id.*

⁸ Compare Exs. 1 and 14.

⁹ Test. M. Kia.

¹⁰ Test. M. Kia.

¹¹ Ex. 4.

¹² Ex. 1.

¹³ Ex. 15.

11. On July 1, 2025, the City filed with the Court and served a Notice of Prehearing Telephone Conference.¹⁵

12. The Notice of Violation lists three separate violations related to inspections on October 3, November 14, and July 1, 2024.¹⁶

Violation 1

13. On October 3, 2024, Inspector Allan Vang conducted a site inspection at 830 Robert Street South in response to a complaint.¹⁷

14. Mr. Kia was not present at the premises on October 3, 2024. Another person, identified as Manny, was present.¹⁸ Manny works for Import Auto.¹⁹ At the inspection Manny blamed every observed violation on MFK.²⁰

15. On October 3, 2024, Inspector Vang interacted with another person who either identified himself or was identified by Manny as being an MFK employee.²¹ This person was not an MFK employee.²²

16. On October 3, 2024, Inspector Vang took pictures of various violations²³ and attributed all of them to MFK and none to Import Auto without appropriate investigation or justification.

17. The car depicted in Exhibit 9-3 was parked in front of Import Auto's garage and is the responsibility of Import Auto.²⁴

18. The car depicted in Exhibit 9-4 was the responsibility of MFK. However, there is no evidence that MFK was repairing the car rather than simply storing the vehicle for transfer. Mr. Kia credibly testified that MFK does not perform body work and the car was not repaired on the premises.²⁵ The City failed to prove that Exhibit 9-4 is a violation of License Condition 4 or St. Paul Leg. Code § 65.705.

19. The car depicted in Exhibit 9-5 was near MFK's parking spots. Mr. Kia acknowledged that he leaves cars in that location at night sometimes to prevent theft and could not say the car was not MFK's responsibility. Exhibit 9-5 is a violation of License Conditions 1 and 2.

¹⁴ Ex. 17.

¹⁵ Notice of Prehearing Telephone Conference (July 1, 2025).

¹⁶ *Id.*

¹⁷ Exs. 8-9.

¹⁸ Ex. 8.

¹⁹ Ex 8; Test. M. Kia.

²⁰ Test. Allan Vang.

²¹ Ex, 8-9.

²² Test. M. Kia.

²³ Ex. 9.

²⁴ Test. M. Kia.

²⁵ Test. M. Kia.

20. Exhibit 9-6 indicates a violation for lack of parking lot striping. However, these parking spots are assigned to Import Auto on the site plan. The inspector alleges that Manny again told the inspector that MFK was responsible for striping Import Auto's parking lot. As described in the memo, Manny's hearsay statements are not reliable. Furthermore, MFK does not own Import Auto's lot.²⁶ MFK is not responsible for the parking spots in Exhibit 9-6.²⁷

21. The vehicles and seats in Exhibit 9-7 are likewise in Import Auto's parking spots.²⁸ MFK is not responsible for the vehicles and seats in Exhibit 9-7.²⁹

22. The trash depicted in Exhibit 9-8 is outside the Import Auto office and is the responsibility of Import Auto. While Import Auto staff blamed MFK for the trash, those accusations are not admissible or credible.³⁰

23. Mr. Kia credibly testified that the car in Exhibit 9-9 belonged to Import Auto.³¹ Likewise the auto carpet in Exhibit 9-9 and 9-10 came from the car that Import Auto was detailing and is not the responsibility of MFK.³²

24. The auto seats in Exhibit 9-11 belong to Import Auto.³³

25. The trash and items depicted in Exhibit 9-12 were the responsibility of MFK.³⁴ The City cited MFK for the exterior storage of auto parts related to 9-12. However, the items in 9-12 do not appear to be auto parts, but rather general rubbish. Mr. Kia testified this is the area where trash pickup occurs and the items were left there for trash pickup.³⁵ There is currently no license condition that covers the items in 9-12.

26. The City did not prove that the items in Exhibit 9-12 left for trash pickup create a serious danger to the public health, safety, or welfare.³⁶ The City also did not prove the items unreasonably annoy, injure, or engage the safety, health, morals, comfort, or repose of any considerable number of members of the public.³⁷

²⁶ Test. M. Kia.

²⁷ Ex. 14; Test. M Kia.

²⁸ The inspector attributed every "auto part" to MFK because MFK holds an auto repair license and Import Auto does not. However, many of the items characterized as auto parts could be attributed to cleaning rather than repair. Further, Mr. Kia alleged that Import Auto is conducting repair despite not having a license and indicated a willingness to surrender his auto repair license to help resolve the issues. Business may conduct unlicensed activities, and it is inappropriate to attribute all auto parts to MFK, particularly when they are in Import Auto's designated parking spots.

²⁹ *Id.*

³⁰ Test. A. Vang.

³¹ Test. M. Kia.

³² *Id.*

³³ *Id.*

³⁴ Test M. Kia.

³⁵ *Id.*

³⁶ See St. Paul Leg. Code. 310.04(b)(7).

³⁷ See St. Paul Leg. Code. 310.04(b)(8).

27. The vehicle depicted in Exhibit 9-13 was the responsibility of Import Auto.³⁸

28. The car depicted in Exhibit 9-14 was the responsibility of MFK Auto.³⁹ However, there is no evidence that MFK was repairing the car rather than simply storing the vehicle. Mr. Kia credibly testified that MFK does not perform body work and the car was not repaired on the premises.⁴⁰ The City failed to prove that Exhibit 9-14 is a violation of License Condition 4 or St. Paul Leg. Code § 65.705.

29. Of all the items cited in Violation 1, only the violation depicted in Exhibit 9-5 is the responsibility of MFK and properly considered a violation of the cited license condition.

Violation 2

30. On November 14, 2024 Inspector Allan Vang and Inspector Joseph Voyda conducted a site inspection at 830 Robert Street South.⁴¹

31. Upon arrival, the inspectors found an auto transport trailer parked in the middle of Robert Street in front of the premises. A man named Ali and an Import Auto employee were present.⁴² Inspectors witnessed Ali back a Jeep SUV off the transport trailer and jump the vehicle in the street with a portable jumper cable pack he retrieved from a vehicle parked on the street.⁴³

32. The inspector assumed Ali was an MFK employee because he went into the MFK office, however, the MFK office is accessible from the garage and Import Auto has access to the MFK office.⁴⁴

33. Ali is not an employee or associate of MFK but does have some affiliation with Import Auto.⁴⁵

34. MFK did not sell or repair the Jeep SUV from the transport trailer.⁴⁶

35. MFK was not responsible for the auto transport trailer or the Jeep SUV depicted in Exhibits 12-25 to 12-30.

36. At the November 14, 2024 site inspection, inspectors observed various trash, auto parts, and items being stored on the property. These violations were noted in

³⁸ Test. M. Kia; Test. A. Vang.

³⁹ Test. M. Kia.

⁴⁰ Test. M. Kia.

⁴¹ Exs. 10-12; Test. A. Vang.

⁴² *Id.*

⁴³ Exs. 10-11.

⁴⁴ Test. M. Kia.

⁴⁵ Test. M. Kia.

⁴⁶ Test M. Kia.

shared storage areas of the property and in Import Auto's assigned parking areas.⁴⁷ However, inspectors improperly attributed every violation to MFK and none to Import Auto based on assumptions and representations by Manny, Import Auto's employee.⁴⁸

37. MFK took responsibility for certain items depicted in Exhibits 12-10, 12-14, 12-16, 12-17, 12-18, and 12-20.⁴⁹ While not all of these items constitute garbage, refuse, or mixed municipal solid waste (such as the usable chairs in Exhibits 12-14 and 12-23), the City established a violation of License Condition 6 and St. Paul Leg. Code § 34.08.

38. MFK also took responsibility for the vehicle in Exhibits 12-21, and 12-22. However, there is no evidence that the vehicle was being repaired in the lot. Mr. Kia credibly testified that MFK does not perform body repair work and the car was not repaired on the premises.⁵⁰ The mere fact that body of the car is damaged does not indicate repair work is being done in the parking lot.

Violation 3

39. Violation 3 relates to a Correction Notice sent to MFK on July 1, 2024. The Correction Notice alleges that MFK violated License Conditions 1, 2, 4, and 5.⁵¹

40. The City produced no photographs or other documents evidencing the alleged violations cited in the Correction Notice, and the next inspection noted in the record is the October 2, 2024 inspection discussed in Violation 1. Given the serious problems with the evidence relied on to issue Violations 1 and 2, The City did not prove the alleged violations in Violation 3 by a preponderance of evidence.

Penalty

41. The City established violations occurred in October and November 2024, but not in July of 2024.

42. The prior resolution for adverse action was for conduct occurring in July and August 2023, approximately fourteen months prior to the violations in October and November 2024.

Based on these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Saint Paul City Council and the Administrative Law Judge have jurisdiction over this matter under the City of St. Paul's Legislative Code §§ 310.03 and .04 (2025).

⁴⁷ Ex. 12; Test. M. Kia.

⁴⁸ Test. A. Vang.

⁴⁹ Test. M. Kia.

⁵⁰ Test. M. Kia.

⁵¹ Ex. 1.

2. The hearing was conducted in accordance with the requirements of Minn. Stat. §§ 14.57-.62 (2025), and applicable portions of the procedures set forth in section 310.03 of the St. Paul Legislative Code.

3. The City has given proper and timely notice of the hearing in this matter and has fulfilled all procedural requirements of law and rule.

4. The St. Paul Legislative Code authorizes the City Council to take adverse action against a license when the licensee “has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.”⁵²

5. The St. Paul Legislative Code also authorizes the City Council to take adverse action against a license when the licensee has violated a provision of the St. Paul City Code.⁵³

6. “Adverse action” is defined in the Code to include the imposition of a fine.⁵⁴

7. 5. The City has the burden of proving that Licensee violated a condition of its license.⁵⁵

8. On October 3, 2025, MFK violated License Condition 1 and 2.

9. On November 6, 2025, MFK violated License Condition 6 and St. Paul Leg. Code § 34.08.

10. A second license condition violation is a violation that occurs within twenty-four (24) months of a prior violation.⁵⁶

11. The St. Paul Legislative Code prescribes a presumptive fine of \$1000.00 for second violations of conditions placed on a license.⁵⁷

12. The St. Paul Legislative Code permits the imposition of license conditions if there is a reasonable basis for the conditions and the conditions are to be imposed “for the purpose of promoting public health, safety and welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods.”⁵⁸

⁵² St. Paul Leg. Code § 310.04(b)(5).

⁵³ St. Paul Leg. Code § 310.04(b)(6).

⁵⁴ St. Paul Leg. Code § 310.01.

⁵⁵ Minn. R. 1400.7300, subp. 5.

⁵⁶ Test. E. Hudak.

⁵⁷ St. Paul Leg. Code § 310.03(m).

⁵⁸ St. Paul Leg. Code § 310.04(c).

13. The proposed condition related to vehicle fluids is related to the November 6, 2024 violation and will promote public health and safety.

14. While the proposed conditions related to delivery of vehicles and not parking customer vehicles in the public right-of-way are not related to violations proven by the City, there is a reasonable basis for the conditions and they will advance the public peace.

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMENDATION

The St. Paul City Council may take adverse action against Licensee's license and assess a fine of \$1000.00. The City may add the proposed conditions to the license. However, future inspections and adverse actions need to rest on reliable evidence and appropriately differentiate between the two businesses on the property.

Dated: April 3, 2026



MEGAN J. MCKENZIE
Administrative Law Judge

Reported: Digitally Recorded
No transcript prepared

NOTICE

This report is a recommendation, not a final decision. The Saint Paul City Council will make a final decision after a review of the record and may adopt, reject, or modify these Findings of Fact, Conclusions, and Recommendation. Pursuant to Saint Paul Legislative Code § 310.03 (c-1), the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. Parties should contact the City Clerk, City of Saint Paul, 310 City Hall, 15 Kellogg Blvd. W., Saint Paul, Minnesota 55102, to ascertain the procedure for filing exceptions or presenting arguments.

MEMORANDUM

At the hearing in this matter, Mr. Kia testified that he was willing to accept responsibility for the violations his business, MFK, committed, but he wanted to be treated fairly and not be assigned responsibly for the actions of Import Auto. Mr. Kia's

complaints are justified. The inspectors in this matter simply took the word of an Import Auto employee, who had every incentive to avoid responsibility, and assigned all observed violations to MFK and none to Import Auto.

The allegations of Manny, as reported by the inspector, are hearsay. The St. Paul City Code provides that hearsay evidence “possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.”⁵⁹ Similarly, the Court of Administrative Hearings’ rules of evidence provide that hearsay is admissible “if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs.”⁶⁰

The uncorroborated assertions by a co-located business seeking to avoid responsibility are not reliable evidence. Further, the allegation that every single violation observed on the jointly occupied and used property is MFK’s responsibility is not credible.⁶¹ The City even assigned MFK responsibility for violations observed in Import Auto’s assigned parking areas. Mr. Kia testified very credibly in this matter; he took responsibility for items and admitted certain violations. He also testified credibly that Import Auto is responsible for some of the observed violations. Mr. Kia’s complaints regarding the conflation between the two business are not new.⁶² In the future, the City needs to properly assess which business is responsible for violations and appropriately apportion responsibility.⁶³

Given the lack of evidence as to Violation 3 and the serious deficiencies with the City’s evidence as a whole,⁶⁴ the Judge has concerns about the past violations attributed to MFK. However, as review of those violations is beyond the scope of this proceeding MFK may be assessed the \$1000 matrix penalty based on admitted violations. The Judge does not recommend the costs of the contested case be imposed on Licensee given the serious deficiencies in the City’s evidence and the large number of violations not proven by the City.

M.J.M.

⁵⁹ St. Paul Leg. Code § 310.03(e).

⁶⁰ Minn. R. 1400.7300, subp. 1.

⁶¹ The inspector attributed every “auto part” to MFK because MFK holds an auto repair license and Import Auto does not. However, many of the items could be attributed to cleaning rather than repair. Further, Mr. Kia alleged that Import Auto is conducting repair despite not having a license and indicated a willingness to surrender his auto repair license to help resolve the issues.

⁶² See Ex. 4.

⁶³ The City did not attempt to contact Mr. Kia when he was not present on site during an inspection. It would be advisable to have representatives of both businesses present for future inspections.

⁶⁴ During the hearing the City referenced complaints about the property as if they were substantive evidence of wrongdoing. The existence of a complaint is not evidence of wrongdoing and a hearsay statement as to the contents of a complaint has no probative value beyond being the trigger for an investigation.