

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 thirtieth day of October he served the attached **NOTICE OF ADVERSE ACTION AND REQUEST FOR REVOCATION OF LICENSE** and a correct copy thereof in an envelope addressed as follows:

Dukes Cars and Towing, LLC
d/b/a Dukes Car and Towing
977 Front Avenue
Saint Paul, MN 55103

Duqueiro Cano,
3347-3rd Avenue South,
Minneapolis, MN 55408

Dukes Cars and Towing,
3347-3rd Avenue South,
Minneapolis, MN 55408

Shevek McKee, Executive Director,
Como Community Council, Como Streetcar Station
1224 Lexington Parkway North,
Saint Paul, MN 55103

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

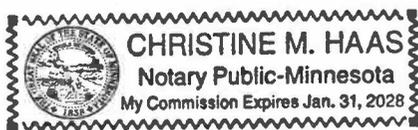


Alan Tellez Berkowitz

Subscribed and sworn to before me
This thirtieth day of October 2023



Notary Public





October 30, 2023

**NOTICE OF ADVERSE ACTION AND REQUEST FOR
REVOCAION OF LICENSE**

Dukes Cars and Towing, LLC
d/b/a Dukes Car and Towing
977 Front Avenue
Saint Paul, MN 55103

RE: Auto Repair Garage license held by Dukes Cars and Towing, LLC d/b/a Dukes Car and Towing for the premises located at 977 Front Avenue in Saint Paul
License ID #: 20190000933

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Auto Repair Garage licenses held by Dukes Cars and Towing, LLC d/b/a Dukes Car and Towing ("Licensee") herein for the premises located at 977 Front Avenue in Saint Paul ("Licensed Premises").

The Department asserts that their recommendation is supported under Saint Paul Legislative Code, that it is reasonable and that it will promote the public health, safety, and welfare of advancing the public peace and aid in 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.

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 §310.06 (b) sets forth a variety of reasons on which adverse action may be based. §310.06 (b)(6) allows for adverse action when a licensee has violated or performed any act which is a violation of any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity.



“Such adverse action may be based on one (1) or more of the following reasons which are in addition to any other reason specifically provide by law or in these chapters...”

- (5) The licensee or applicant has failed to comply with any condition set forth in the license or set forth in the resolution granting or renewing the license.
- (7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.
- (8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.

Saint Paul Legislative Code §310.05 (m) provides for a presumptive penalty of license revocation for a fourth (4th) violation of conditions placed on the license.

The Department asserts that the following facts exist to support their recommendation for revocation of your Auto Repair Garage license.

Previous Adverse Actions

First violation:

On August 23, 2021, Inspector Ferrara from the Department of Safety and Inspections conducted a compliant inspection at the Licensed Premises. During the inspection the inspector observed and documented violations of a number of license conditions. Inspector Ferrara spoke with Manager Jon Galvin and reviewed the license conditions and the violations he observed. Manager John Galvin was informed that a correction notice with a timeline to come in compliance with all license conditions would be sent to the Licensed Premises. The correction notice was sent on August 25, 2021, and stated that a re-inspection of the premises would occur on or after September 2, 2021.

On September 12, 2021, and September 17, 2021, Inspector Ferrara conducted follow-up inspections of the Licensed Premises. During these inspections, he observed and documented with photos violations of license conditions #1, #2, #11, #13, and #18.

The Department recommended Adverse Action and on October 6, 2021, a Notice of Violation and Request for Imposition of a \$500 Matrix Penalty (“NOV”), (Exhibit 1), was sent to the licensee.

The Licensee failed to Respond to the NOV and on November 10, 2021, City Council adopted RES 21-1580 (Exhibit 3) which imposed the \$500 Matrix Penalty.



On February 7, 2022, the Licensee paid the \$500 Matrix Penalty. The receipt showing payment of this first time Matrix Penalty is herein incorporated as Exhibit 2.

Second violation:

On January 27, 2022, Department Inspector Akbar Muhammad went to the Licensed Premises to conduct an inspection after receiving a complaint. During the inspection, the inspector observed violations of the assigned license conditions, specifically, conditions #1, #4, #13, and #18. Sanchez told the inspector that all the license condition violations would be addressed and in compliance on or before a re-inspection on February 11, 2022.

On January 31, 2022, Inspector Muhammad mailed a Correction Notice (Exhibit 4) to the Licensed Premises that noted the violations and included timeline to come into compliance with all conditions.

On February 11, 2022, Inspector Muhammad conducted a follow-up inspection of the Licensed Premises. Upon arrival, he spoke with employee Miguel Sanchez and told him he was there for the re-inspection. The license holder was not available at the time of the re-inspection. During the inspection, Inspector Muhammad observed and documented with photos violations of license conditions #1, #4, #11, #13, #16, and #18. He also documented a violation of section 64.419 of the Saint Paul Legislative Code.

Under Saint Paul Legislative Code section 310.05, these violations were second-time violations. The penalty matrix laid out in section 310.05 prescribes a \$1,000 fine for a second-time violation. The Department recommended Adverse Action and on February 24, 2022, a Notice of Violation and Request for Imposition of a \$1,000 Matrix Penalty ("2nd NOV"), (Exhibit 5), was sent to the licensee.

Records from the Department show that the \$1,000 Matrix Penalty was paid by the Licensee (Exhibit 6).

Third Violation:

On May 12, 2022, Department Inspector Akbar Muhammad went to the Licensed Premises to conduct an inspection after receiving a complaint. Inspector Muhammad observed and documented violations of 2 license conditions.

The Department requested Adverse Action and the imposition of the presumptive Matrix Penalty for a third violation within an eighteen (18) month period of a 10 day suspension.

On July 21, 2022 City Council adopted RES 22-193 which imposed the presumptive Matrix Penalty of a 10 day suspension (Exhibit 7).



Current Adverse Action:

On June 30, 2023, Department Inspector Luis Sanchez-Panadero ("Sanchez-Panadero") inspected the Licensed Premises after a complaint. Violations of license conditions 1, 11 and 18 were found. On July 7, 2023, Sanchez-Panadero sent a correction notice to the Licensee at the Licensed Premises and the same later was sent to the Licensee's address.

On July 19, 2023, Department Inspector Luis Sanchez-Panadero went to the Licensed Premises to conduct the re-inspection. Inspector Sanchez-Panadero observed and documented violations of license conditions 1, 11 and 18. The Department's request for Adverse Action is attached as Exhibit 8.

Violation #1 - Failure to follow approved parking plan in violation of Condition #1:

License condition #1 of the License for the Licensed Premises states that:

"All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time."

Violation #1 Facts: Inspector Sanchez-Panadero observed three (3) vehicles that were not parked according to the approved site plan for a total of eight (8) vehicles.

Violation #2- Failure to maintain parking lot violation of Condition #11:

License condition #11 of the License for the Licensed Premises states that:

"Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law."

Violation #2 Facts: Inspector Sanchez-Panadero observed three (3) other vehicles that had been parked longer than ten (10) days. Inspector Sanchez-Panadero asked the manager at the Licensed Premises why the vehicles were still on the premises. The manager stated that those vehicles were waiting for parts. Inspector Sanchez-Panadero requested the invoices showing that the parts were on order. The manager stated that he had the invoices at his house and that he would email Inspector Sanchez-Panadero copies when he got home. On June 29, 2023, at 8:21 A.M. a vehicle with the license plate CAW 183 was seen on the License Premises. The brand of this vehicle was a Volkswagen. The vehicle was again seen during the re-inspection on July 19, 2023, at 11:42 A.M. On June 30, 2023, at 5:00 P.M. a vehicle with the license plate DVG 8071 was seen on the Licenses Premises. The vehicle was during seen during an inspection on June 7, 2023. The vehicle was still seen during the re-inspection that took place on July 19, 2023. The vehicle brand is Audi. On June 7, 2023, a white truck was seen during the complaint inspection at 1:08 P.M. The vehicle was still parked in the same location during the June 30, 2023, inspection and during the re-inspection on July 19, 2023.



Violation #3- Failure to provide maneuvering space for vehicles on the property in violation of Condition #18:

License condition #18 of the License for the Licensed Premises states that:

"Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited."

Violation #3 Facts: Inspector Sanchez-Panadero observed three (3) vehicles were blocking the maneuvering lane, the vehicles were parked in unapproved parking spaces.

Under Saint Paul Legislative Code section 310.05(v), these violations of your license conditions were fourth-time violations. The presumptive penalty laid out in the penalty matrix under section 310.05(m) prescribes a revocation of your license for a fourth-time violation.

You have three (3) options to proceed:

1. You may do nothing. If I have not heard from you by **November 10, 2023**, I will presume that you have chosen not to contest the revocation of your Tobacco Shop license and the matter will be placed on the City Council Consent agenda for revocation of your license.
2. If you wish to admit the facts but you contest the revocation of your Auto Repair Garage Shop license, 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 Council hearing no later than **November 10, 2023**. The matter will then be scheduled before the City Council to determine whether to revoke your Auto Repair Garage license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 **November 10, 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 §310.03 (k).

If you have not contacted me by November 10, 2023, I will assume that you do not contest the revocation of your Auto Repair Garage license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended Adverse Action.



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

If you have questions about these options, please contact Alan Tellez Berkowitz, my law clerk. His email is alan.tellez.berkowitz@ci.stpaul.mn.us

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Duqueiro Cano, 3347-3rd Avenue South, Minneapolis, MN 55408
Dukes Cars and Towing, 3347-3rd Avenue South, Minneapolis, MN 55408
Shevek McKee, Executive Director, Como Community Council, Como Streetcar Station
1224 Lexington Parkway North, Saint Paul, MN 55103

Attachments: Inspector's Report
Adverse Action Comments Text
License Group Comments Text
License Group Conditions Text
Correction Notice sent to Dukes Car and Towing – July 7, 2023
Correction Notice sent to Licensee, Duqueiro Cano, – July 7, 2023
Photographic evidence of vehicles parked longer than ten (10) days
Notice of Violation and Request for Imposition of a \$500 Matrix Penalty, ("NOV") (Exhibit 1)
Receipt showing payment of this first time Matrix Penalty (Exhibit 2)
RES 21-1580 imposed a \$500 Matrix Penalty (Exhibit 3)
Correction Notice mailed by Inspector Muhammad (Exhibit 4)
Notice of Violation and Request for Imposition of a \$1,000 Matrix Penalty ("2nd NOV")
(Exhibit 5)
Records from the Department showing that the \$1,000 Matrix Penalty was paid by the
Licensee (Exhibit 6)
RES 22-193 which imposed the presumptive Matrix Penalty of a 10-day suspension (Exhibit 7)
Department's request for Adverse Action (Exhibit 8)
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.05 (m)
Saint Paul Legislative Code §310.06 (5) (7) and (8)



Inspector's Report

Inspectors Name: Luis Sanchez-Panadero

Date & Time: 07/19/2023 11:42 a.m. Staff Member's Name: Jonathan

Business/DBA Name: Dukes Car and Towing

Property Address: 977 Front

Reason for Visit: Re-Inspection of Property

Observations: Violations of License Conditions

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken: Business Property

Action Taken: Education / warning

Request for Adverse Action

Other: _____

Details of Conversations (Statements to and by Person Responsible for Property):

I arrived at the property and noticed three vehicles that were not parked according to the site plan. These three vehicles also put them over the maximum number of vehicles allowed per their licensing conditions and were blocking the maneuvering lane (license conditions 1, 2, and 18). I introduced myself to one of the employees, who had called over the manager, Jonathan. I explained to Jonathan that I am here for the re-inspection following my initial inspection and that a correction letter that was sent to both the property and license holder. I told him that right away three vehicles were violating the license conditions that had to do with the number of vehicles allowed per the site plan, that they are in unapproved parking spaces, and were blocking the maneuvering lanes. Jonathan then instructed some of the employees to move the three vehicles off the property, correcting the violations. I never saw the employees or the vehicles again during my re-inspection. I then gave him a copy of the correction letter (with conditions printed on the back) and a copy of the site plan. I went over the conditions, with attention to the ones in violation. I pointed out three other vehicles that have been on the premise longer than ten days, which is a violation of their license condition. I had asked if there was a reason for why the vehicles are still here. He said they are waiting repair and on parts.



Page 2 of Inspection Report:

I had told him that DSI understands that parts on order may not arrive within ten days, but if this is the case, please show me some sort of proof that you are waiting on parts. An invoice or an order confirmation would suffice. He said he believes the order invoice is back at his house, and he would email me. I gave him my business card. We then went over the license condition regarding vehicles parked on the street. I asked if the four vehicles on the street belonged to either customers or employees. They said that just one of the vehicles was an employee vehicle, with the others being from the neighborhood. I told him that this is also a violation and that no employees or customers may park on the street, and that I could verify the license plates to see if they belong to the neighborhoods. One of the employees then got inside the employee vehicle and drove off with it. This time, this employee walked back to property during the re-inspection. I pointed out that they also cannot simply move the vehicles several blocks away. If they are to park any vehicles, it must be on the lot in the approved parking spaces. Jonathan had asked why they could not park on the curbside. He stated that since the streets are public, should they not be allowed to have cars parked on the curb? I explained that besides being one of the license conditions, the idea is that auto repair garages and auto body shops should not take in more vehicles that their property can handle, and that when these types of business start to take in excessive vehicles and park on the street, it takes away parking from the residents that live here. The employees had grievances that if they cannot have cars parked on the street, but they also cannot have excessive vehicles on the lot, what are they supposed to do? I told them that it is the business' responsibility to inform customers that they must park on the approved spaces or let them know that they cannot take any more vehicles. I also suggested if they have a second location to take some of the vehicles. We then went over the site plan. I told Jonathan and the employees which five spaces are allowed to be parked in. I also clarified that the sixth space, that is designated to be occupied by the towing vehicle, can be used to park other vehicles besides the towing vehicle. But that the towing vehicle can only be parked on that sixth designated space. Jonathan then asked if they could park in the South-West corner of the lot. I told him that since it is not on the site plan, they cannot park in that space. I explained that if they would like to add this space onto the site plan, they should talk to the zoning department if a space would be okay at the South-West corner, and if so, they could update the site plan. I had asked if there were any other questions. One of the employees, the same one that walked back to the premise after driving off, started to vent out some general grievances. He stated that auto garages in Minneapolis have tons of vehicles parked alongside the street and have excessive parking. I told him that I cannot speak for Minneapolis, but that they I'm sure they have different rules, regulations, and enforcement procedures. He then stated that even in Saint Paul, he does not see other auto repair garages get as many complaints as they have gotten. He asked if it's because they are Hispanic. I told him that I am not sure what is driving these complaints other than the violations, but one thing to note is that this property is in a very residential area. Jonathan had asked me what is next, do they get a second letter and what day I would be back? I told him that this is not the case this time. That this inspection was the re-inspection, and that I was to report my findings to a DSI Inspector Three, and he would review it for our next actions. He said O.K., and that he will send my that proof of ordered parts. I then finished taking photos of the property and left the premise.

Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

License #: 20190000933

07/08/2022 - Notice of Council Hearing sent. On 07/13/2022 CC consent agenda. SM

6/10/2022 - Notice of Violation sent with an 6/24/2022 deadline to respond. SM

02/24/2022 - Notice of Violation sent with an 03/10/2022 deadline to respond. SM

10/06/2021 - Notice of Violation sent with an 10/20/2021 deadline to respond. SM

Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

License #: 20190000933

07/19/2023 Re-inspection. Violations found. LSP
07/06/2023 Evening inspection on June 30th. Violations found. LSP
06/29/2023 A.M site inspection, 7 vehicles on site. follow-up evening inspection to come. LSP
2/10/2023 EVH left a message for the owner - later Spoke with the owner (Jon Wayne) - about the complaint that the business is not allowed to be open on Sunday's JNV
1/26/2023 Spoke with the owner (Jon Wayne) - he claims to pay late fees and renewal by 1/27/2023 by EOB JNV
1/10/2023 Complaint inspection completed- in compliance & hand delivered delinquent letter. Shop manager John Galvan accepted the letter. AYV
01/10/2023 No response to dlnt. ltr. to AV for delivery of letter to site and original letter to JNV. JWF
10/26/2022 Delinquent letter sent. Response deadline date is November 16, 2022. SLH
10/5/2022 Compliance inspections from 8/23/2021 JNV
09/30/2022 \$2,000 fine paid. SLH
9/16/2022 Sent to the CAO for AA to suspend license for non payment EH entered in by JNV
9/1/2022 Re-inspection from complaint from 1/21/2021 - LC violation #4 Storage of auto parts outside - Under Review JNV
8/23/2022 Called license holder to submit WC form JNV
8/5/2022 5 cars are still on the lot inspected at 10:22 am - KY
8/3/2022 Placard business for a ten day suspension JNV
6/2/2022 Sent to the CAO for AA for a 3rd LC violation for a \$2,000 fine and 10 day suspension JNV
6/1/2022 Sent RFA to JNV for review for 3rd LC violation ARM (entered by JNV)
05/10/2022 \$1,000.00 fine paid o/phone. LKK
5/10/2022 Spoke to the license holder he claims that he will make the \$1,000 fine payment by 2pm today JNV
04/26/2022 CF 22-476 approves matrix of \$1,000, due May 6, 2022. Letter sent. SLH
2/15/2022 Sent to the CAO for AA for second lic con violations with a \$1,000 fine JNV
2/11/22 Reinspect found violations, will be submitting AA. ARM
1/27/2022 Followed up on complaint, inspect property found violations. Sent Correction Notice with reinspection on or after 2/11/2022. ARM
02/07/22 \$500.00 FINE PAID. SE
11/10/21 - RES. 21-1580. \$500 fine owed. EVH
1/31/2022 Sent correction notice to licensee and CC: property owner, reinspection on or after 2/11/2022.ARM
9/29/2021 Sent to the CAO for AA for license condition violations from an inspect held on 9/17/2021 JNV
08/30/21 Spoke to Cano, advised info received shop was operating Sunday 8/29. He acknowledged that's a violation and the result of newly hired employees. He advised he would take care of that and all other items noted in 8/25 correction notice this week. EVH
08/23/2021 see 8-5-21 AMANDA CS 21 290701. TPF
02/22/2021 2nd e-mail request sent for Workers Comp form. LKK
02/02/2021 E-mailed for Workers Comp form. LKK
2/2/2021 Spoke to Mr. Cano opt to pay over the phone referred to Linda Koran. ARM
02/01/2021 To ARM for non-response follow-up. JWF
1/26/2021 Jet ski was taken off the premise by 4 pm. In compliance. ARM
1/13/2021 Violations of #1 and #4 of their license conditions. Reinspection will take place on or after 1/25/2021.ARM
10/26/2020 Delinquent letter sent. Response deadline date is November 16, 2020. SLH
01/16/2020 Re-Inspection - In compliance JNV
01/13/2020 Called and spoke with Duke about a trash complaint. Re-Inspection set on 01/16/2020 JNV
12/20/2019 Spoke w/neighbor to provide details of Dec. 4 on-site inspection and expectations given to the license holder at that time. - EVH
12/04/2019 Licensing Manager along with Inspector met with District Council 10 at licensed property to discuss license conditions and operation expectations. JNV
11/14/2019 Complaint inspection, found violations #'s 1,4 and Possible #11- Correction Notice letter sent on 11/15/2019 JNV
10/18/2019 Opening inspection--in compliance. DSE
10/08/2019 Emailed license applicant complete site improvements then contact David Eide for opening inspection. JWF
09/18/2019 CF #19-1503 approves lic. with 19 conditions. JWF
08/22/2019 Per Leg. Hrg. Officer recommend approval no additional conditions, 09/19/2019 rck. JWF
08/09/2019 Obj. rcvd. Leg. Hrg. 08/22/2019. JWF
07/08/2019 Lic. notice sent, 54M/35EM, response date 08/09/2019. JWF
06/27/2019 Draft notification - In compliance JNV
06/24/2019 DE has approved parking plan. JWF
06/14/2019 Email to lic. applicant submit most recent proposed site plan to DSI Zoning David Eide. Recheck app. status 07/08/2019 (gray file). JWF
05/30/2019 Per email response David Eide (Zoning) on vacation until 06/17/2019. Recheck for Zoning approved plan at that time (gray file). JWF
05/14/2019 2nd letter sent obtain Zoning approval, response date 05/24/2019. JWF
5/6/19 Reinspection to confirm that licensee had stopped operating. Licensee was in compliance.ARM
5/1/19 Followed up on complaint,inspection yielded that licensee was operating without the proper license. Immediately stopped operating. ARM
05/10/2019 Per DE recent contact from license applicant who stated would provide better site plan for Zoning review to begin but hasn't provided one yet. JWF
04/22/2019 Incomplete letter sent obtain DSI Zoning Division review approval, response date 05/10/2019. JWF

Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

License #: 20190000933

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations.
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.



July 7, 2023

Dukes Car and Towing
977 Front Ave
St Paul, MN 55103

CORRECTION NOTICE

Re: Auto Repair Garage– ID 20190000933– 977 Front Ave – DBA: Duke Car and Towing

Dukes Car and Towing,

The above referenced property was inspected on 06/30/2023 due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 07/17/2023 at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to luis.sanchez-panadero@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for extension.

Failure to fully correct the violation(s) noted below prior to re-inspection may result in adverse action against all licenses issued at the location up to and including license revocation.

Violation(s) discovered:

- License Condition 1: Vehicles are not parked according to site plan. A total of nine (9) vehicles were parked on the property. A maximum of six (6) is allowed.
- License Condition 11: Customer vehicles may not be parked longer than ten (10 days) on the premise. Comparing photos taken during an inspection that was conducted on 06/07/2023, there were four vehicles that were found to be on the property for longer than ten (10 days).
- License Condition 18: Vehicles cannot block the maneuvering lanes of the property.

NOTE: License conditions for the property are listed on the reverse side of this document.

If you have questions regarding this matter or wish to request additional information, I may be reached at phone number 651-266-9016.

Respectfully,

Luis Sanchez-Panadero
Inspector, DSI Licensing

C: 3347 3rd Ave S Minneapolis, MN 55408

LICENSEE: Dukes Cars and Towing LLC

DBA: Duke Car and Towing

LICENSE #: 20190000933

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations.
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.



July 7, 2023

Duqueiro Cano
3347 3rd Ave S
Minneapolis, MN 55408

CORRECTION NOTICE

Re: Auto Repair Garage– ID 20190000933– 977 Front Ave – DBA: Duke Car and Towing

Duqueiro Cano,

The above referenced property was inspected on 06/30/2023 due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 07/17/2023 at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to luis.sanchez-panadero@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for extension.

Failure to fully correct the violation(s) noted below prior to re-inspection may result in adverse action against all licenses issued at the location up to and including license revocation.

Violation(s) discovered:

- License Condition 1: Vehicles are not parked according to site plan. A total of nine (9) vehicles were parked on the property. A maximum of six (6) is allowed.
- License Condition 11: Customer vehicles may not be parked longer than ten (10 days) on the premise. Comparing photos taken during an inspection that was conducted on 06/07/2023, there were four vehicles that were found to be on the property for longer than ten (10 days).
- License Condition 18: Vehicles cannot be the block maneuvering lanes of the property.

NOTE: License conditions for the property are listed on the reverse side of this document.

If you have questions regarding this matter or wish to request additional information, I may be reached at phone number 651-266-9016.

Respectfully,

Luis Sanchez-Panadero
Inspector, DSI Licensing

C: 977 Front Ave St Paul, MN 55103

LICENSEE: Dukes Cars and Towing LLC

DBA: Duke Car and Towing

LICENSE #: 20190000933

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations.
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.

June 29, 2023 8:21 a.m.

This vehicle was seen on the licensed property's lot during the re-inspection that occurred on 07/19/2023 at 11:42 a.m. During the inspection on 06/30/2023, this vehicle was stated to belong to one of the neighbors. It is the brand (Volkswagen) and has the same license plate (CAW 183) as the vehicle found in both the 06/30/2023 and 07/19/2023 inspection. It also has the same distinguishable headlight eyelashes.





June 30, 2023 4:59 p.m.

This vehicle was seen on the licensed property's lot during the re-inspection that occurred on 07/19/2023 at 11:42 a.m. During the inspection on 06/30/2023, this vehicle was stated to belong to one of the neighbors. It is same shape and color as the vehicle found in both the 06/30/2023 and 07/17/2023 inspection.



June 7, 2023 1:08 a.m.

Vehicle seen during complaint inspection on 06/07/2023 at 1:08 p.m. is still parked in the same location as the inspection conducted on 06/30/2023 and on the re-inspection conducted on 07/19/2023 at 11:42 a.m. it was still on the licensed premise. Compared to photos taken during 06/30/2023 inspection, this vehicle is the same brand of car (Audi) as the vehicle seen during the 06/30/2023 and the 07/17/2023 inspection. It also has the same three last digits on the license plate (870) as the vehicle seen in the photos of the 06/30/2023 and 07/19/2023 inspection. Vehicle is also the same shape and color as the vehicle in the 06/30/2023



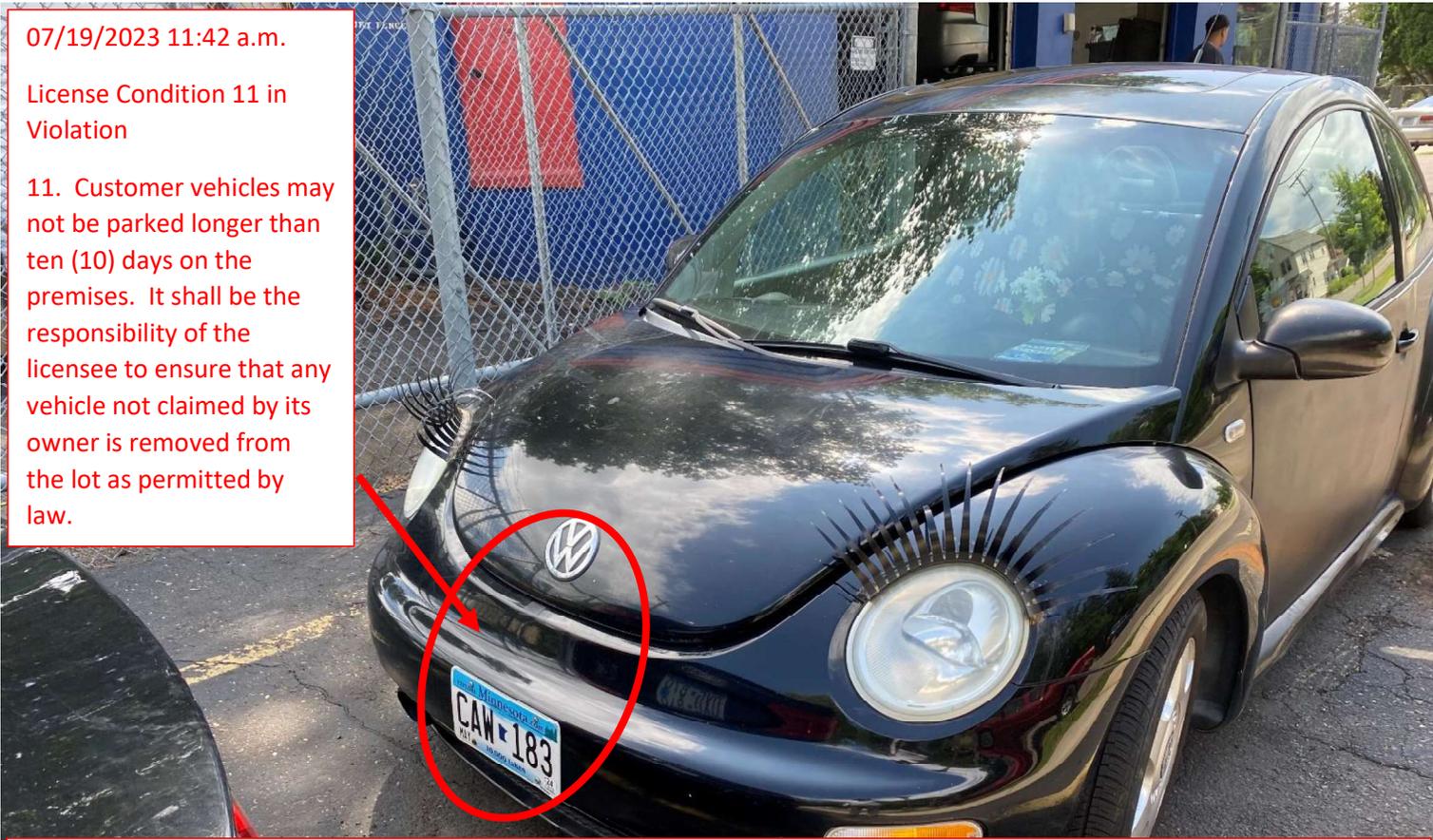
June 30, 2023, 5:00 p.m.

Vehicle seen during complaint inspection on 06/30/2023 at 5:00 p.m. is still parked in the same location for longer than ten (10) days. It was first seen during in an inspection on 06/07/2023, and it was then still seen during the re-inspection that took place on 07/19/2023. Compared to photos taken during 06/07/2023 inspection, this vehicle is the same brand of car (Audi) as the vehicle seen during the 06/07/2023 inspection. It also has the same three last digits on the license plate (870) as the vehicle seen in the photos of the 06/07/2023 inspection and the same license plate seen during the inspection of 07/19/2023 (DVG 870). Vehicle is also the same shape and color as the vehicle in the 06/07/2023 inspection and 07/19/2023 reinspection.

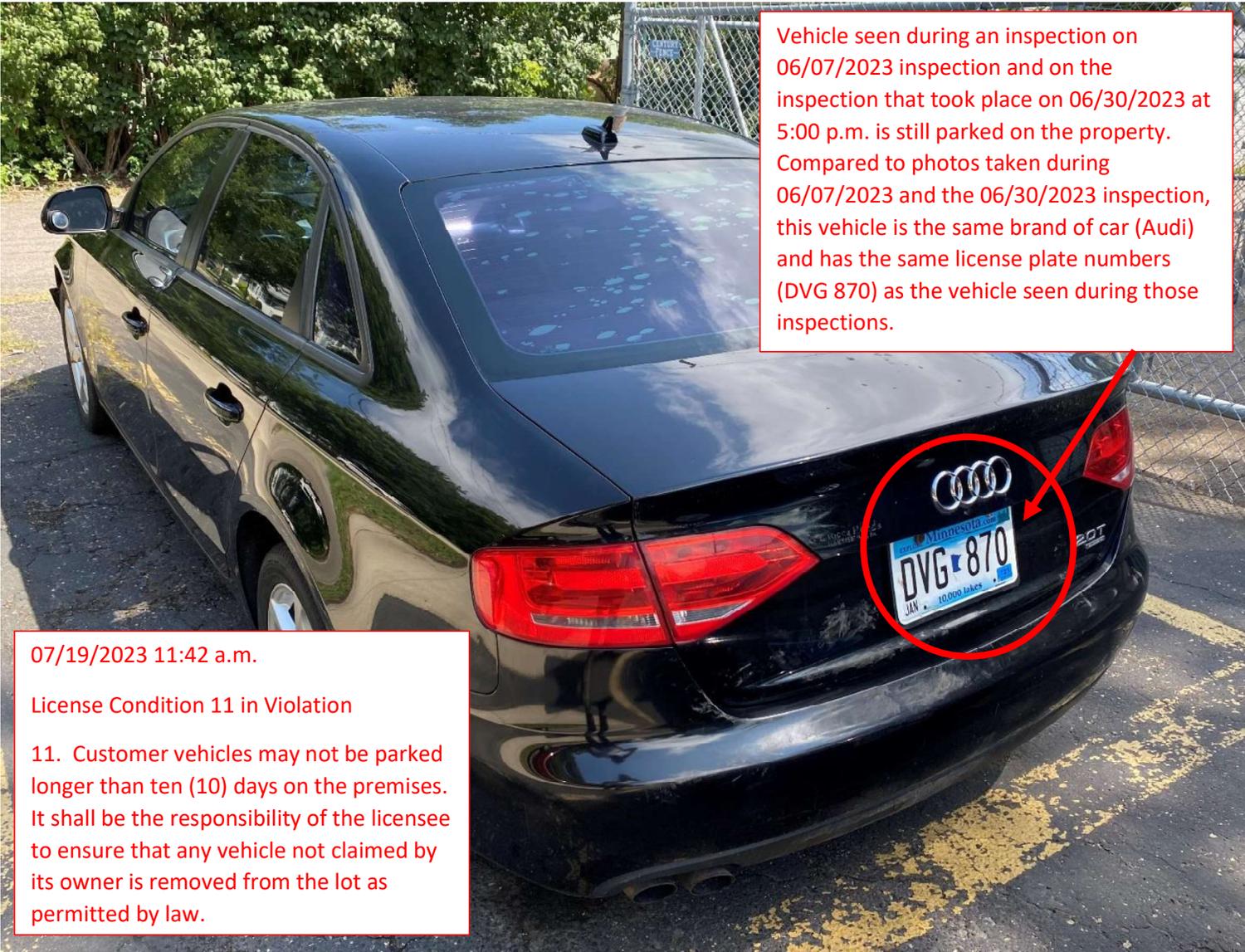
07/19/2023 11:42 a.m.

License Condition 11 in Violation

11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



Vehicle seen during complaint inspection on 06/30/2023 at 5:00 p.m. is now parked on the property. Compared to photos taken during the 06/30/2023 inspection, this vehicle is the same brand of car (Volkswagen) and has the same license plate numbers (CAW 183) as the vehicle seen during those inspections. It also has the same distinguishable eyelashes on the headlights. This vehicle was originally seen parked on the street during the 06/30/2023 inspection. On the 06/30/2023 inspection, I was told by manager Johnathan and employees that this car belonged to neighbors. It was seen on the licensed property's lot on the 07/19/2023 reinspection.



Vehicle seen during an inspection on 06/07/2023 inspection and on the inspection that took place on 06/30/2023 at 5:00 p.m. is still parked on the property. Compared to photos taken during 06/07/2023 and the 06/30/2023 inspection, this vehicle is the same brand of car (Audi) and has the same license plate numbers (DVG 870) as the vehicle seen during those inspections.

07/19/2023 11:42 a.m.

License Condition 11 in Violation

11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 6th day of October, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Duke's Cars and Towing
977 Front Avenue
Saint Paul, MN 55103

Duqueiro Cano
3347 3rd Avenue South
Minneapolis, MN 55408

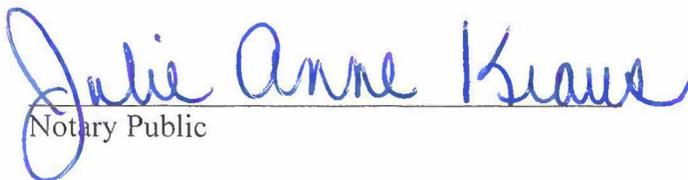
Shevek McKee, Executive Director
Como Community Council
1224 Lexington Parkway
Saint Paul, MN 55103

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

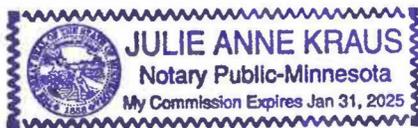


Shawn McDonald

Subscribed and sworn to before me
This 6th day of October 2021



Notary Public



EXHIBIT

1



October 6, 2021

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$500 MATRIX PENALTY**

Duke's Cars and Towing
977 Front Avenue
Saint Paul, MN 55103

RE: Auto Repair Garage License held by Duke's Cars and Towing LLC d/b/a Duke's Cars and Towing for the premises located at 977 Front Avenue in Saint Paul.
License ID #: 20190000933

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Auto Repair Garage License held by Duke's Cars and Towing LLC ("Licensee") herein for the premises known as Duke's Cars and Towing located at 977 Front Avenue ("Licensed Premises") based on violations of your license conditions.

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions be based. Section 310.06(b)(5) says that adverse action can be pursued for failure to comply with a condition set forth in the license. In your case, the license conditions that the Department bases its request for adverse action on are license conditions #1, #2, #11, #13, and #18.

Synopsis of alleged facts:

On August 23, 2021, Inspector Ferrara from the Department of Safety and Inspections went to the Licensed Premises to conduct an inspection due to complaints received. During the inspection the inspector observed and documented violations of the license conditions. Inspector Ferrara spoke with Manager Jon Galvin and reviewed the license conditions and the violations he observed. Manager John Galvin was informed that a correction notice with a timeline to come in compliance with all license conditions would be sent to the Licensed Premises. The correction notice stated that a re-inspection of the premises would occur on or after September 2, 2021.



On September 12, 2021 and September 17, 2021, Inspector Ferrara conducted follow-up inspections of the Licensed Premises. During these inspections, he observed and documented with photos violations of license conditions #1, #2, #11, #13, and #18.

Violation #1 - Failure to follow approved parking plan in violation of Condition #1:

License condition #1 of the License for the Licensed Premises states that:

"All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time."

Violation #1 Facts: On September 12, 2021, during a follow up inspection, Inspector Ferrara discovered a blue truck parked on the licensed premises in an area not approved on the parking plan on file with the Department. On September 17, 2021, a silver van was also discovered parked in an area that was not approved on the parking plan.

Violation #2 – Dumpster located in area not in accordance with parking plan in violation of Condition #2:

License condition #2 of the License for the Licensed Premises states that:

"The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc."

Violation #2 Facts: On September 17, 2021, during a follow up-inspection, Inspector Ferrara discovered that a dumpster was located in the rear of the building and not along the north side of the building as is required by the parking plan.



Violation #3 – Failure to maintain parking lot violation of Condition #11:

License condition #11 of the License for the Licensed Premises states that:

“Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.”

Violation #3 Facts: On September 12, 2021, Inspector Ferrara observed 2 parked vehicles (MN Lic # DLD425, ESJ440) in unmarked spaces that he previously observed parked on the Licensed Premises on August 23, 2021. On September 17, 2021, the inspector observed 3 vehicles parked (MN Lic #232ULJ, FZB865, ESJ440) on the property that were also previously discovered parked on the premises on August 23, 2021.

Violation #4 – Vehicles parked on public right of way in violation of Condition #13:

License condition #13 of the License for the Licensed Premises states that:

“At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.”

Violation #4 Facts: On September 12, 2021, during a follow-up inspection, Inspector Ferrara observed the same vehicle (Lic #447XPT) he discovered during the August 23, 2021 inspection parked outside of the property on the public street. Inspector Ferrara was informed that the vehicle was owned by Manager Jon Galvin. On September 17, 2021, the inspector discovered a red SUV parked in front of the property on the public street.

Violation #5 – Failure to provide maneuvering space for vehicles on the property in violation of Condition #18:

License condition #18 of the License for the Licensed Premises states that:



"Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited."

Violation #5 Facts: On September 17, 2021 Inspector Ferrara observed a vehicle blocking the maneuvering space of a van that was parked on the property.

Under Saint Paul Legislative Code Section 310.05, these violations of your license conditions are first-time violations. The penalty matrix laid out in Section 310.05 prescribes a \$500 fine for a first-time violation.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **October 20, 2021**, 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.
2. You can pay the \$500 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **October 20, 2021**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500 matrix penalty, you may have a public 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 **October 20, 2021**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty. You will have an opportunity to appear before the 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 **October 20, 2021**. 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 public hearing will need to be scheduled.



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 request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code Section 310.05 (k).

If you have not contacted me by October 20, 2021, I will assume that you do not contest the imposition of the \$500 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Shawn McDonald at (651) 266-8729.

Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Duqueiro Cano, 3347 3rd Avenue South, Minneapolis, MN 55408
Shevek McKee, Executive Director, Como Community Council, 1224 Lexington Parkway, Saint Paul, MN 55103

Attachments: Inspectors Report from Inspector Tom Ferrara
Screenshots from Eclips system
STAMP Ownership/Zoning Information
August 25, 2021 Correction Notice
Parking Plan Map
Photos of Violations from 9/12/2021 & 9/17/2021
Saint Paul Police Department Tag CN 21185531
Saint Paul Police Department Tag CN 21190997



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-3939
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Inspector's Report

Inspectors Name: Thomas Ferrara

Date: 9/12/2021 & 9/17/2021

Business/Property Name: DBA: Dukes Car and Towing, License #: 20190000933

Property Address: 977 Front Avenue, Saint Paul, MN 55103

Reason for Visit: Complaint Inspection

Observations: License Condition Violations

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken:

977 Front Avenue property & Chatsworth

Action Taken: Education / warning

Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property):

During an inspection that was held on 8/23/2021, I spoke with the manager Jon Galvin, I introduced myself as a licensing inspector with DSI and that I was here today for an inspection due to DSI receiving complaints. I reviewed the license conditions and violations that I observed with the manager instructing him that he would receive a correction notice of the violations found with a timeline to come in compliance of all license condition violation and with city ordinances.

Upon the follow up inspections that were held on 9/12/2021 and on 9/17/2021, I observed the following violations: License condition #1 and 2 not parking according to the parking plan dated 6/24/2019 and trash/dumpster not in designated spot, license condition #11 multiple customer vehicles parked for over ten days, license condition #13 customer/employees vehicle's parking in the right of way on Chatsworth and license condition # 18 vehicle parked/blocking maneuverable space to allow other vehicle entering and exiting the property.

Properties For License 977 FRONT AVE

Pay Print Warn Hist Summ

Licensee: DUKES CARS AND TOWING LLC
 DBA: DUKES CAR AND TOWING

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: DUKES CARS AND TOWING LLC Browse...
 DBA: DUKES CAR AND TOWING Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Financial Hold Reasons

Contacts for this Licensee

Last Name	First Name	Title	Bus. Phone	Home Phone	Contact Address
DUKES CAR AND T			(651) 489-8224		977 FRONT AVE
CANO	DUQUEIRO	() -			3347 3RD AVE S

Background Check Required Contact Properties...

License # 190000933 Save Changes to History OK Cancel Help

Properties For License 977 FRONT AVE

Pay Print Warn Hist Summ

Licensee: DUKES CARS AND TOWING LLC
 DBA: DUKES CAR AND TOWING

License | Licensee | Lic. Types | Insurance | Bond | Requirements

Licensee Name: DUKES CARS AND TOWING LLC Browse...
 DBA: DUKES CAR AND TOWING Properties...
 Sales Tax Id: ***** Non-Profit: Worker's Comp: 00/00/0000
 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000
 AA Fee Collected: 00/00/0000 Discount Rec'd:

Other Agency Licenses

Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date

Financial Hold Reasons

Contacts for this Licensee

Contact Address	City	Zip	DOB	Last Check	Drp
977 FRONT AVE	ST PAUL	55103	00/00/0000	00/00/0000	
3347 3RD AVE S	MPLS	55408	05/24/1967	00/00/0000	S49914

Background Check Required Contact Properties...

License # 190000933 Save Changes to History OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 09/28/21 12:17 PM

House#:

Last updated from Ramsey County data on:

Street Name:

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

977 Front Ave - 55103-1351 - [Other Applications](#)

PIN: 262923240180

Census Tract: 31200 **Census Block:** 3022

Council Ward: 5 **District Council:** 10

Year Built:

Foundation Sq Feet: **Loan Company:**

Land

Building

Value: 30400

Value: 72300

Unverified Usage: 10- GENERAL RETAIL & SVC- B- Commercial

ISP:

Units: 0

Zoning: B2

Legal Desc: SAHLGAARD'S SUBDIVISION OF,LOT LOTS 10 AND LOT 11 BLK 55

Owner:

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis MN 55408-3205

Certificate of Occupancy Responsible Party:

Duke's Towing
977 Front Ave
St Paul MN 55103-1351



SAINT PAUL
MINNESOTA

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.spsaintpaul.gov/dti

- Yag hais tias koj tsis to raub tsab nrawv no, hu rau nis rehais lus nrawv (651) 266-8989. Nws yuav pab dawb xab.
- Si necessita un traductor, por favor llamamos al (651)266-8989. No costo.

August 25, 2021

**Dukes Cars And Towing
Attn. Duqueiro Cano
3347 3rd Ave S
Minneapolis MN 55408-3205**

CORRECTION NOTICE

Date: August 25, 2021
RE: 977 FRONT AVE
File #: 21-290701
License Id: 20190000933

Responsible Parties:

The City of Saint Paul, Department of Safety and Inspections inspected the above referenced property on 8/23/2021 in response to public complaints and has determined that the following deficiencies exist in violation of the Saint Paul Legislative Code and/or associated license conditions (see enclosed). Additionally, a Correction Notice including the previously agreed upon business' license conditions was issued to the business on 1/13/2021 in response to same/similar violations observed at the address.

Violations observed on 8/23/2021 include, but are not limited to:

- Two automobiles with MN license plate numbers AHX898 and GLA195 parked in unmarked spaces near southwest corner of the lot in violation of the Parking Plan Approved 24 June 2019 (see enclosed).
- A third vehicle with MN license plate 679UEG was stopped between the Chatsworth curb cut and the north service bay in an unmarked space that blocked maneuvering space and raised the total number of vehicles outdoors on the lot to seven (7) in violation of the Parking Plan.
- The commercial waste container in the rear of the building was not located along the north side of the building in accordance with the Parking Plan and was blocking the parking space labeled "Tow Truck" on the Plan.
- The commercial waste container was open with refuse and debris spilling onto the ground. In addition, an office chair with other miscellaneous refuse and debris was present on the ground north of the building along with excessively tall grass and weeds on property.
- Automobile with MN license plate number AHX898 stored on lot for a stated "month" in an unapproved space was missing body parts and the driver side window plus the interior was filled with auto parts. This constitutes an abandoned and a salvage vehicle.

- Automobile with MN license plate number 447XPT parked on Chatsworth St. in front of business along and front bumper/body panel missing. Vehicle stated to be business manager Jon Galvin's who was present at site.
- "...Certified Auto Repair..." temporary sign/banner along fence in rear of building with no evidence of Zoning Section (651-266-9008 or DSI-ZoningReview@stpaul.gov) approval in database.

You are hereby notified to correct these deficiencies in accordance with the appropriate codes. A DSI Licensing Inspector will re-inspect these premises on or after **Thursday 9/2/2021**, by which date the noted violations must be corrected and the property brought into full compliance with all license conditions. **Failure to correct these deficiencies and maintain compliance may result in adverse action against business licenses, the issuance of criminal charges and/or a civil lawsuit, and possible abatement/assessment by the City.**

Additionally, information was provided to DSI that the business was in operation on a Sunday(s) and often later than conditions. This is in violation of the conditions imposed on your business licenses and further grounds for adverse licensing action. **Sunday business operations and repair work later than 7:30 p.m. Monday through Saturday must cease and desist upon receipt of this notice.**

Further, complaints indicate that Dukes Cars And Towing ownership and operators may have changed. If validated this will be further grounds for adverse action against the business licenses including revocation. It is necessary to provide DSI Licensing immediate written notice if there have been changes to the business' ownership and/or responsible parties as Dukes Cars And Towing LLC remains the party fully liable for all business activity.

Finally, this order does not supersede or in any way delay the compliance date of **Summary Abatement** orders issued by DSI Code Enforcement for same/similar violations. Those violations at the address must be brought into compliance as Code Enforcement recently ordered or progressive enforcement may be initiated by that Division prior to the 9/2/2021 Licensing compliance date.

If you have any questions, please contact me at tom.ferrara@ci.stpaul.mn.us or 651-266-9087 and in my absence, you may contact Licensing Manager, Eric Hudak at 651-266-9132.

Respectfully,



Thomas Ferrara
DSI Licensing Inspector

Enc. Dukes Cars and Towing LLC, License #: 20190000933, License Group Conditions.
Parking Plan Approved 24 June 2019.

C: Dukes Cars and Towing LLC, 977 Front Ave, Saint Paul, MN 55103.

Licensee: Dukes Cars and Towing LLC
DBA: Dukes Cars and Towing
License #: 20190000933

License Group Conditions:

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations.
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.

**September 2021 DSI Licensing Condition Violations
10/5/2021 Supplement**

**Licensee: Dukes Cars and Towing LLC
DBA: Dukes Cars and Towing
License #: 20190000933**

License Group Condition Violation(s):

11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.

*MN DLD425 longer than ten (10) days on the premises first observed 8/23/21 daytime inspection with partial of plate visible and 9/3/21 evening inspection full plate visible...

8/23/21



9/3/21



*MN EFH164 longer than ten (10) days on the premises first observed 9/3/21...



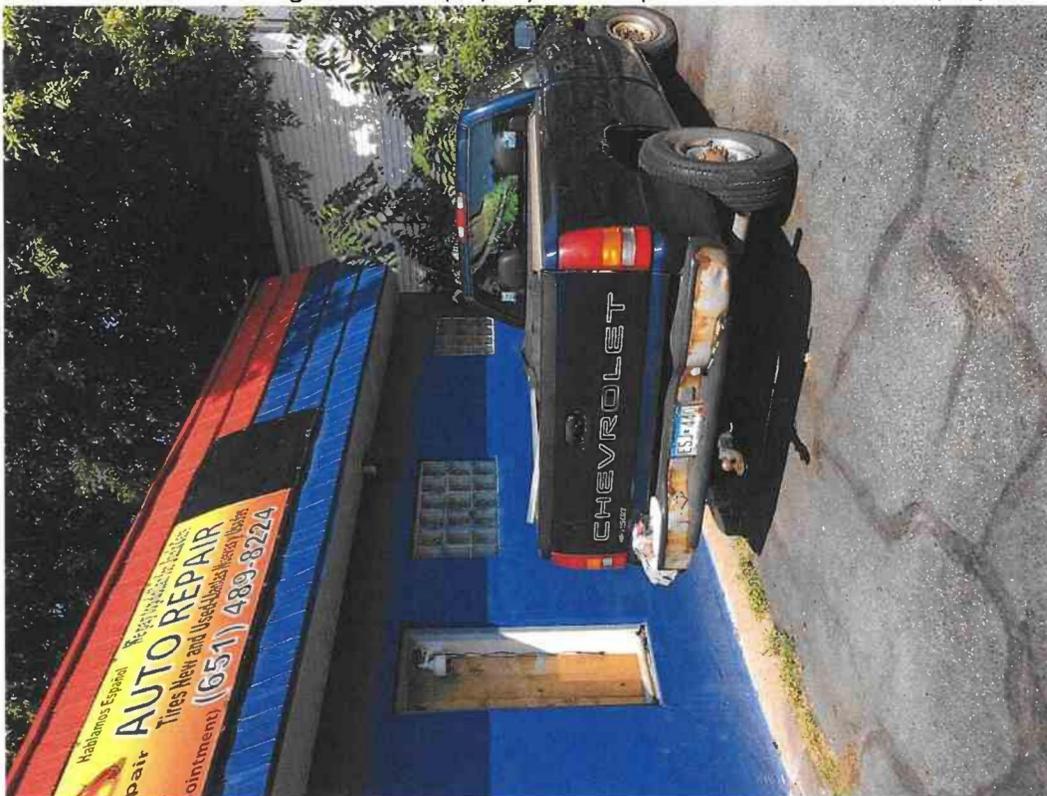
*MN 232ULJ longer than ten (10) days on the premises first observed 8/23/21...



*MN FZB865 longer than ten (10) days on the premises first observed 8/23/21...



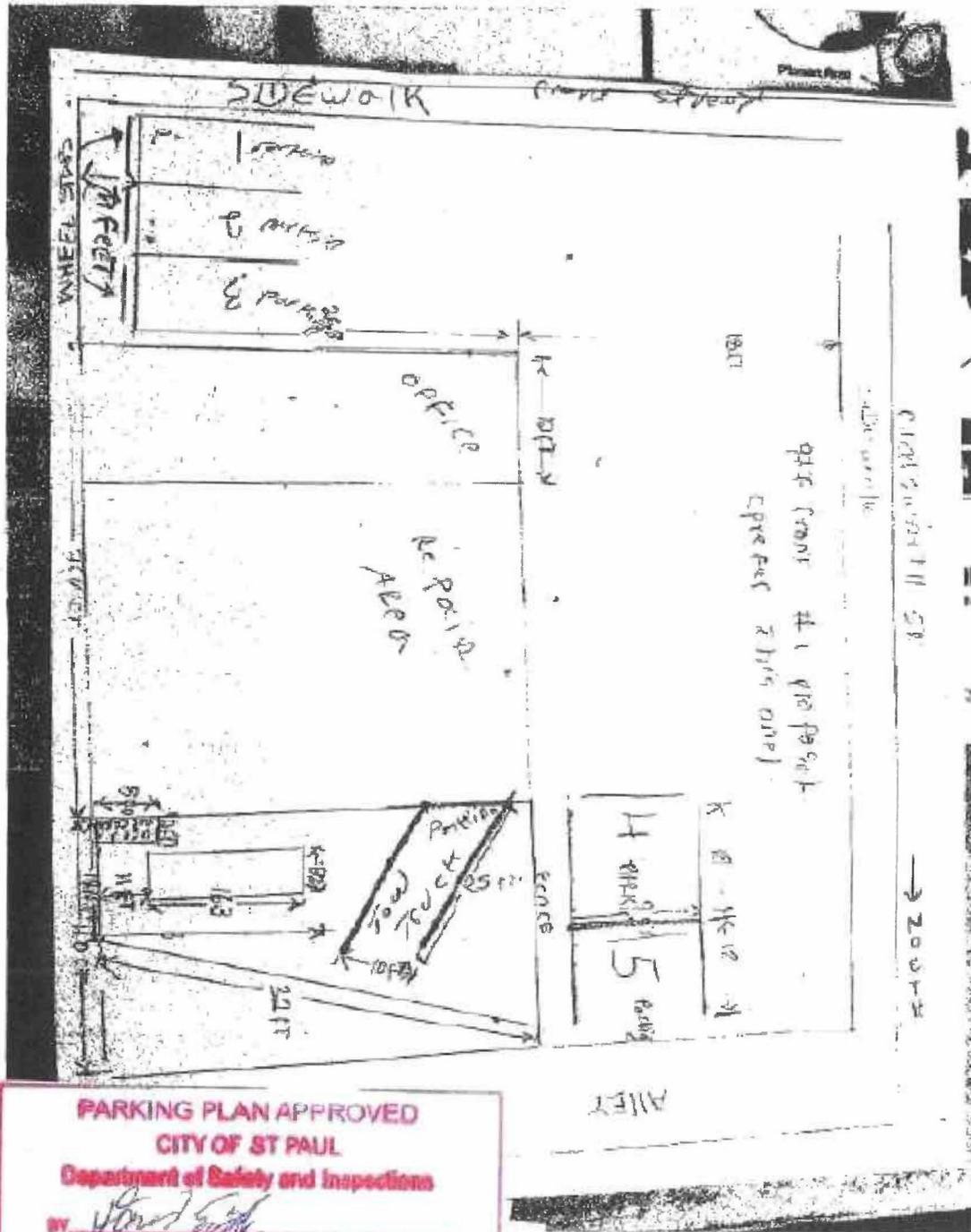
*MN ESJ440 longer than ten (10) days on the premises first observed 8/23/21...



19. Licensee must comply with all federal, state and local laws.

*See Zoning orders 10/4/2021 977 Front Ave – Temporary Sign





PARKING PLAN APPROVED
CITY OF ST PAUL
 Department of Safety and Inspections
 BY [Signature]
 FILED 24 June 2019
 Any alterations from this plan must be approved by the zoning Administrator.

Saint Paul Police Department

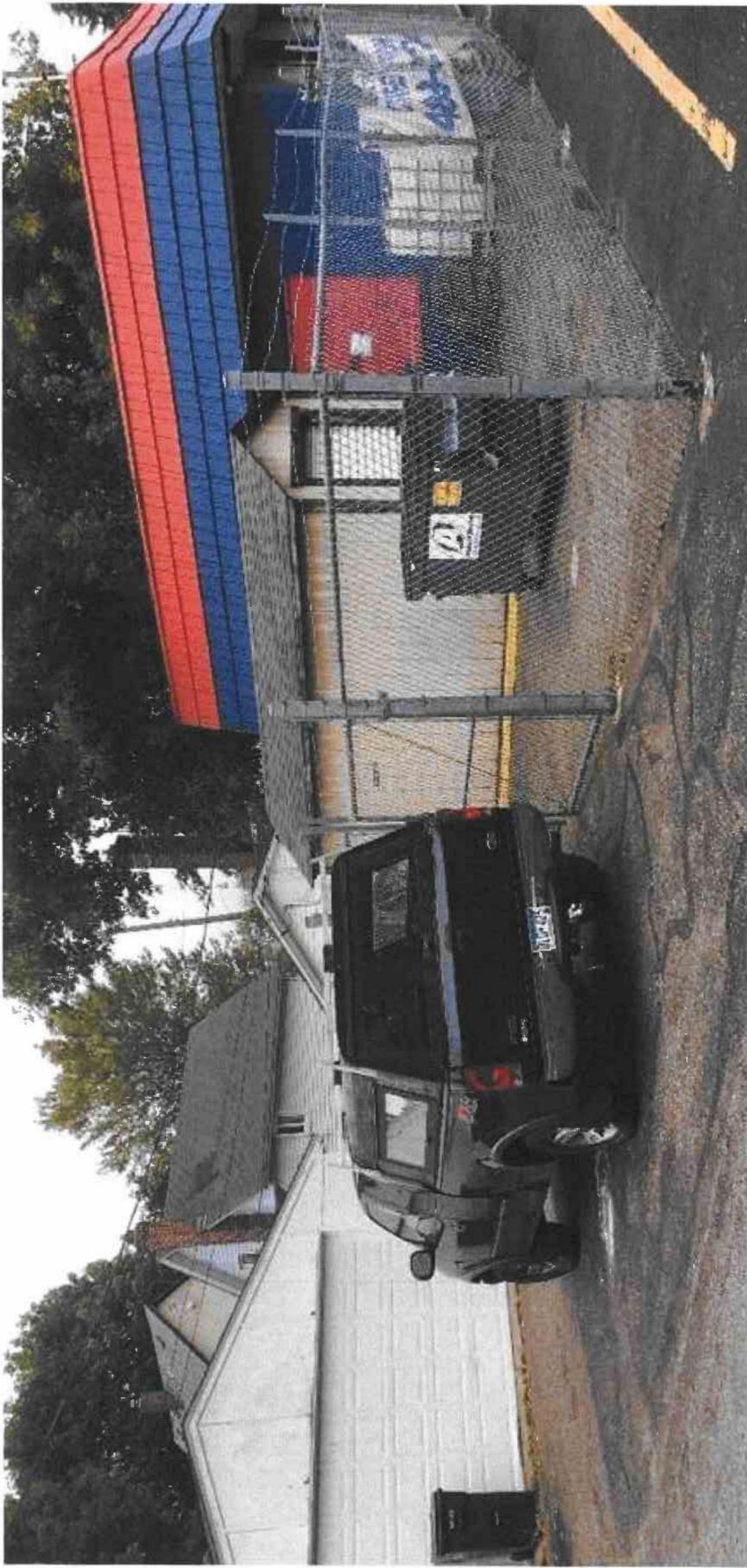
CN Details for 21-185531

Incident:	4701	ABANDONED VEHICLE		
Location:	977 Front Avenue			
Locale:	Certified Auto Repair [977]			
	Sector/Grid:	I	47	
Call Date:	09/05/2021, 17:37:15	Disposition:	Tag	
Occur Date:	09/05/2021	Priority:	5	Time Received: 17:37:15
Occur Time:	17:37:15	Source:	Phone	Time Sent: 22:36:59
Caller Information:	Fire/Amb:		Time Arrived:	22:42:22
Name:	EDP:		Time Cleared:	22:49:17
Address:	Alarm:		ECC Console:	23
Phone:				

Saint Paul Police Department

CN Details for 21-190997

Incident:	4600	TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS		
Location:	977 Front Avenue			
Locale:	Certified Auto Repair [977]			
	Sector/Grid:	I	47	
Call Date:	09/12/2021, 13:52:34	Disposition:	Tag	
Occur Date:	09/12/2021	Priority:	5	Time Received: 13:52:34
Occur Time:	13:52:34	Source:	Phone	Time Sent: 16:59:54
Caller Information:	Fire/Amb:			Time Arrived: 17:07:27
Name:	EDP:			Time Cleared: 17:11:05
Address:	Alarm:			ECC Console: 24
Phone:				



License Condition Violation #11 – 9/12/2021

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



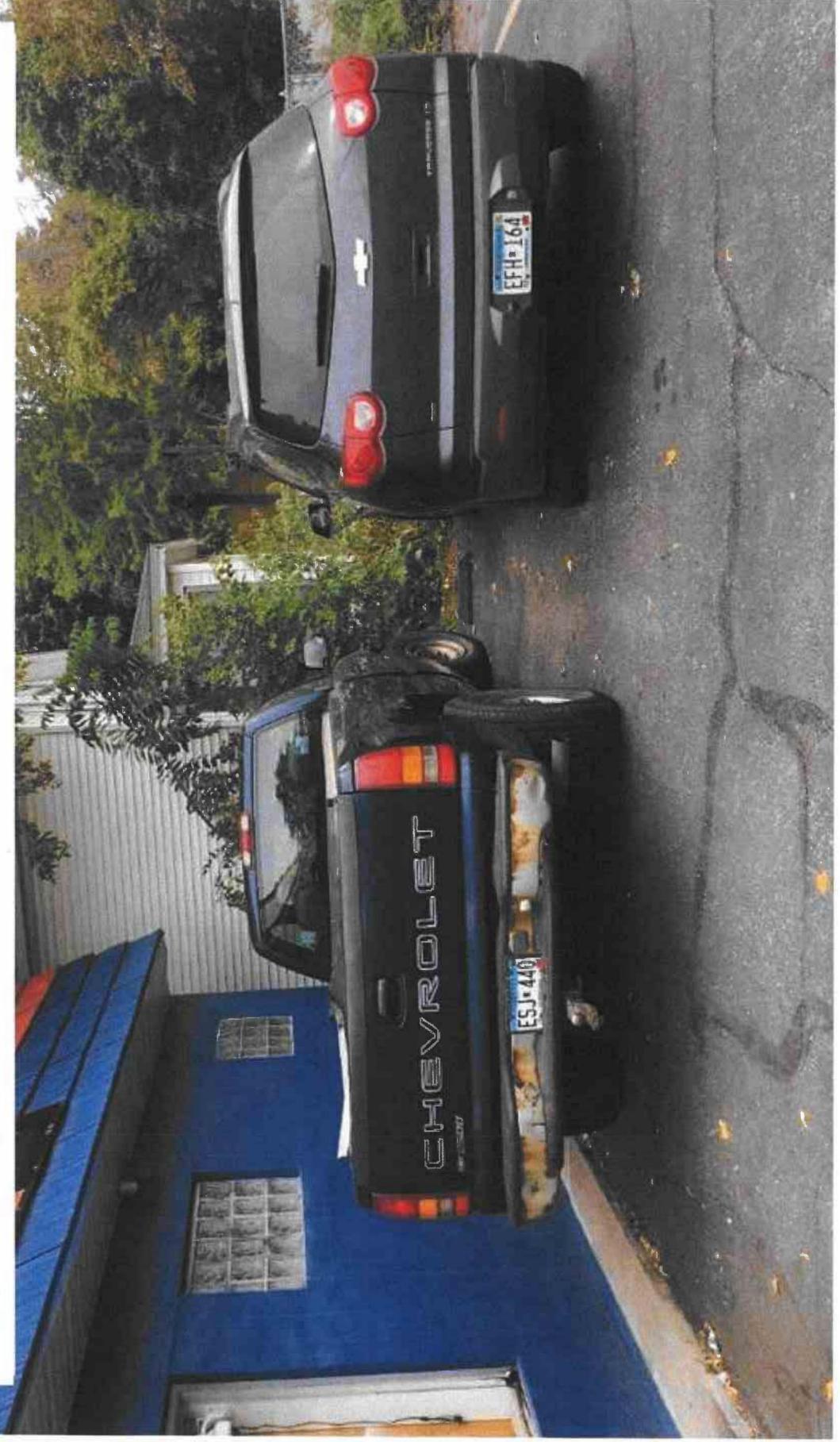


License Condition Violation #1 – 9/17/2021 Dumpster

2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.

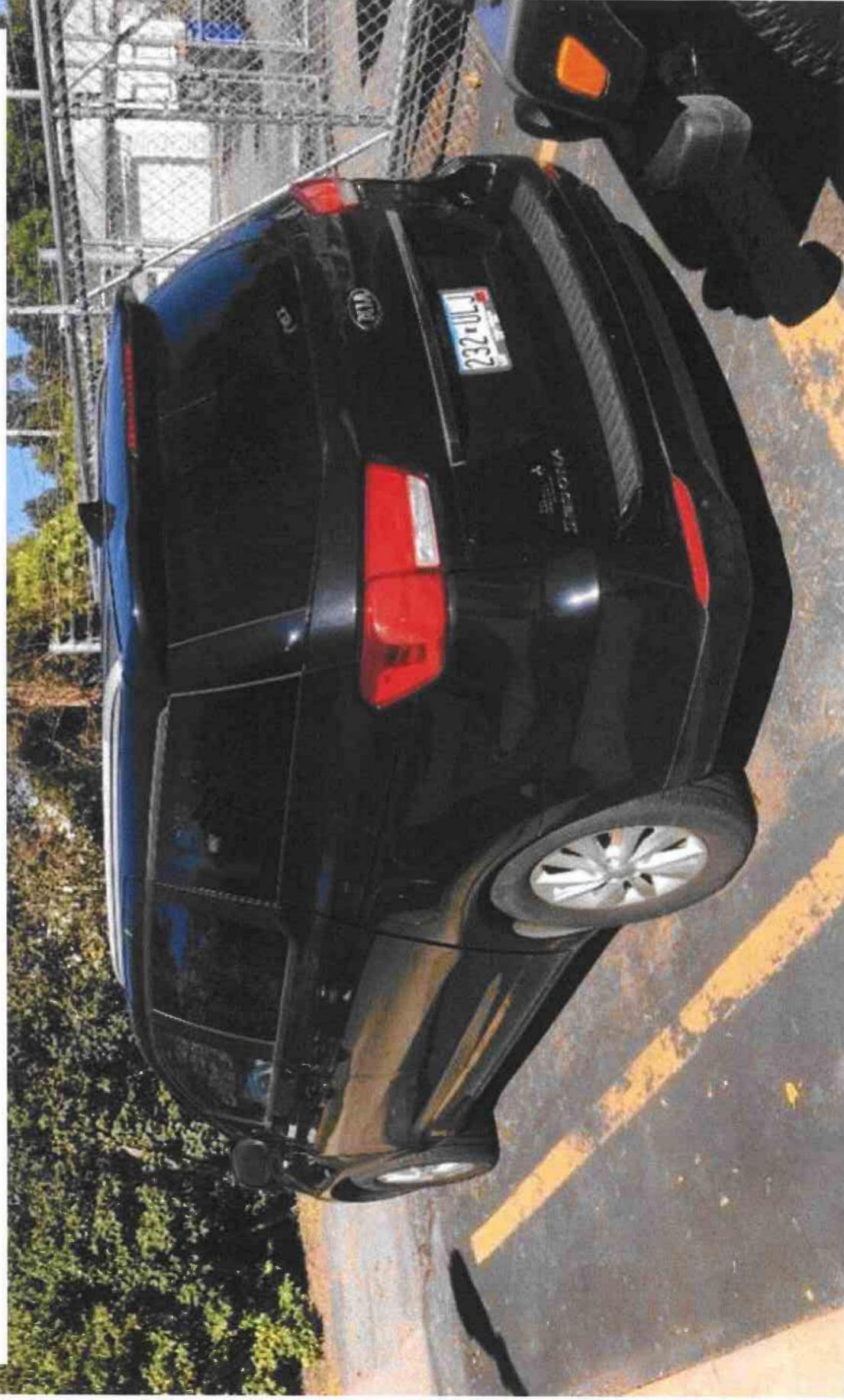
License Condition Violation #11 – 9/12/2021

11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



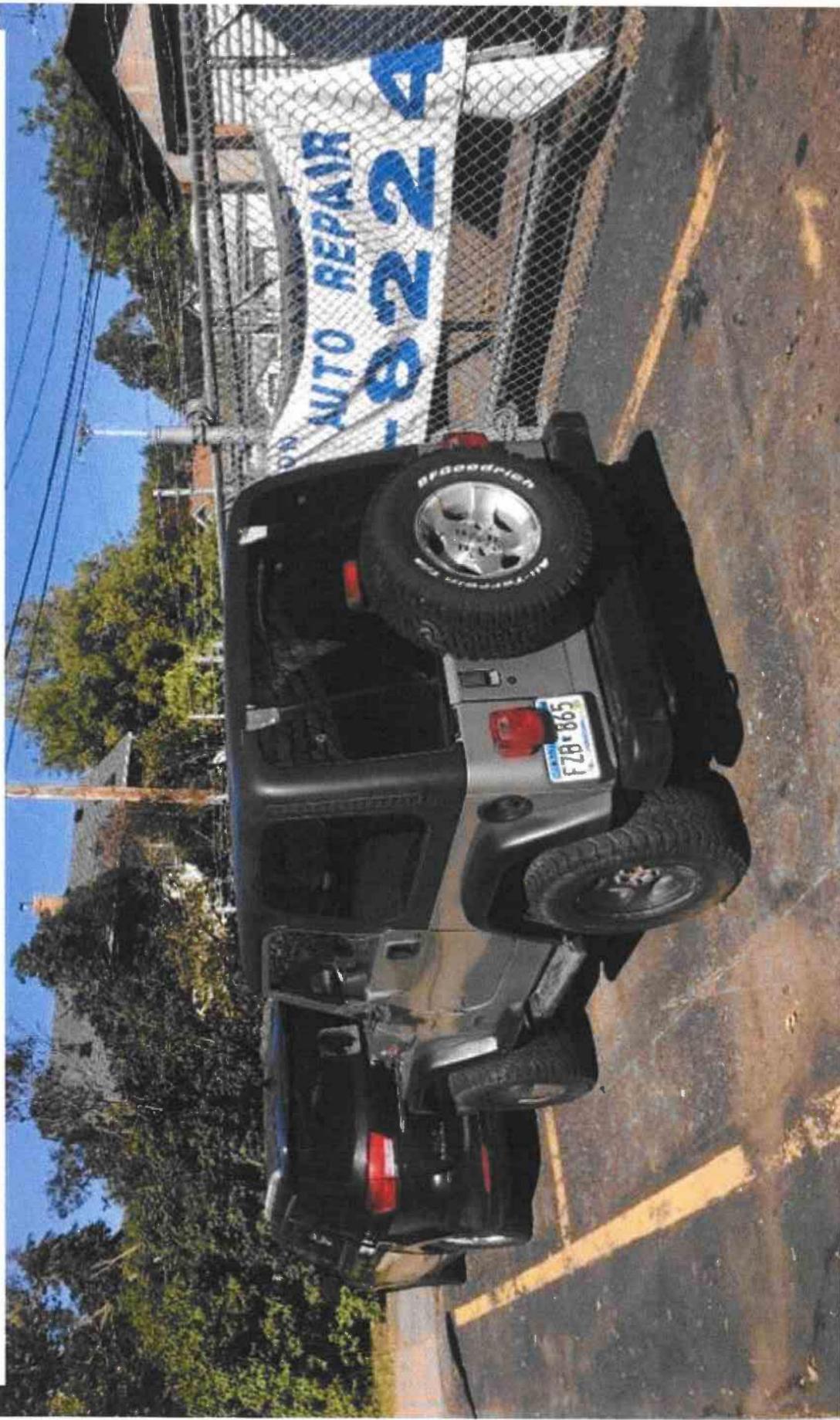
License Condition Violation #11 – 9/17/2021

11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



License Condition Violation #11 – 9/17/2021

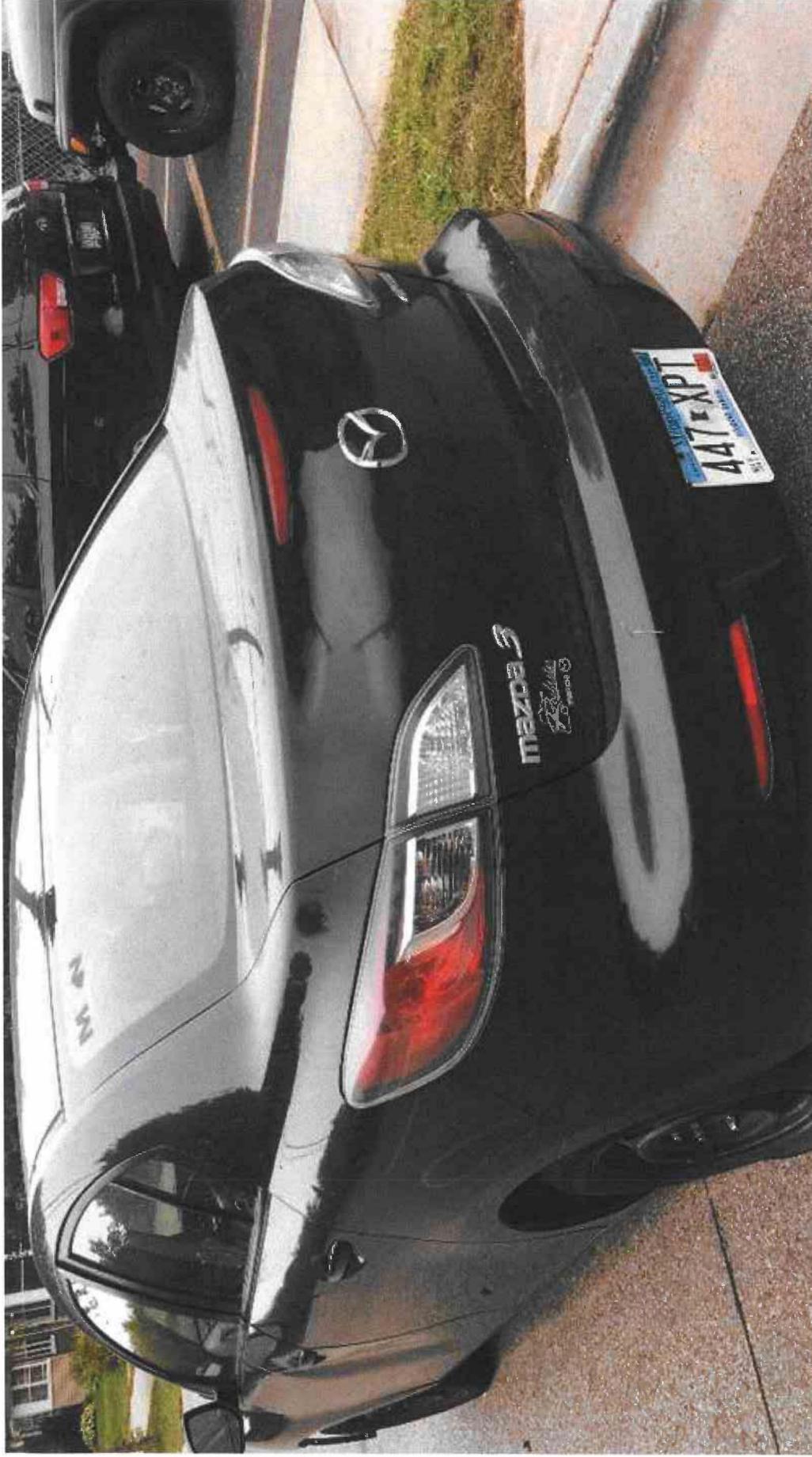
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



License Condition Violation #11 – 9/17/2021

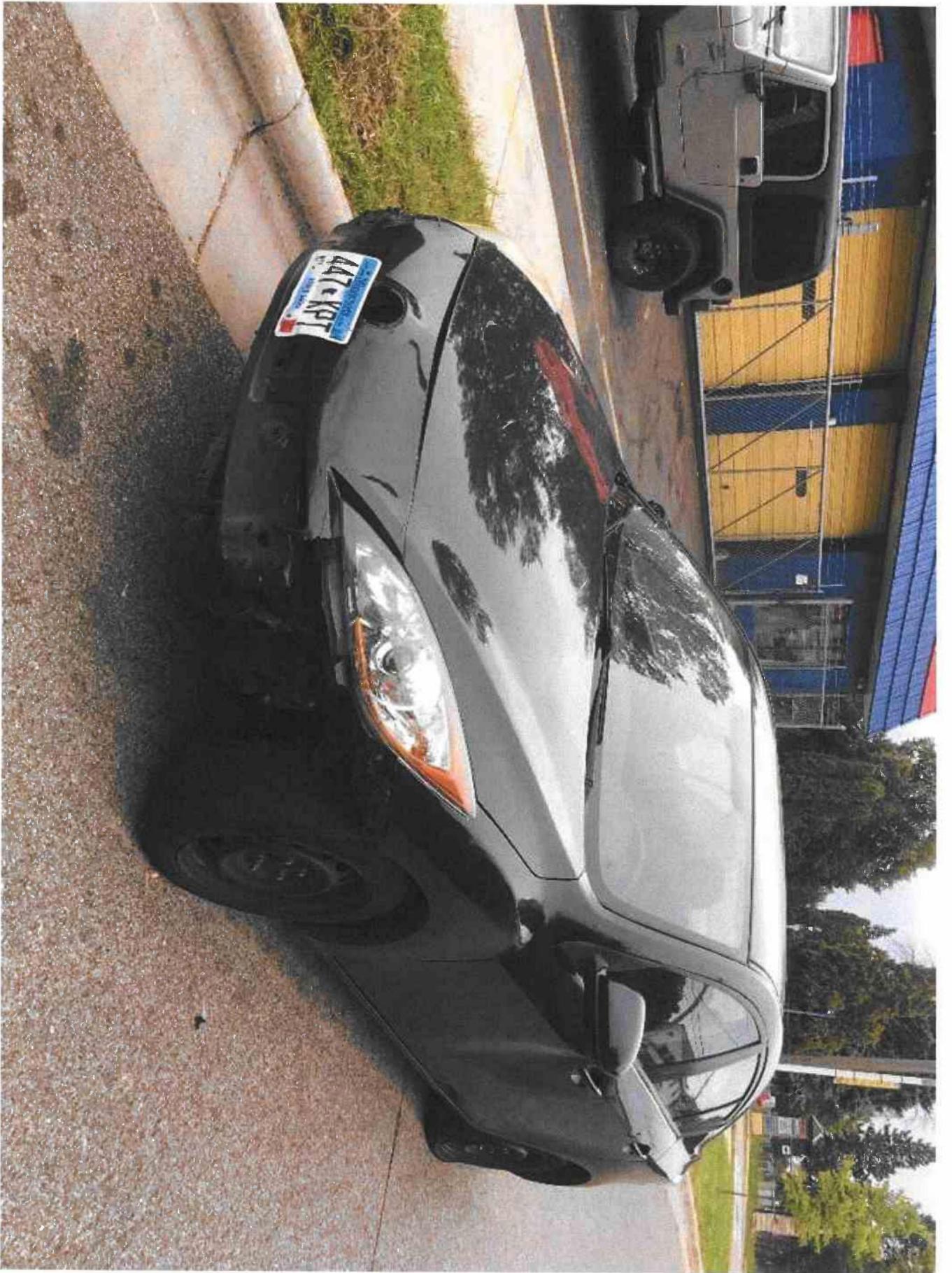
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.





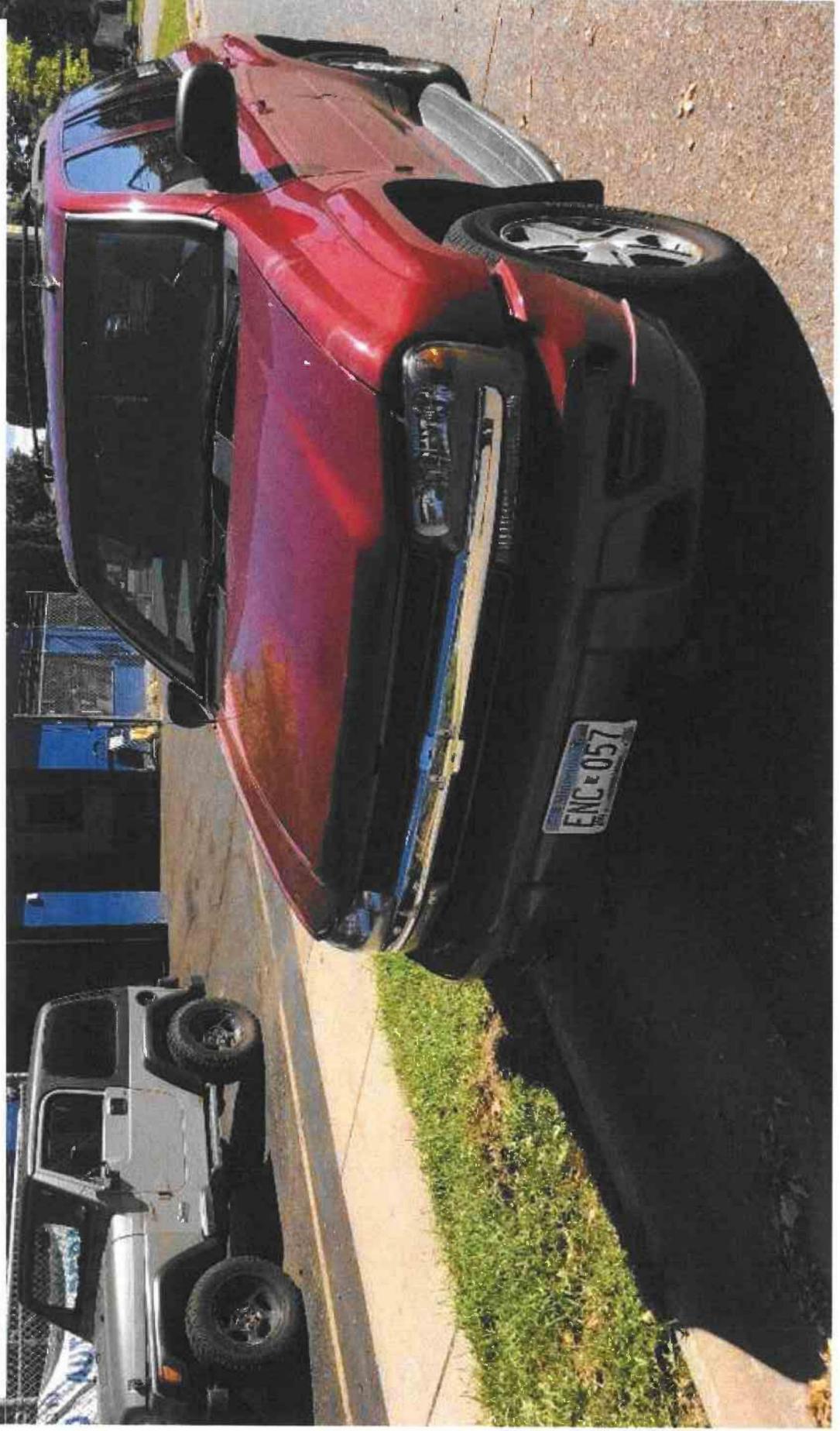
License Condition Violation #13 – 9/12/2021

13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.



License Condition Violation #13 – 9/17/2021

13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.

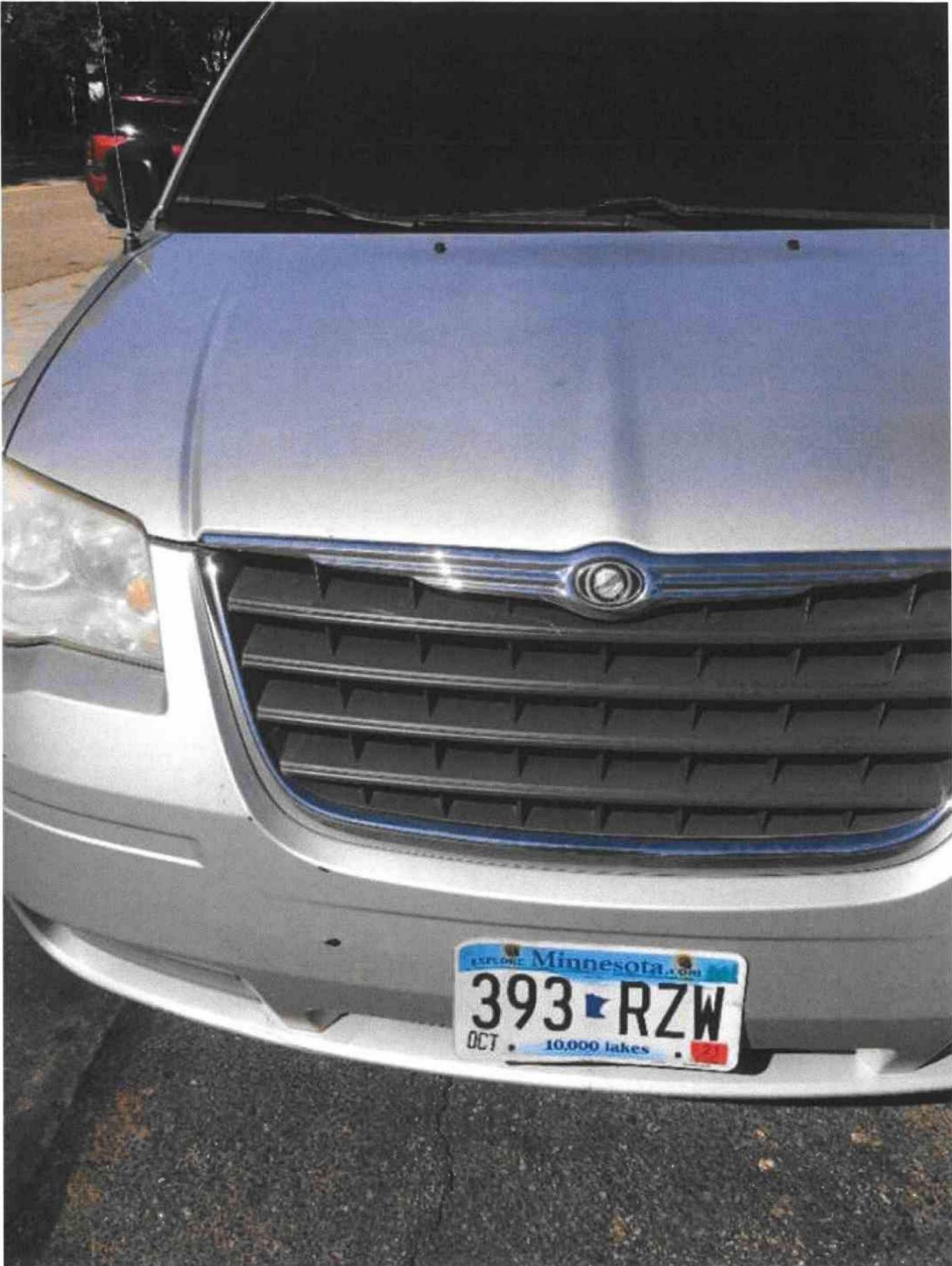


License Condition Violation #1 and 18 – 9/17/2021

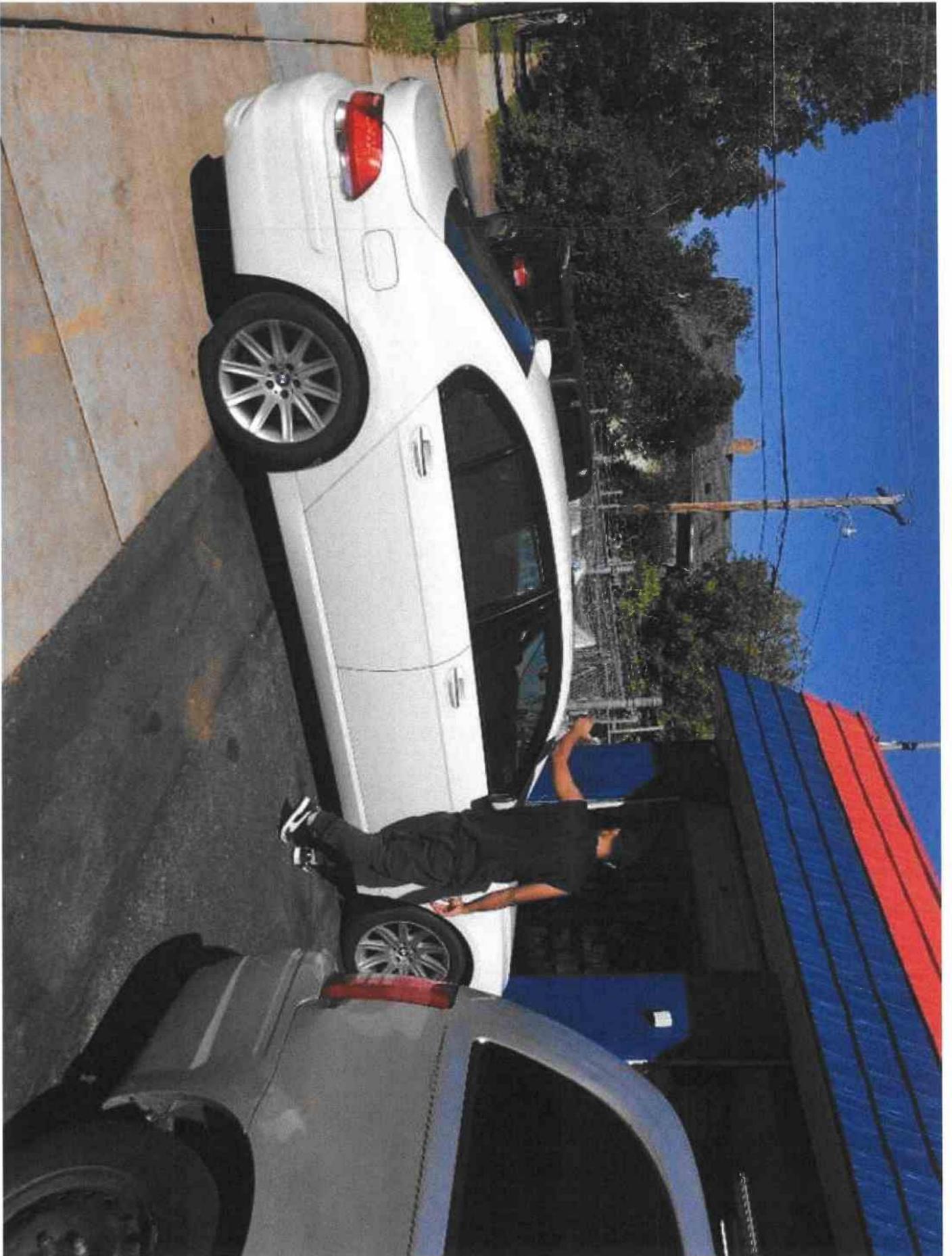
1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

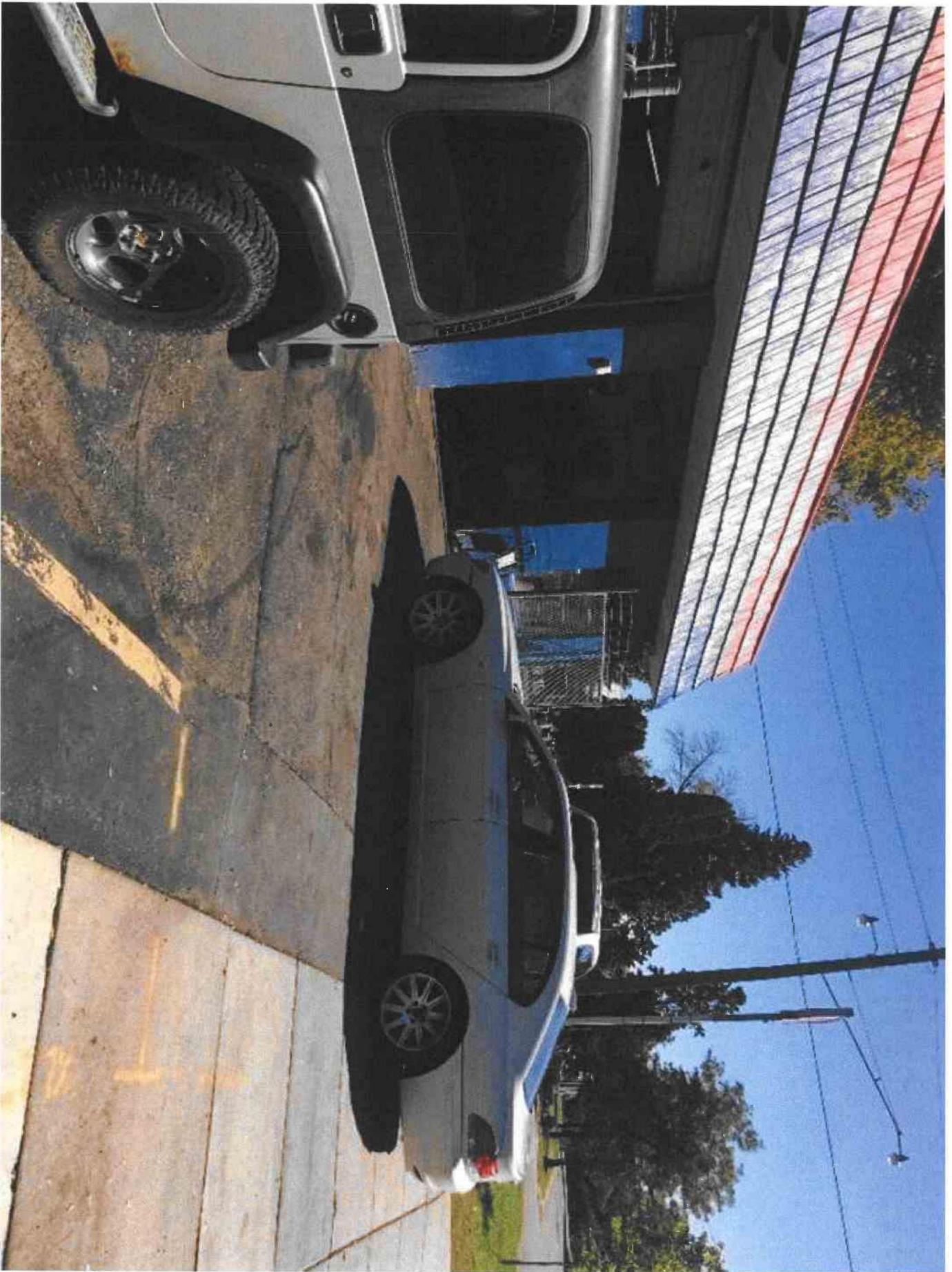
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.





EXPLORE Minnesota .com
393 RZW
OCT • 10,000 lakes •







CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 4, 2021

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis Mn 55408-3205

Re: 977 Front Ave – Temporary Sign

Dear Property Owner:

We have recently received a complaint regarding the display of temporary business signs at the above referenced location. This property is located in a B2 zoning district, and the North End special sign district.

Inspection Observations:

The following temporary signs were on display during a recent inspection of this property: A temporary banner was mounted to the fence that states “Brakes Suspension Exhaust Steering Certified Auto Repair 489-8224”

Pertinent Code Sections:

Under Chapter 64 of the City of Saint Paul Legislative Code commercial property with this zoning classification is permitted to have temporary freestanding or wall signs provided certain conditions are met, which include but are not limited to the following:

1. A temporary sign permit must be obtained from this office prior to the installation of such sign(s).
2. Total cumulative area of such sign(s) shall not exceed thirty-two (32) square feet in size.
3. Temporary signs may only be displayed for up to 3 nonconsecutive times per year for a period of not more than 30 days per time or once per year for a period of not more than 90 days.
4. Cloth signs and banners shall be perforated over at least ten (10) percent of their surface area to reduce wind resistance.
5. They shall not be located in the public right-of-way.
6. Their position shall not interfere with, mislead or confuse traffic.

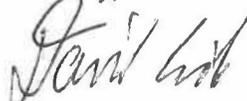
Orders:

There's no record of this office approving, or having received a request to approve, the installation of these temporary signs. Therefore, **you must remove from this location all temporary signs placed on the outside of these premises, including but not limited to the sign(s) specifically referenced above, within 10 days of the date of this letter.**

If you want to have temporary sign(s) for this business in the future, you must first obtain the required temporary sign permit. Among the items you should note regarding a request for temporary sign permit include, but are not limited to the following: You must submit a copy of what the sign(s) will look like (including their content and dimensions), a site plan showing where the sign(s) will be located, and the fee of \$78 must be included with a completed request form.

I have included a copy of the pertinent sections of the legislative code relating to the display of temporary signs, a picture of the sign(s) referenced above, and a temporary sign permit request form. Any person affected by this decision who believes it to have been made in error, may appeal the matter in writing to the Board of Zoning Appeals within 10 days of the date of this letter. Any appeal shall include the appropriate filing fee of \$547. If you have any questions regarding this matter, or would like to request the appeal application form, I may be contacted at 651-266-9088 or via email at david.eide@stpaul.gov.

Sincerely,



Inspector

Enclosure(s)





SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
RICARDO X. CERVANTES, DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

Effective April 3, 2021, a 2.49% service fee will be charged for all credit or debit card transactions and will appear as a separate transaction on your card statement. This fee is charged by the service provider the Department of Safety and Inspections uses to handle credit card transactions. The City will not receive any of the convenience fees.

A copy of the banner/sign and a site plan showing where the sign will be displayed must be included with this application along with the permit fee of \$78.00. If paying via credit/debit card, staff will contact you with directions regarding how to pay.

APPLICANT: NAME _____
ADDRESS _____
PHONE _____
EMAIL ADDRESS _____

BANNER/SIGN LOCATION:
ADDRESS _____
CROSS STREETS _____

BANNER/SIGN SIZE: WIDTH _____ LENGTH _____ VALUATION OF WORK
TOTAL SQ. FT. _____ \$ _____

PORTABLE SIGN? If yes, Quantity: _____ Total Sq. ft: _____ Dimensions: _____

PLEASE SUBMIT A COPY OF BANNER/SIGN AND A SITE PLAN WITH SIGN LOCATION

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

DATE SIGN TO BE PUT UP _____
DATE SIGN TO BE TAKEN DOWN _____

SIGN TO BE ATTACHED TO _____
(If attached to a building, permission is required from the property owner)

OFFICIAL USE ONLY IN THIS AREA

PERMIT APPLICATION # _____

ZONING: APPROVED DENIED

BY _____ DATE _____

COMMENTS: _____

Sec. 64.203. Permits.

A permit shall be required for all exterior signs visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain the names and addresses of the owners of the display structure and property; the address at which any signs are to be erected; the lot, block and addition at which advertising signs are to be erected and the street on which they are to front; a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placing of the display structure; and a fee as required under chapter 33.04. Structural plans are required for all freestanding signs greater than fifty (50) square feet. Permit applications for advertising signs along state trunk highways and interstate highways shall be accompanied by proof that the applicant has obtained a permit from the state for the advertising sign.
- (b) *Consent.* Applications for signs and/or sign structures erected, maintained or used for the public display of posters, painted signs or reading material shall be accompanied by an affidavit of a lease in force or deed indicating the consent of the owners of the property on which the display structure is to be erected.
- (c) *Advertising sign bond:*
 - (1) The owner or persons in control of each and every advertising sign maintained within the limits of the city shall file a bond in the sum of two thousand dollars (\$2,000.00) for each and every advertising sign. The bond shall be conditioned to indemnify and save the city harmless from all damages, costs and expenses, actions and causes of action that the city may incur or be liable to incur by reason of construction, maintenance or removal of any advertising sign.
 - (2) In lieu of the two thousand dollars (\$2,000.00) bond required above, the owner may provide a bond covering all advertising owned or in control of any person, firm or corporation which shall be in the amount of twenty-five thousand dollars (\$25,000.00) and shall be filed with the city. This bond shall be conditioned as stated above.
 - (3) All bonds shall be kept in force as long as the advertising signs are maintained. If any of the bonds becomes discharged by reason of nonpayment, liability, lapse of time for any reason whatever, the same shall be renewed immediately. If the bonds are not renewed upon demand, the advertising signs for which said bonds were enacted may be summarily removed by the city.

(Ord. No. 11-32, § 1, 12-14-11; Ord 14-37, § 1, 11-12-14)

Sec. 64.504. B2—B3 business and IT industrial districts.

(a) *Business and identification signs:*

- (1) The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed two (2) times the lineal feet of lot frontage or seventy-five (75) square feet, whichever is greater.
- (2) Only one (1) freestanding sign per lot is permitted in a required yard. A freestanding sign projecting into a public right-of-way beyond eighteen (18) inches may not exceed fifteen (15) square feet in display area.
- (3) One (1) projecting sign per entrance on a street frontage is permitted. Any sign which projects into a public right-of-way beyond eighteen (18) inches shall not exceed twenty-five (25) square feet in display area.
- (4) The height of signs shall be subject to the conditions specified in section 64.503(a)(4).
- (5) In the B2 district, dynamic displays shall be monochromatic if located within one hundred (100) feet of a residential use, measured from the sign to the nearest residential property line, shall not scroll or change their displays faster than every twenty (20) minutes, and shall be turned off between 11:00 p.m. and 7:00 a.m. or after business hours, whichever is later, except that interior window signs six (6) square feet or less in area with only text providing only open/closed information may have more than one (1) color.

(b) *Temporary signs:*

- (1) For new developments, one (1) real estate development sign not exceeding a total of one hundred (100) square feet in area on the lot of the new development. Such signs shall not be located within any required yard.
- (2) For all uses, real estate signs not exceeding at total of twelve (12) square feet in area.
- (3) For all uses, one (1) sign not exceeding a total of one hundred (100) square feet in area identifying an engineer, architect or contractor engaged in, or product used in, the construction of a building.
- (4) Temporary signs shall be permitted as follows:
 - a. Banners, pennants and stringers.
 - b. Freestanding and wall signs, the total area not to exceed a total of thirty-two (32) square feet.
 - c. Such signs shall be permitted three (3) nonconsecutive times per calendar year for a period of not more than thirty (30) days per time or once per year for ninety (90) days.
- (5) Temporary window signs shall cover no more than thirty (30) percent of the window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station.
- (6) No sign shall project higher than thirty-seven and one-half (37½) feet above grade.

(c) *Portable signs.* Portable signs are permitted and subject to the conditions specified in section 64.503(c).

(C.F. No. 07-39, § 3, 2-21-07; C.F. No. 09-1015, § 1, 12-9-09; Ord. No. 11-32, § 1, 12-14-11; Ord 13-22, § 4, 8-21-13; Ord 14-37, § 1, 11-12-14)



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution: RES 21-1580

File Number: RES 21-1580

Approving the adverse action against the Auto Repair license held by Duke's Cars and Towing, LLC, d/b/a Duke's Cars and Towing, for the premises located at 977 Front Avenue.

WHEREAS, the Auto Repair license ("License") held by Duke's Cars and Towing, LLC, d/b/a Duke's Cars and Towing (Licensee), under License ID #20190000933 for the premises located at 977 Front Avenue in Saint Paul (Licensed Premises) was the subject of a Notice of Violation ("Notice") dated October 6, 2021; and

WHEREAS, the Notice stated that, during a complaint-based inspection of the Licensed Premises on August 23, 2021, an inspector from the Department of Safety and Inspections (DSI) observed and documented with photographs five (5) license condition violations; and

WHEREAS, on August 25, 2021, DSI sent the Licensee a Correction Notice detailing these violations and giving the Licensee until September 2, 2021 to bring the Licensed Premises into compliance with their license conditions; and

WHEREAS, on September 12 and 17, 2021, the inspector returned to the Licensed Premises for a re-inspection and observed and documented with photographs the same five (5) license condition violations; and

WHEREAS, under the penalty matrix contained in section 310.05(m) of the Saint Paul Legislative Code (Code), the presumptive penalty for a first-time violation of license conditions within a period of twelve (12) months is a fine of \$500.00; and

WHEREAS, because the Licensee's violations of their license conditions were their first within a period of twelve (12) months, the licensing office recommended a \$500.00 penalty be imposed against the License; and

WHEREAS, the Notice stated that if the Licensee failed to pay the \$500.00 penalty or request a public or administrative hearing by October 20, 2021, that the matter would be placed on the next available consent agenda to impose the recommended penalty; and

WHEREAS, the Licensee did not respond to the Notice by October 20, 2021 to pay the \$500.00 penalty or request a public or administrative hearing; now, therefore, be it

EXHIBIT RESOLVED, the Auto Repair license held by Duke's Cars and Towing, LLC, d/b/a Duke's Cars and

Towing, under License ID #20190000933 for the premises located at 977 Front Avenue in Saint Paul is hereby ordered to pay a matrix penalty of \$500.00 for five (5) license condition violations observed and documented by a DSI inspector during a complaint-based inspection of the licensed premises on August 23, 2021.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

At a meeting of the City Council on 11/10/2021, this Resolution was Passed.

Yea: 7 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, and Councilmember Yang

Nay: 0

Vote Attested by Shari Moore **Date** 11/10/2021
Council Secretary Shari Moore

Approved by the Mayor Melvin Carter III **Date** 11/12/2021
Melvin Carter III

Clerk Shari Moore **Date** _____
Shari Moore

Test Signature Shari Moore **Date** _____
Shari Moore



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 4, 2021

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis Mn 55408-3205

Re: 977 Front Ave – Temporary Sign

Dear Property Owner:

We have recently received a complaint regarding the display of temporary business signs at the above referenced location. This property is located in a B2 zoning district, and the North End special sign district.

Inspection Observations:

The following temporary signs were on display during a recent inspection of this property: A temporary banner was mounted to the fence that states "Brakes Suspension Exhaust Steering Certified Auto Repair 489-8224"

Pertinent Code Sections:

Under Chapter 64 of the City of Saint Paul Legislative Code commercial property with this zoning classification is permitted to have temporary freestanding or wall signs provided certain conditions are met, which include but are not limited to the following:

1. A temporary sign permit must be obtained from this office prior to the installation of such sign(s).
2. Total cumulative area of such sign(s) shall not exceed thirty-two (32) square feet in size.
3. Temporary signs may only be displayed for up to 3 nonconsecutive times per year for a period of not more than 30 days per time or once per year for a period of not more than 90 days.
4. Cloth signs and banners shall be perforated over at least ten (10) percent of their surface area to reduce wind resistance.
5. They shall not be located in the public right-of-way.
6. Their position shall not interfere with, mislead or confuse traffic.

Orders:

There's no record of this office approving, or having received a request to approve, the installation of these temporary signs. Therefore, **you must remove from this location all temporary signs placed on the outside of these premises, including but not limited to the sign(s) specifically referenced above, within 10 days of the date of this letter.**

If you want to have temporary sign(s) for this business in the future, you must first obtain the required temporary sign permit. Among the items you should note regarding a request for temporary sign permit include, but are not limited to the following: You must submit a copy of what the sign(s) will look like (including their content and dimensions), a site plan showing where the sign(s) will be located, and the fee of \$78 must be included with a completed request form.

An Equal Opportunity Employer

EXHIBIT

4

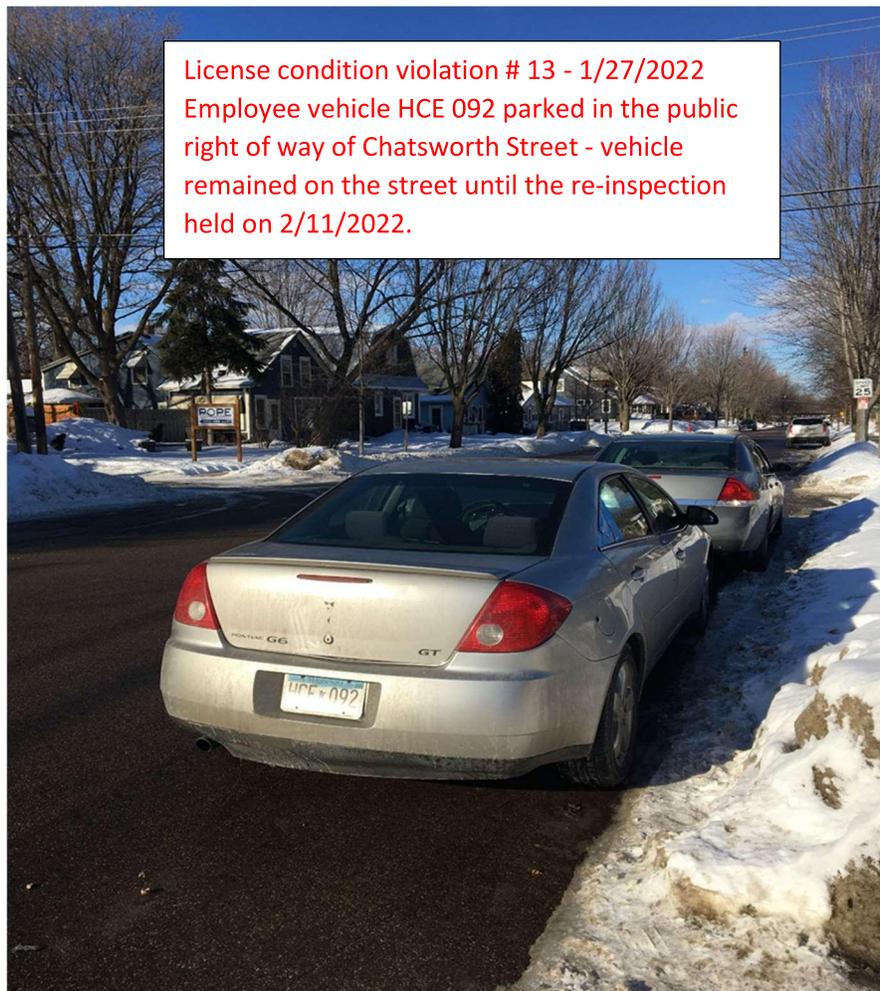
See Picture 9

License Condition Violation # 1 - 1/27/2022 All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

License Condition Violation #11 -1/27/2022 Vehicle GZM 545 on the premise and on the following inspection held on 2/11/2022. Longer than 10 days.



License condition violation #18 Provide maneuvering space on the property.



License condition violation # 13 - 1/27/2022 Employee vehicle HCE 092 parked in the public right of way of Chatsworth Street - vehicle remained on the street until the re-inspection held on 2/11/2022.

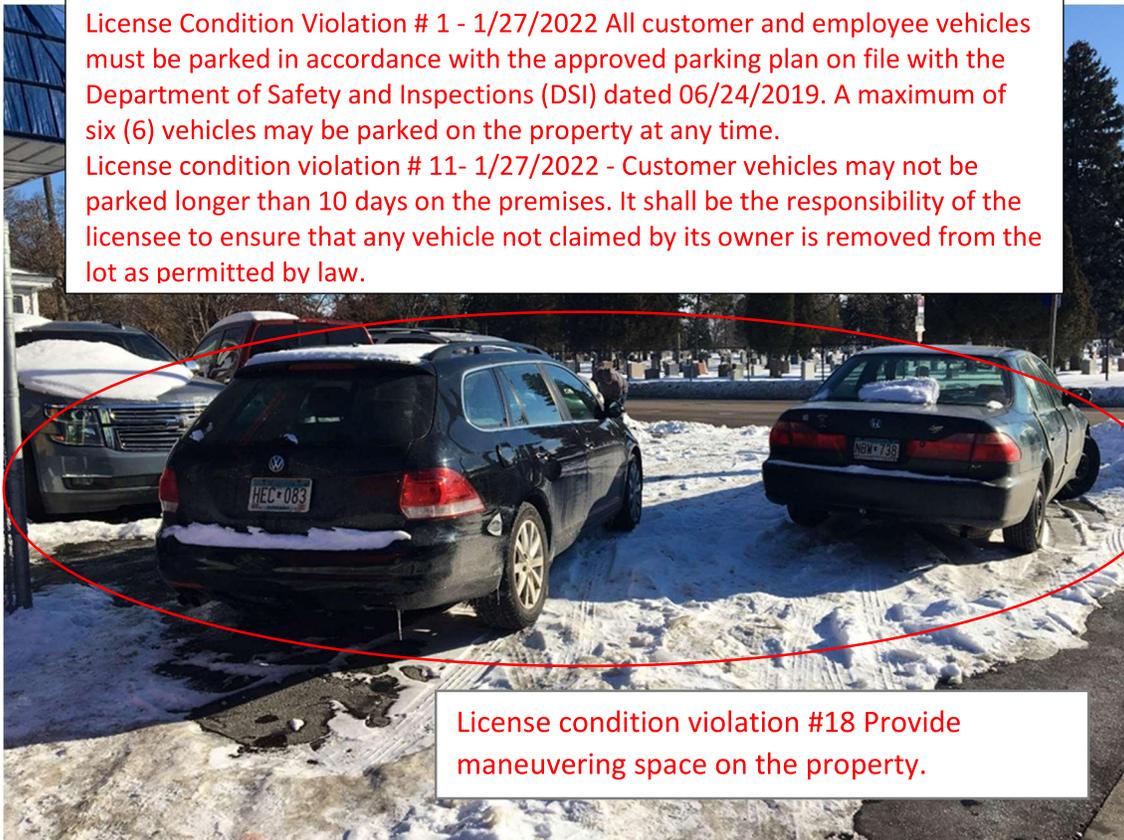
License Condition Violation # 1 - 1/27/2022 All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

License condition violation #11 -2/11/2022. A vehicle with license plate # HCE 092 (red circle) was on the premises for longer than 10 days.



License Condition Violation # 1 - 1/27/2022 All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

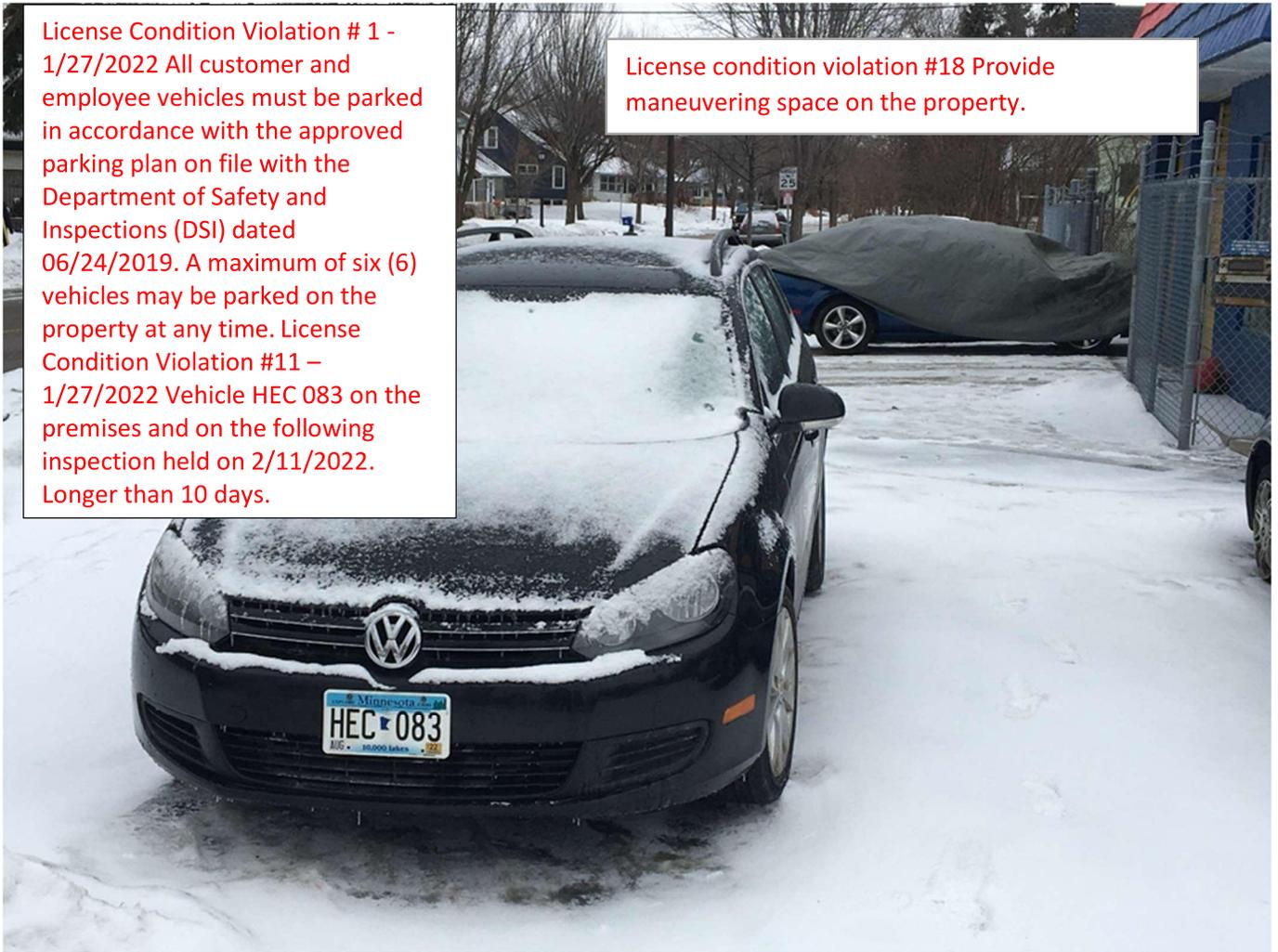
License condition violation # 11- 1/27/2022 - Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



License condition violation #18 Provide maneuvering space on the property.

License Condition Violation # 1 -
1/27/2022 All customer and
employee vehicles must be parked
in accordance with the approved
parking plan on file with the
Department of Safety and
Inspections (DSI) dated
06/24/2019. A maximum of six (6)
vehicles may be parked on the
property at any time. License
Condition Violation #11 –
1/27/2022 Vehicle HEC 083 on the
premises and on the following
inspection held on 2/11/2022.
Longer than 10 days.

License condition violation #18 Provide
maneuvering space on the property.

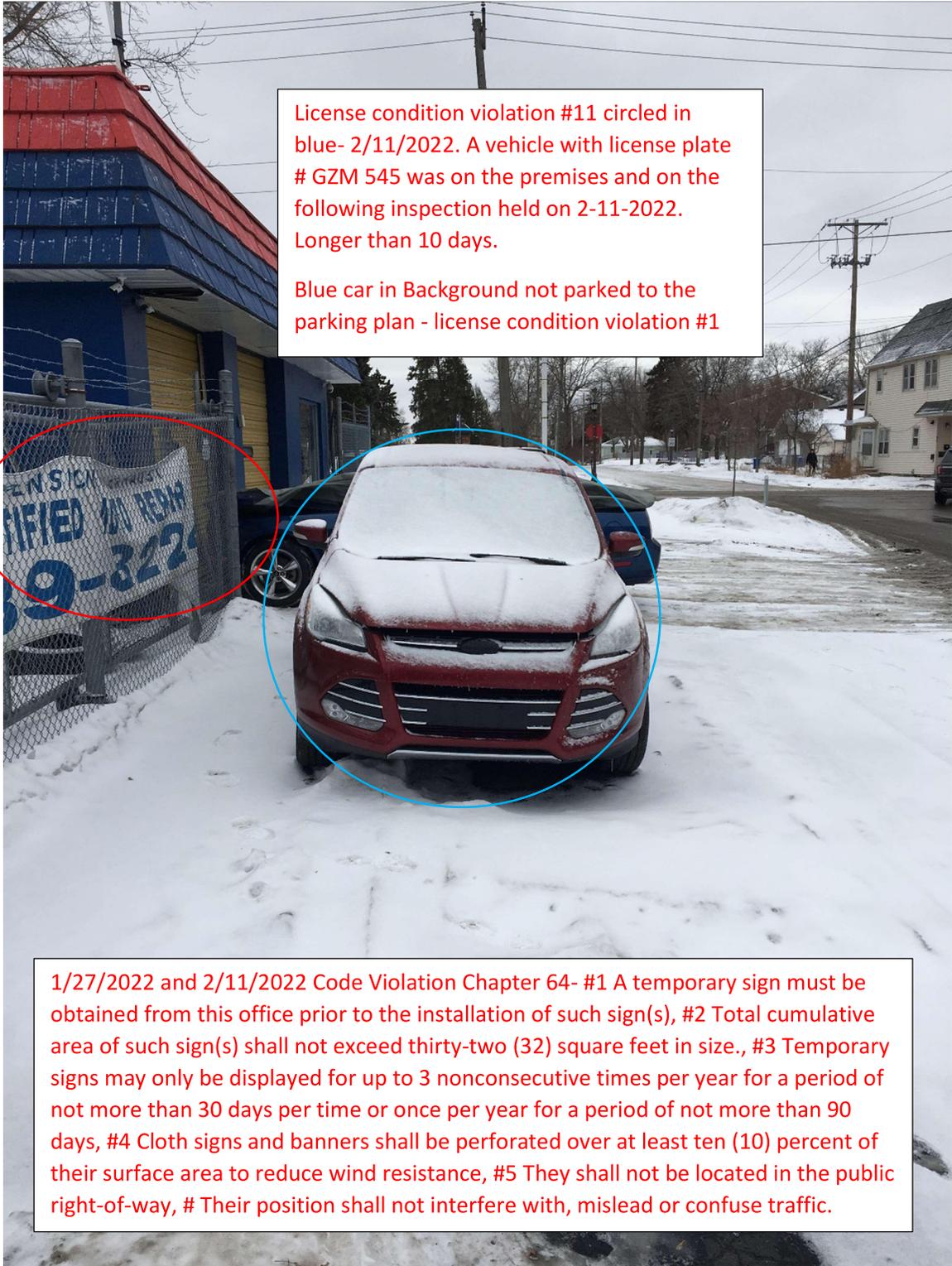


License Condition Violation #11
1/27/2022 Vehicle GFJ 852 the
premises and on the following
inspection held on 2/11/2022.
Longer than 10 days.



License condition violation #1 Lic # DLN-993 - All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019.

License condition violation #11 on 2/11/2022. A vehicle with license plate #GFJ 852 (circled in red) was on the premises for longer than 10 days.



License condition violation #11 circled in blue- 2/11/2022. A vehicle with license plate # GZM 545 was on the premises and on the following inspection held on 2-11-2022. Longer than 10 days.

Blue car in Background not parked to the parking plan - license condition violation #1

1/27/2022 and 2/11/2022 Code Violation Chapter 64- #1 A temporary sign must be obtained from this office prior to the installation of such sign(s), #2 Total cumulative area of such sign(s) shall not exceed thirty-two (32) square feet in size., #3 Temporary signs may only be displayed for up to 3 nonconsecutive times per year for a period of not more than 30 days per time or once per year for a period of not more than 90 days, #4 Cloth signs and banners shall be perforated over at least ten (10) percent of their surface area to reduce wind resistance, #5 They shall not be located in the public right-of-way, # Their position shall not interfere with, mislead or confuse traffic.

License condition violation #11- 2/11/2022. A vehicle with license plate # GZM-545 was on the premises for longer than 10 days.

License condition violation #4- 1/27/2022 There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business.



License Violation #4- 1/27/2022 There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. Shall be in accordance with the Ramsey County.

License Condition #16 - Area must be kept clean and free of garbage.





License Violation #4- 2/11/2022 There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. Shall be in accordance with the Ramsey County.

License Condition #16 - Area must be kept clean and free of garbage.

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 24th day of February, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$1000 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Duke's Cars and Towing
977 Front Avenue
St. Paul, MN 55103
Attn: Duqueiro Cano

Duqueiro Cano
3347 3rd Avenue South
Minneapolis, MN 55408

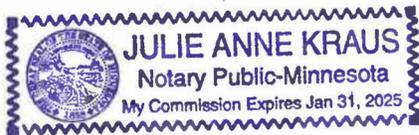
Shevek McKee, Executive Director
Como Community Council
1224 Lexington Parkway
Saint Paul, MN 55103

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


Shawn McDonald

Subscribed and sworn to before me
This 24th day of February 2022


Notary Public





February 24, 2022

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$1000 MATRIX PENALTY**

Duke's Cars and Towing
977 Front Avenue
St. Paul, MN 55103

RE: Auto Repair Garage license held by Duke's Cars and Towing LLC d/b/a Duke's Cars and Towing for the premises located at 977 Front Avenue in Saint Paul.
License ID #: 20190000933

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Auto Repair Garage License held by Duke's Cars and Towing LLC ("Licensee") herein for the premises known as Dukes Cars and Towing located at 977 Front Avenue ("Licensed Premises") based on violations of your license conditions as well as a violation of the Saint Paul Legislative Code.

Saint Paul Legislative Code section 310.06 sets forth a variety of reasons on which adverse action may be based. Section 310.06(b)(5) states that adverse action can be pursued for failure to comply with a condition set forth in the license. Additionally, section 310.06(b)(6)(a) states that adverse action can be pursued for failure to comply with provisions of the Saint Paul Legislative Code reasonably related to the licensed activity.

The Department asserts that the following facts, along with photos of the violations attached herein, constitute proof that you have violated license conditions #1, #4, #11, #13, #16, and #18 as well as section 64.419 of the Saint Paul Legislative Code.

Synopsis of alleged facts:

On January 27, 2022, Department Inspector Akbar Muhammad went to the Licensed Premises to conduct an inspection after receiving a complaint. Inspector Muhammad spoke with employee



Miguel Sanchez and informed him that he was there for a complaint inspection. Inspector Muhammad asked Sanchez if the license holder was available at the time of the inspection, to which Sanchez responded "no". During the inspection, the inspector observed violations of the assigned license conditions, specifically, conditions #1, #4, #13, and #18. Sanchez told the inspector that all the license condition violations would be addressed and in compliance on or before the re-inspection on February 11, 2022. On January 31, 2022, Inspector Muhammad mailed a Correction Notice to the Licensed Premises with all the violations and a timeline to come into compliance with all conditions.

On February 11, 2022, Inspector Muhammad conducted a follow-up inspection of the Licensed Premises. Upon arrival, he spoke with employee Miguel Sanchez and told him he was there for the re-inspection. The license holder was not available at the time of the re-inspection. During the inspection, Inspector Muhammad observed and documented with photos violations of license conditions #1, #4, #11, #13, #16, and #18. He also documented a violation of section 64.419 of the Saint Paul Legislative Code.

Violation #1 - Failure to follow approved parking plan in violation of Condition #1:

License condition #1 of the License for the Licensed Premises states that:

"All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time."

Violation #1 Facts: On January 27, 2022, during the initial inspection, Inspector Muhammad discovered a red Ford Escape (MN Lic # GZM 545), Black Volkswagen wagon (MN Lic # HEC 083), and Green Honda Accord (MN Lic # NBW 738) parked on the Licensed Premises in an area not approved on the parking plan on file with DSI. On February 11, 2022, during the re-inspection, he also discovered a Mint Green Acura Legend (MN Lic # DLN 993), Silver Pontiac G6 GT (MN Lic # HCE 092), and a blue vehicle parked in an area that was not approved on the parking plan.

Violation #2 – Exterior storage of materials associated with the business in violation of Condition #4:

License condition #4 of the License for the Licensed Premises states that:



"There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations."

Violation #2 Facts: On January 27, 2022, during the initial inspection, Inspector Muhammad discovered a storage crate and trash outside of a dumpster close to the Licensed Premises. On February 11, 2022, during the re-inspection, the inspector discovered a broken toilet and the dumpster uncovered, exposing trash.

Violation #3 – Failure to maintain parking lot violation of Condition #11:

License condition #11 of the License for the Licensed Premises states that:

"Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law."

Violation #3 Facts: On January 27, 2022, during the initial inspection, Inspector Muhammad observed a red Ford Escape (MN Lic # GZM 545), Black Volkswagen wagon (MN Lic # HEC 083), Green Honda Accord (MN Lic # NBW 738), and a red Nissan Titan pickup truck (MN Lic # GFJ 852). On February 11, 2022, during the re-inspection, the inspector observed the same four vehicles parked on the Licensed Premises.

Violation #4 – Vehicles parked on public right-of-way in violation of Condition #13:

License condition #13 of the License for the Licensed Premises states that:

"At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle."

Violation #4 Facts: On January 27, 2022, during the initial inspection, Inspector Muhammad observed two vehicles parked in the right-of-way on Chatsworth Avenue that were owned by



employee Miguel Sanchez and another employee. The vehicles were a silver Pontiac G6 GT (MN Lic # HCE 092) and a silver Chevy (MN Lic # BLT 901).

Violation #5 – Failure to keep area clean in violation of Condition #16:

License condition #16 of the License for the Licensed Premises states that:

“Area must be kept clean and free of garbage.”

Violation #5 Facts: On January 27, 2022, during the initial inspection, Inspector Muhammad observed trash outside of the dumpster on the Licensed Premises. On February 11, 2022, during the re-inspection, the inspector discovered a broken toilet, sink, and the dumpster uncovered, exposing trash.

Violation #6 – Failure to provide maneuvering space for vehicles on the property in violation of Condition #18:

License condition #18 of the License for the Licensed Premises states that:

“Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.”

Violation #6 Facts: On January 27, 2022, Inspector Muhammad observed and documented a vehicle blocking the maneuvering space of other vehicles that was parked on the Licensed Premises.

Violation #7 – Failure to have a temporary sign permit in violation of section 64.419 of the Saint Paul Legislative Code:

Under section 64.419 of the Saint Paul Legislative Code, a sign permit is required for all temporary signs unless the sign is placed inside of a window and concerns a commodity, service, or entertainment that is conducted, offered, sold, or manufactured on the Licensed Premises.

Violation #7 Facts: On January 27, 2022, and February 11, 2022, Inspector Muhammad observed and documented a banner advertising repair services without a permit. The Department



had previously mailed you a letter on October 4, 2021 addressing the banner and requesting that you remove it from the Licensed Premises since there was no prior approval.

Under Saint Paul Legislative Code section 310.05, these violations are second-time violations. The penalty matrix laid out in section 310.05 prescribes a \$1,000 fine for a second-time violation.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **March 10, 2022**, 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.
2. You can pay the \$1,000 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **March 10, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$1,000 matrix penalty, you may have a public 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 **March 10, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the \$1,000 matrix penalty. You will have an opportunity to appear before the 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 **March 10, 2022**. 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 public hearing will need to be scheduled. 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 request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code section 310.05(k).

If you have not contacted me by March 10, 2022, I will assume that you do not contest the imposition of the \$1,000 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Shawn McDonald at (651) 266-8729.

Sincerely,

Stephen Earnest
Assistant City Attorney
License No. 0402652

Cc: Duqueiro Cano, 3347 3rd Avenue South, Minneapolis, MN 55408
Shevek McKee, Executive Director, Como Community Council, 1224 Lexington Parkway, Saint Paul, MN 55103

Attachments: Inspector's Report from Inspector Akbar Muhammad
January 31, 2022 Correction Notice
Screenshots from ECLIPS system
STAMP Ownership/Zoning Information
Parking Plan Map
October 4, 2021 Temporary Sign Letter
Photos of Violations from 1/27/2022 & 2/11/2022



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Inspector's Report

Inspectors Name: Akbar R. Muhammad

Time & Date: 12:21 pm on 1/27/2022

Business/Property Name: Dukes Car and Towing

Property Address: 977 Front Avenue

Reason for Visit: Complaint Inspection

Observations: License Condition violations #'s 1, 4, 11, 13, 16 & 18

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken:

Photos taken of vehicles on the property and the overall property

Action Taken: Education / warning

Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property): Upon arrival, I spoke to Miguel Sanchez (employee), I introduced myself as a DSI licensing Inspector with the City of Saint Paul. I informed Miguel that the reason for today's visit was due to DSI receiving a complaint. I asked if the license holder was available, Miguel replied "no". I continued my inspection of the property with Miguel, as I review the complaint, license conditions and violations discovered with him.

A grey/silver Pontiac G6 GT license plate # HCE-092 and a grey/silver Chevy, license plate #BLT-901 were parked in the right a way on Chatsworth Avenue. Miguel stated that those vehicles belonged to him and another employee. After my inspection, I informed Miguel about the license conditions violations that was observed - violations #'s 1, 4, 13, & 18. He stated that these violations will be addressed and they will be in compliance on or before the next inspection date of 2/11/2022. I handed Miguel my card and advised him to contact the license holder of the license condition violations that were discovered

Vehicle license plates from inspection:

Silver Chevy SUV 579-XCT, red Nissan Titan GFJ-852, grey/silver GMC SUV CFZ-457, red Ford Escape GZM-545, black Volkswagen station wagon HEC-083, green Honda Accord NBW-738, grey Jeep FZB-865, and a purple Ford Edge hybrid MCJ-842.



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-3989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Inspector's Report

Inspectors Name: Akbar R. Muhammad

Time & Date: 12:53 pm on 2/11/2022

Business/Property Name: Dukes Care and Towing

Property Address: 977 Front Avenue

Reason for Visit: Reinspection

Observations: License Condition violations #'s 1, 4, 11, 13, 16 & 18

Photos Taken: Yes No – Area(s) of where the Photo(s) where taken:

Photos taken of vehicles on the property and the overall property

Action Taken: Education / warning

Request for Adverse Action

Other: -

Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival, I spoke to Miguel Sanchez (employee), I introduced myself as a DSI licensing Inspector with the City of Saint Paul. I informed Miguel that the reason for today's visit was for a re-inspection from violations found during an inspection from 1/27/2022. Once again, the license holder was not available, I reviewed the Correction Notice that was mailed to the property on 1/31/2022. Continuing the inspection, the following violations were observed of license conditions #'s 1, 4, 11, 13, 16 & 18:

Black station wagon Volkswagen license plate # HEC- 083, red Nissan Titan pickup truck license plate GFJ -852, red Ford Escape SEL-SUV license plate GZM-545, mint green Acura Legend license plate DLN-993, gray/silver Pontiac G6 GT license plate HCE-092. New violations discovered:

toilet, sink, open dumpster and banner advertising repair services without a permit. See photos below of violations from 1/27/2022 and 2/11/2022



CITY OF SAINT PAUL

Business Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1506

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

1-31-2021

Dukes Car and Towing
977 Front Ave
St. Paul, MN 55103

CORRECTION NOTICE

Dear licensee,

The above-referenced property was inspected on 1-27-2022 due to a complaint submitted to the City of Saint Paul Department of Safety and Inspections (DSI). The following violation(s) discovered during the inspection must be fully corrected on or before 2-11-2022 at which time, or shortly thereafter, a re-inspection will take place. A request to extend this deadline may be submitted in writing to akbar.muhammad@ci.stpaul.mn.us or mailed to 375 Jackson Street, Suite 220, Saint Paul, MN 55101 and must include a reason for an extension.

Failure to fully correct the violation(s) noted below before re-inspection may result in adverse action against all licenses issued at the location up to and including license revocation.

Violation(s) discovered:

- All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time. **Employee cars were parked on Chatsworth St. N. and there were 8 vehicles on the property.** (Subject to the license condition #1)
- There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations. **A Tire was found lying beside the rear wheel of a Jeep Wrangler license plate FZB 865.** (Subject to the license condition # 4)
- Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law. **A Jeep Wrangler license plate FZB 865 has been on the premises for more than 10 days.** (Subject to license condition # 11)
- At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle. **Employee vehicles were parked on Chatsworth St. N.** (Subject to license condition #13)

If you have questions regarding this matter or wish to request additional information, I may be reached at 651-266-9139 or by email at akbar.muhammad@ci.stpaul.mn.us.

Sincerely,



Akbar R. Muhammad
Inspector, DSI Licensing

Properties For License 977 FRONT AVE

Licensee: DUKES CARS AND TOWING LLC
 DBA: DUKES CAR AND TOWING

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name:	<u>DUKES CARS AND TOWING LLC</u>				<input type="button" value="Browse..."/>
DBA:	<u>DUKES CAR AND TOWING</u>				<input type="button" value="Properties..."/>
Sales Tax Id:	<u>*****</u>	Non-Profit:	<input type="checkbox"/>	Worker's Comp:	<u>09/04/2022</u>
AA Contract Rec'd:	<u>00/00/0000</u>	AA Training Rec'd:	<u>00/00/0000</u>		
AA Fee Collected:	<u>00/00/0000</u>	Discount Rec'd:	<input type="checkbox"/>		

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho
Business	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DUKES CAR AND T			(651) 489-8224	
Mail To	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CANO	DUQUEIRO		() -	

Mail License To:

Mail To Contact
 License Address

Mail Invoice To:

Mail To Contact
 License Address

License # 190000933 Save Changes to History

Properties For License 977 FRONT AVE

Licensee: DUKES CARS AND TOWING LLC
 DBA: DUKES CAR AND TOWING

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name:	<u>DUKES CARS AND TOWING LLC</u>				<input type="button" value="Browse..."/>
DBA:	<u>DUKES CAR AND TOWING</u>				<input type="button" value="Properties..."/>
Sales Tax Id:	<u>*****</u>	Non-Profit:	<input type="checkbox"/>	Worker's Comp:	<u>09/04/2022</u>
AA Contract Rec'd:	<u>00/00/0000</u>	AA Training Rec'd:	<u>00/00/0000</u>		
AA Fee Collected:	<u>00/00/0000</u>	Discount Rec'd:	<input type="checkbox"/>		

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Bus. Phone	Home Phone	Contact Address	City	Zip
(651) 489-8224		977 FRONT AVE	ST PAUL	55103
() -		3347 3RD AVE S	MPLS	55408

Mail License To:

Mail To Contact
 License Address

Mail Invoice To:

Mail To Contact
 License Address

License # 190000933 Save Changes to History

Licensee: DUKES CARS AND TOWING LLC

DBA: DUKES CAR AND TOWING

License #: 20190000933

1. All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.
2. The parking lot shall be maintained in good order and repair in accordance with the approved parking plan on file with DSI dated 06/24/2019 which includes striping of individual parking spaces, wheel stops in the southeast corner of the property (set-back four (4) feet from the east property line), fencing, etc.
3. No blockage of alley access by any vehicle at any time.
4. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. shall be in accordance with the Ramsey County Hazardous Waste regulations.
5. No use of garage or driveway on adjacent lot for business purposes of any kind.
6. No repair of vehicles may occur on the exterior of the lot or in the public right-of-way (e.g., street, alley, sidewalk, boulevard, etc.). All repair work must occur within an enclosed building.
7. No auto painting or body work of any kind is permitted.
8. Vehicle sales is not permitted.
9. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. Vehicle salvage is not permitted.
10. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing.
11. Customer vehicles may not be parked longer than ten (10) days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
12. No cleaning of snow off property into alley or surrounding property, snow must be removed by other means.
13. At no time shall customer, employee, and/or business vehicles be parked in the driveway or in the public right of way (e.g., street, alley, sidewalk, boulevard, etc.). This includes, but is not limited to vehicles awaiting repair, and/or that have been repaired and are awaiting pick-up by the owner of the vehicle.
14. No cleaning, washing, or flushing of materials onto street or alley. If spillage occurs by accident, business must clean up in accordance with Ramsey County Hazardous Waste regulations.
15. No excessive noise is to be generated by the business; the business can be open from 7:00 a.m. to 9:00 p.m. Monday through Saturday, with repair work limited to the hours of 7:30 a.m. to 7:30 p.m. Monday through Saturday.
16. Area must be kept clean and free of garbage.
17. No driving down alleyway for purposes of vehicle testing (driving down alley frequently and at excessive speeds is a danger to residents and their children.)
18. Provide maneuvering space on the property to allow vehicles entering and exiting the site from the street to proceed forward. Backing from the street or on to the street is prohibited.
19. Licensee must comply with all federal, state and local laws.

STAMP - Ownership / Zoning Information

[New Search](#)

[Help using this report](#)

Run Date: 02/14/22 01:53 PM

House#: 977

Last updated from Ramsey County data on:

Street Name: front

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

977 Front Ave - 55103-1351 - [Other Applications](#)

PIN: 262923240180

Census Tract: 31200

Census Block: 3022

Council Ward: 5 District Council: 10

Year Built:

Foundation Sq Feet:

Loan Company:

Land

Building

Value: 30400

Value: 72300

Unverified Usage: 10- GENERAL RETAIL & SVC- B- Commercial

ISP:

Units: 0

Zoning: B2

Legal Desc: SAHLGAARD'S SUBDIVISION OF, LOT LOTS 10 AND LOT 11 BLK 55

Owner:

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis MN 55408-3205

Certificate of Occupancy Responsible Party:

Duke's Towing
977 Front Ave
St Paul MN 55103-1351

Adverse Action Comments Text

02/15/2022

Licensee: DUKES CARS AND TOWING LLC
DBA: DUKES CAR AND TOWING
License #: 20190000933

10/06/2021 - Notice of Violation sent with an 10/20/2021 deadline to respond. SM

License Group Comments Text

02/14/2022

Licensee: DUKES CARS AND TOWING LLC
DBA: DUKES CAR AND TOWING
License #: 20190000933

2/11/22 Reinspect property found violations, will be submitting AA. ARM
2/11/2022.ARM
1/31/2022 Sent correction notice to licensee and CC: property owner, reinspection on or after 2/11/2022.ARM
1/27/2022 Followed up on complaint, inspect property found violations. Sent Correction Notice with reinspection on or after 2/11/2022. ARM
02/07/22 \$500.00 FINE PAID. SE
11/10/21 - RES. 21-1580. \$500 fine owed. EVH
1/31/2022 Sent correction notice to licensee and CC: property owner, reinspection on or after 2/11/2022.ARM
9/29/2021 Sent to the CAO for AA for license condition violations from an inspect held on 9/17/2021 JNV
08/30/21 Spoke to Cano, advised info received shop was operating Sunday 8/29. He acknowledged that's a violation and the result of newly hired employees. He advised he would take care of that and all other items noted in 8/25 correction notice this week. EVH
08/23/2021 see 8-5-21 AMANDA CS 21 290701. TPF
02/22/2021 2nd e-mail request sent for Workers Comp form. LKK
02/02/2021 E-mailed for Workers Comp form. LKK
2/2/2021 Spoke to Mr. Cano opt to pay over the phone referred to Linda Koran. ARM
02/01/2021 To ARM for non-response follow-up. JWF
1/26/2021 Jet ski was taken off the premise by 4 pm. In compliance. ARM
1/13/2021 Violations of #1 and #4 of their license conditions. Reinspection will take place on or after 1/25/2021.ARM
10/26/2020 Delinquent letter sent. Response deadline date is November 16, 2020. SLH
01/16/2020 Re-Inspection - In compliance JNV
01/13/2020 Called and spoke with Duke about a trash complaint. Re-Inspection set on 01/16/2020 JNV
12/20/2019 Spoke w/neighbor to provide details of Dec. 4 on-site inspection and expectations given to the license holder at that time. - EVH
12/04/2019 Licensing Manager along with Inspector met with District Council 10 at licensed property to discuss license conditions and operation expectations. JNV
11/14/2019 Complaint inspection, found violations #'s 1,4 and Possible #11- Correction Notice letter sent on 11/15/2019 JNV
10/18/2019 Opening inspection--in compliance. DSE
10/08/2019 Emailed license applicant complete site improvements then contact David Eide for opening inspection. JWF
09/18/2019 CF #19-1503 approves lic. with 19 conditions. JWF
08/22/2019 Per Leg. Hrg. Officer recommend approval no additional conditions, 09/19/2019 rck. JWF
08/09/2019 Obj. rcvd. Leg. Hrg. 08/22/2019. JWF
07/08/2019 Lic. notice sent, 54M/35EM, response date 08/09/2019. JWF
06/27/2019 Draft notification to KS/EH for review. JWF
06/24/2019 DE has approved parking plan. JWF
06/14/2019 Email to lic. applicant submit most recent proposed site plan to DSI Zoning David Eide. Recheck app. status 07/08/2019 (gray file). JWF
05/30/2019 Per email response David Eide (Zoning) on vacation until 06/17/2019. Recheck for Zoning approved plan at that time (gray file). JWF
05/14/2019 2nd letter sent obtain Zoning approval, response date 05/24/2019. JWF
5/6/19 Reinspection to confirm that licensee had stopped operating. Licensee was in compliance.ARM
5/1/19 Followed up on complaint,inspection yielded that licensee was operating without the proper license. Immediately stopped operating. ARM
05/10/2019 Per DE recent contact from license applicant who stated would provide better site plan for Zoning review to begin but hasn't provided one yet. JWF
04/22/2019 Incomplete letter sent obtain DSI Zoning Division review approval, response date 05/10/2019. JWF



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 4, 2021

Dukes Cars And Towing
3347 3rd Ave S
Minneapolis Mn 55408-3205

Re: 977 Front Ave – Temporary Sign

Dear Property Owner:

We have recently received a complaint regarding the display of temporary business signs at the above referenced location. This property is located in a B2 zoning district, and the North End special sign district.

Inspection Observations:

The following temporary signs were on display during a recent inspection of this property: A temporary banner was mounted to the fence that states "Brakes Suspension Exhaust Steering Certified Auto Repair 489-8224"

Pertinent Code Sections:

Under Chapter 64 of the City of Saint Paul Legislative Code commercial property with this zoning classification is permitted to have temporary freestanding or wall signs provided certain conditions are met, which include but are not limited to the following:

1. A temporary sign permit must be obtained from this office prior to the installation of such sign(s).
2. Total cumulative area of such sign(s) shall not exceed thirty-two (32) square feet in size.
3. Temporary signs may only be displayed for up to 3 nonconsecutive times per year for a period of not more than 30 days per time or once per year for a period of not more than 90 days.
4. Cloth signs and banners shall be perforated over at least ten (10) percent of their surface area to reduce wind resistance.
5. They shall not be located in the public right-of-way.
6. Their position shall not interfere with, mislead or confuse traffic.

Orders:

There's no record of this office approving, or having received a request to approve, the installation of these temporary signs. Therefore, **you must remove from this location all temporary signs placed on the outside of these premises, including but not limited to the sign(s) specifically referenced above, within 10 days of the date of this letter.**

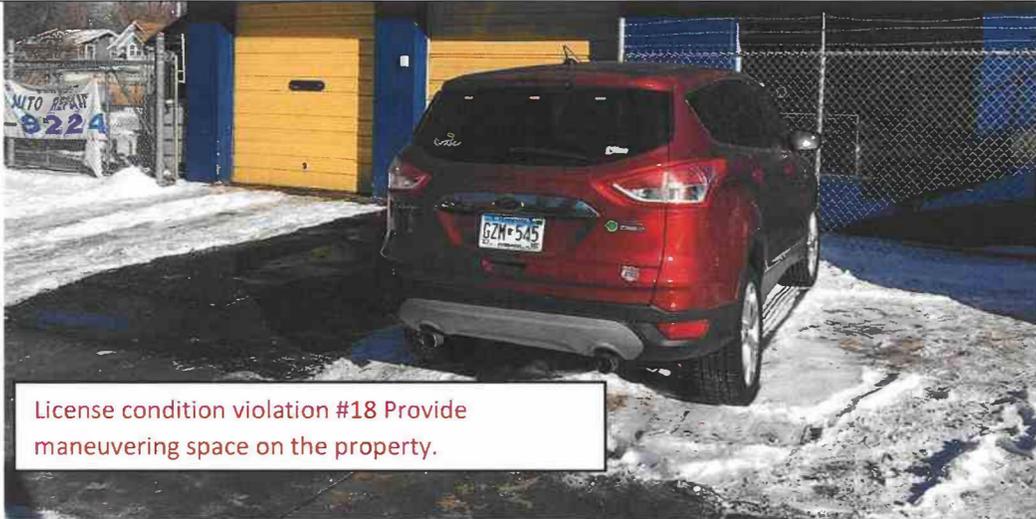
If you want to have temporary sign(s) for this business in the future, you must first obtain the required temporary sign permit. Among the items you should note regarding a request for temporary sign permit include, but are not limited to the following: You must submit a copy of what the sign(s) will look like (including their content and dimensions), a site plan showing where the sign(s) will be located, and the fee of \$78 must be included with a completed request form.

An Equal Opportunity Employer

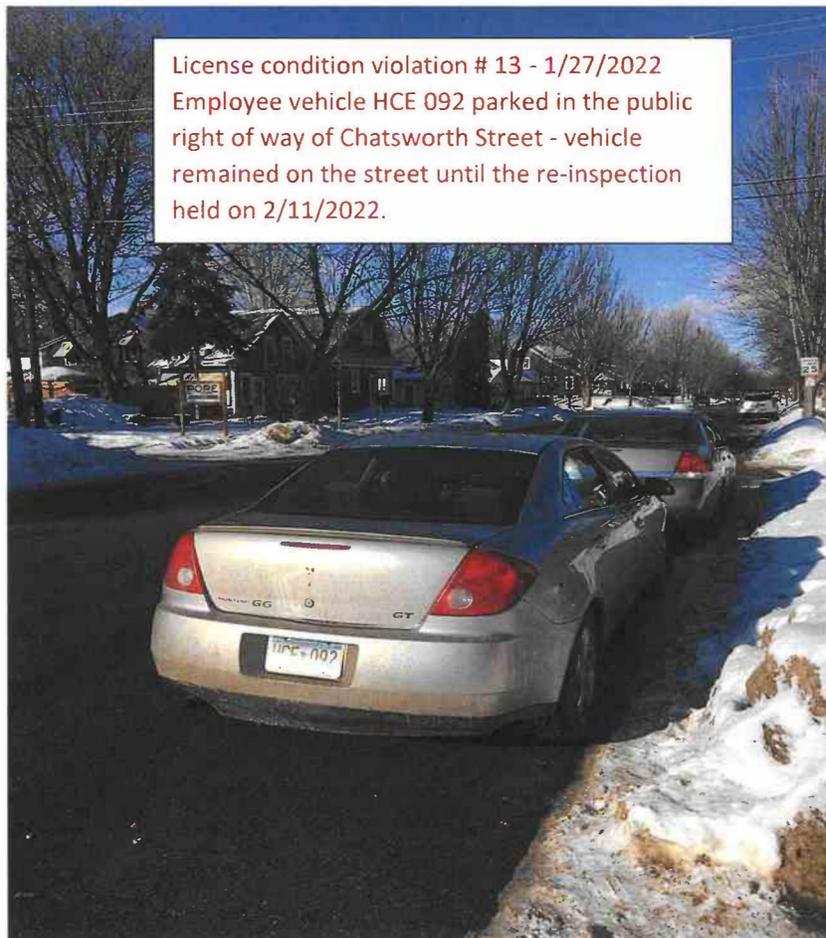
See Picture 9

License Condition Violation # 1 - 1/27/2022 All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

License Condition Violation #11 -1/27/2022 Vehicle GZM 545 on the premise and on the following inspection held on 2/11/2022. Longer than 10 days.



License condition violation #18 Provide maneuvering space on the property.



License condition violation # 13 - 1/27/2022 Employee vehicle HCE 092 parked in the public right of way of Chatsworth Street - vehicle remained on the street until the re-inspection held on 2/11/2022.

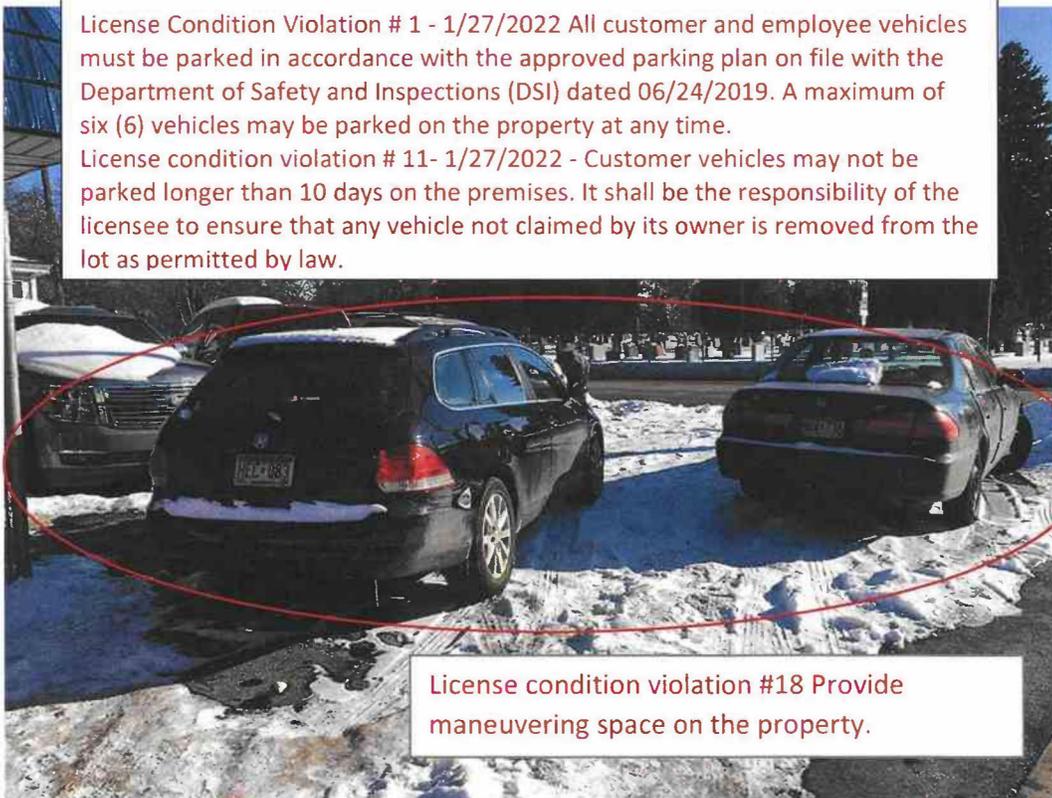
License Condition Violation # 1 - 1/27/2022 All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

License condition violation #11 -2/11/2022. A vehicle with license plate # HCE 092 (red circle) was on the premises for longer than 10 days.



License Condition Violation # 1 - 1/27/2022 All customer and employee vehicles must be parked in accordance with the approved parking plan on file with the Department of Safety and Inspections (DSI) dated 06/24/2019. A maximum of six (6) vehicles may be parked on the property at any time.

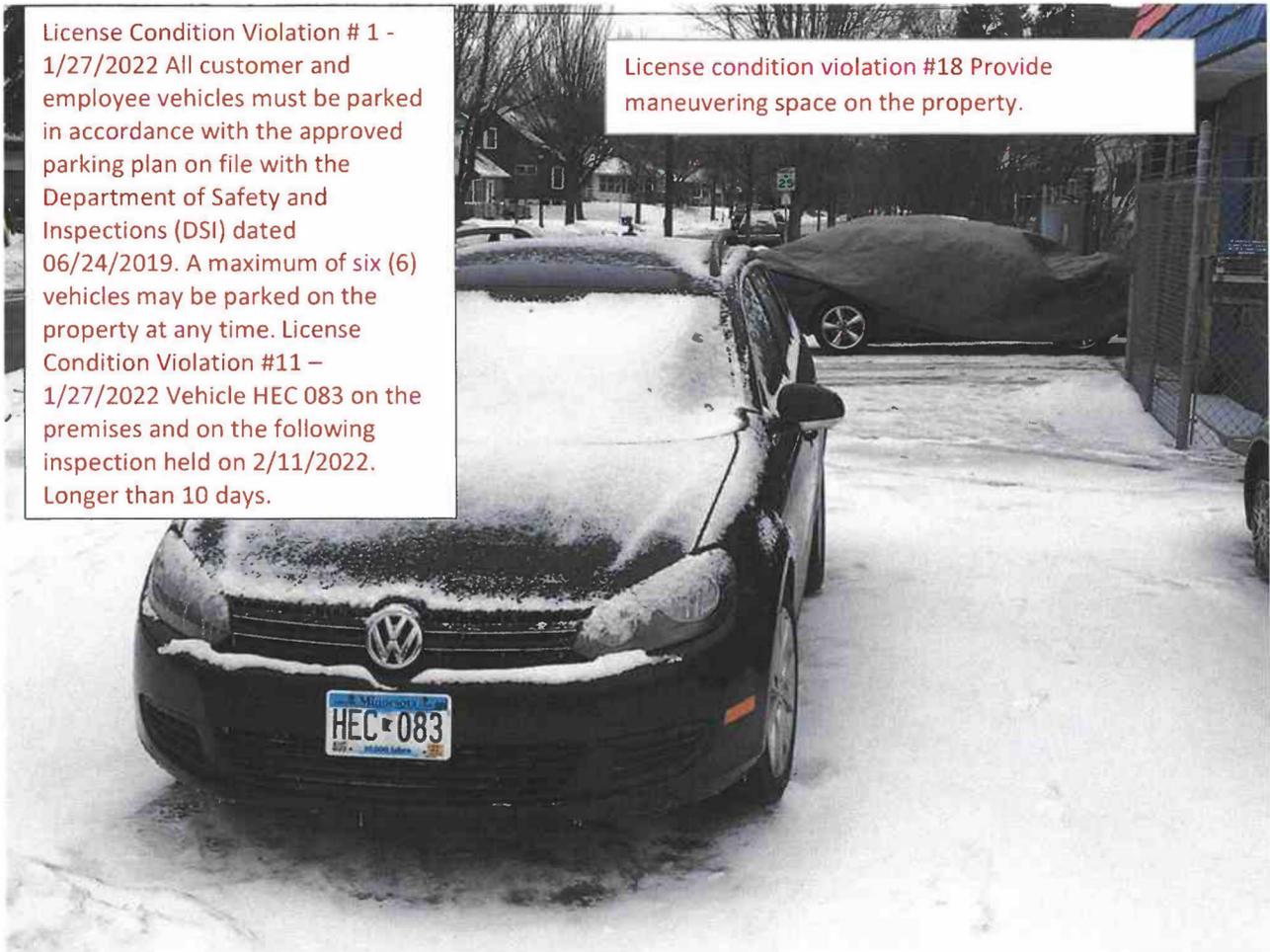
License condition violation # 11- 1/27/2022 - Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.



License condition violation #18 Provide maneuvering space on the property.

License Condition Violation # 1 -
1/27/2022 All customer and
employee vehicles must be parked
in accordance with the approved
parking plan on file with the
Department of Safety and
Inspections (DSI) dated
06/24/2019. A maximum of six (6)
vehicles may be parked on the
property at any time. License
Condition Violation #11 –
1/27/2022 Vehicle HEC 083 on the
premises and on the following
inspection held on 2/11/2022.
Longer than 10 days.

License condition violation #18 Provide
maneuvering space on the property.

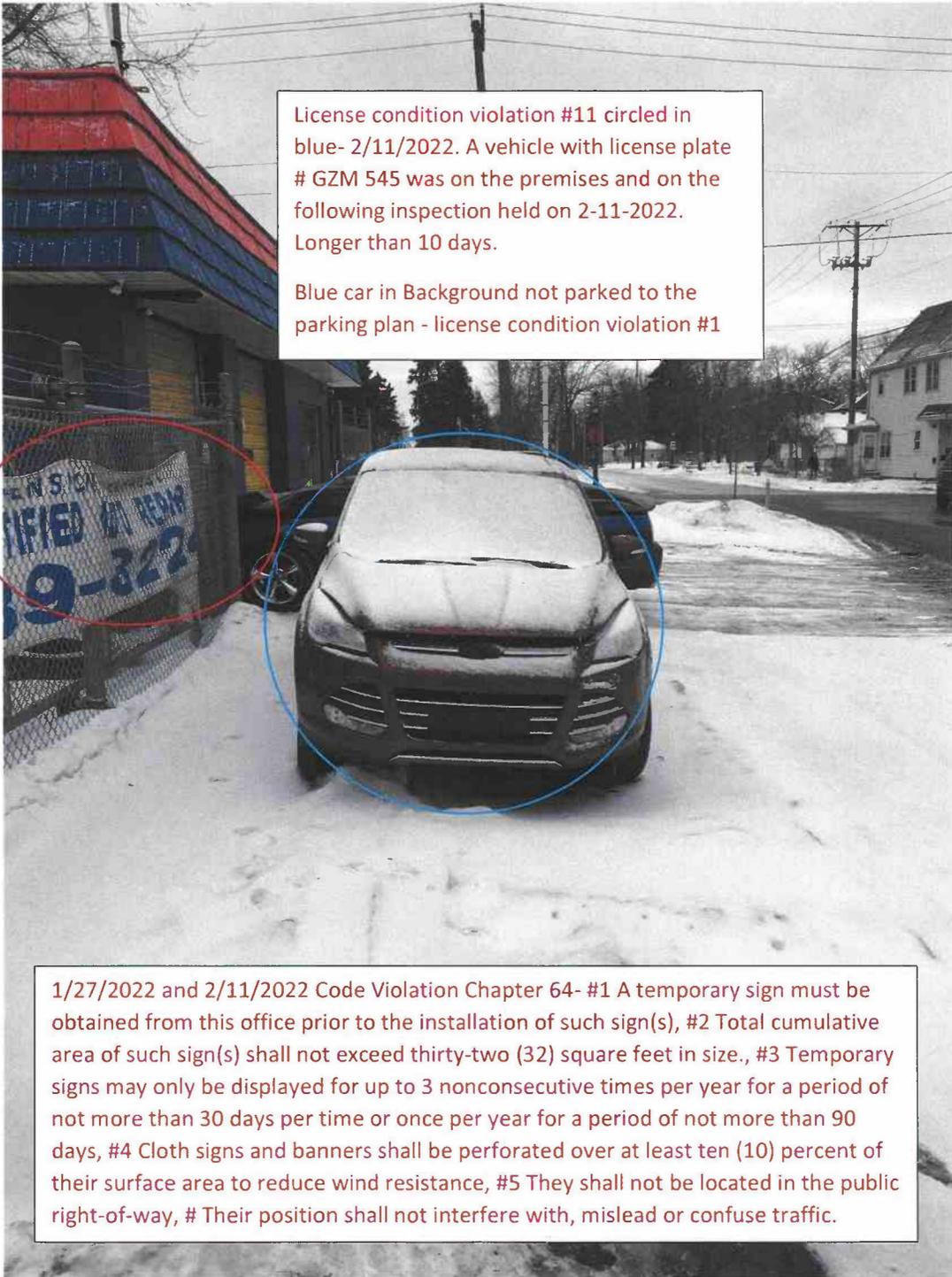


License Condition Violation #11
1/27/2022 Vehicle GFJ 852 the
premises and on the following
inspection held on 2/11/2022.
Longer than 10 days.



License condition violation #1 Lic # DLN-
993 - All customer and employee vehicles
must be parked in accordance with the
approved parking plan on file with the
Department of Safety and Inspections (DSI)
dated 06/24/2019.

License condition violation #11 on 2/11/2022.
A vehicle with license plate #GFJ 852 (circled in
red) was on the premises for longer than 10
days.



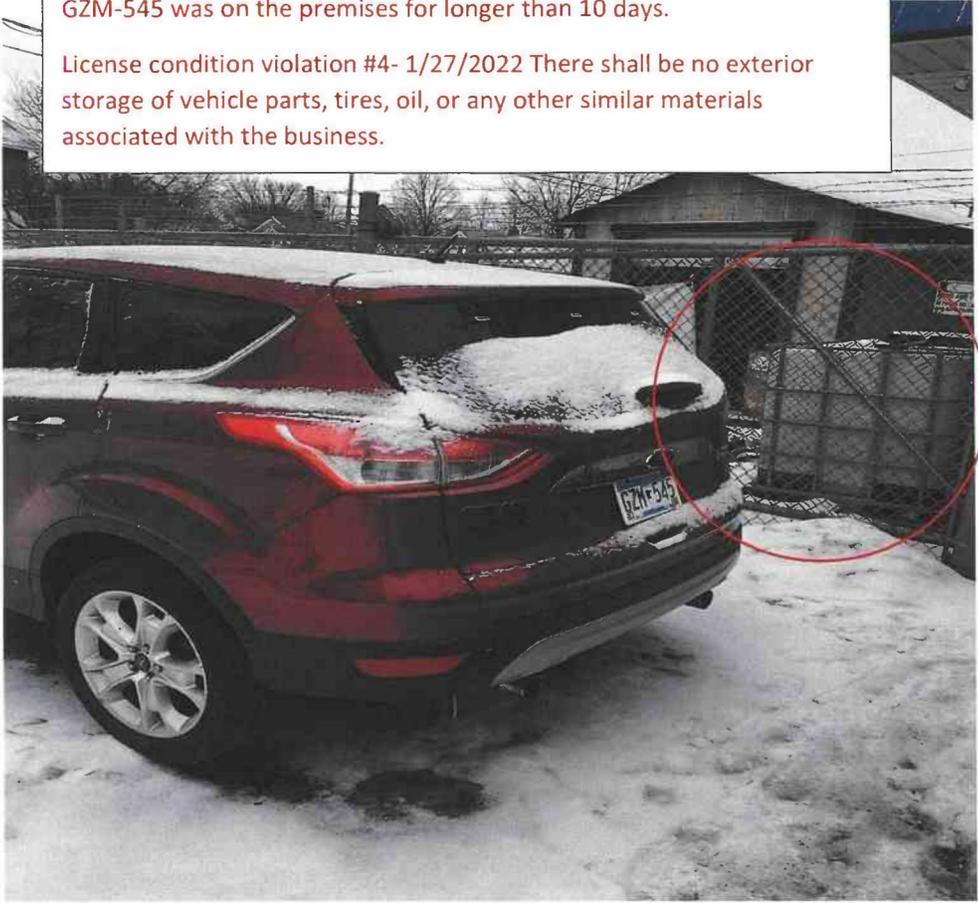
License condition violation #11 circled in blue- 2/11/2022. A vehicle with license plate # GZM 545 was on the premises and on the following inspection held on 2-11-2022. Longer than 10 days.

Blue car in Background not parked to the parking plan - license condition violation #1

1/27/2022 and 2/11/2022 Code Violation Chapter 64- #1 A temporary sign must be obtained from this office prior to the installation of such sign(s), #2 Total cumulative area of such sign(s) shall not exceed thirty-two (32) square feet in size., #3 Temporary signs may only be displayed for up to 3 nonconsecutive times per year for a period of not more than 30 days per time or once per year for a period of not more than 90 days, #4 Cloth signs and banners shall be perforated over at least ten (10) percent of their surface area to reduce wind resistance, #5 They shall not be located in the public right-of-way, # Their position shall not interfere with, mislead or confuse traffic.

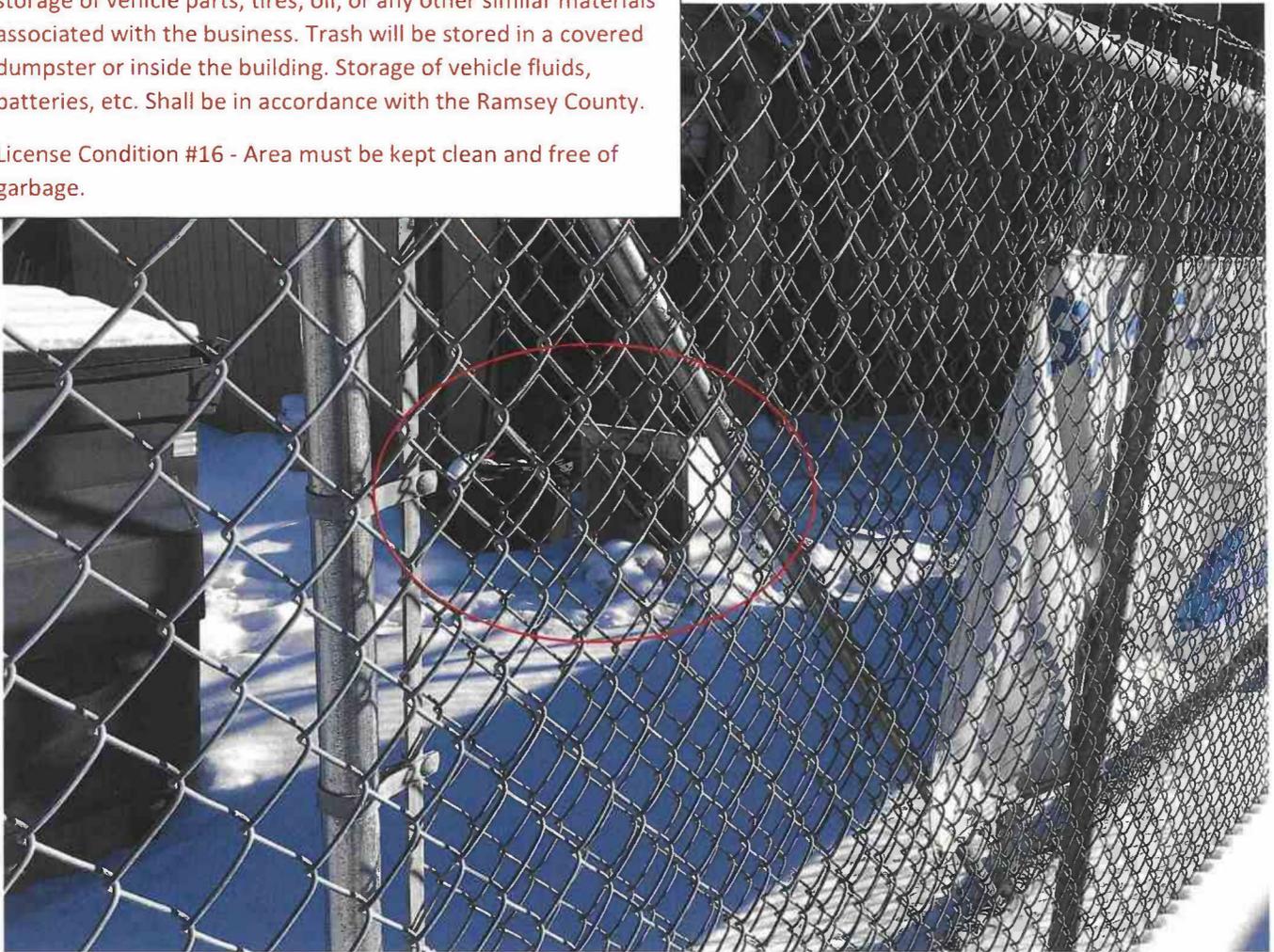
License condition violation #11- 2/11/2022. A vehicle with license plate # GZM-545 was on the premises for longer than 10 days.

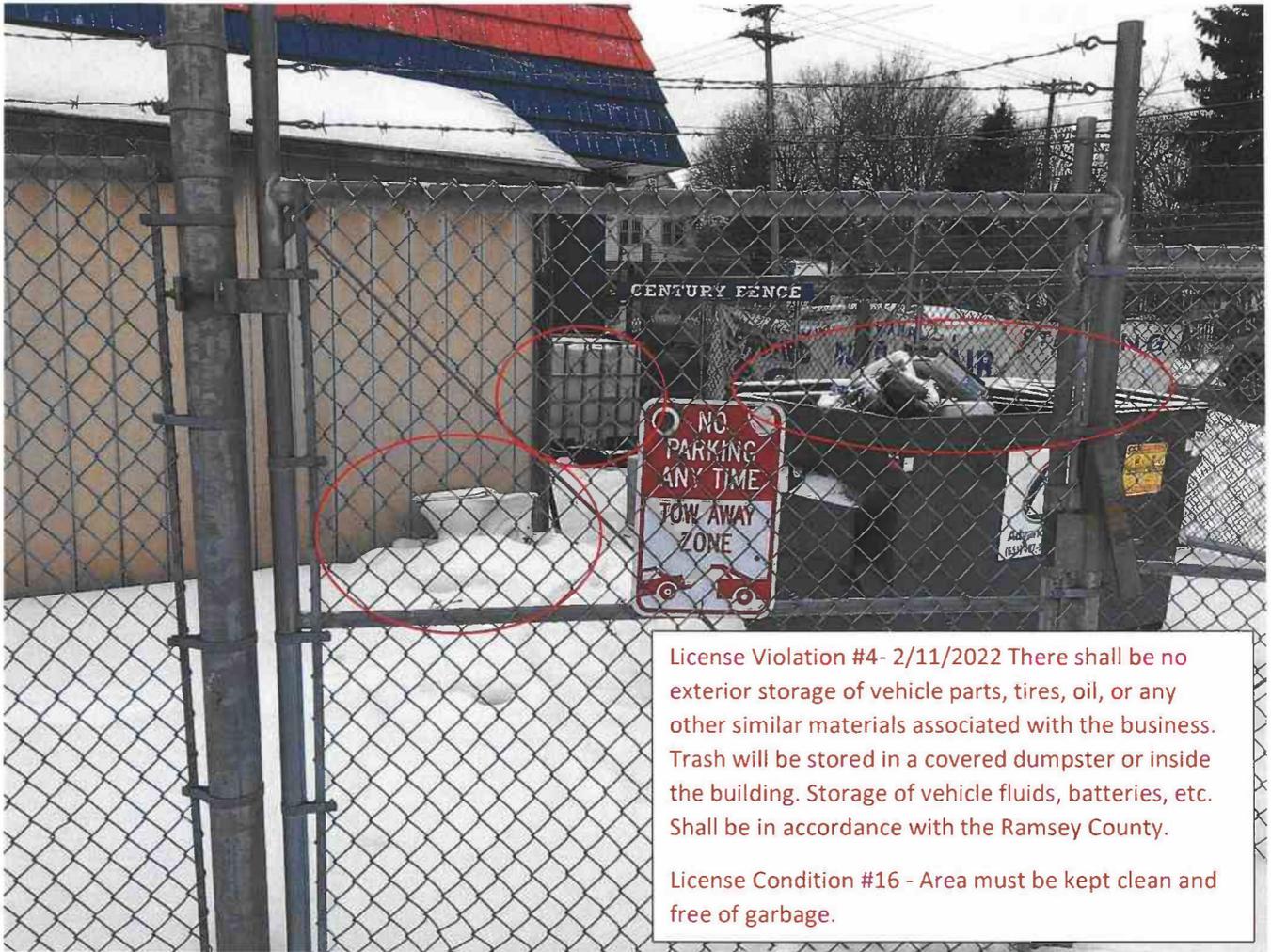
License condition violation #4- 1/27/2022 There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business.



License Violation #4- 1/27/2022 There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. Shall be in accordance with the Ramsey County.

License Condition #16 - Area must be kept clean and free of garbage.





License Violation #4- 2/11/2022 There shall be no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business. Trash will be stored in a covered dumpster or inside the building. Storage of vehicle fluids, batteries, etc. Shall be in accordance with the Ramsey County.

License Condition #16 - Area must be kept clean and free of garbage.

From: [Koran, Linda \(CI-StPaul\)](#)
To: [Hudak, Eric \(CI-StPaul\)](#); [Voyda, Joseph \(CI-StPaul\)](#); [Fischbach, Jeffrey \(CI-StPaul\)](#); [McDonald, Shawn \(CI-StPaul\)](#)
Subject: Fine for Duke"s Care & Towing
Date: Tuesday, May 10, 2022 4:44:01 PM
Attachments: [image001.png](#)

Good Afternoon,

The \$1,000.00 fine has been paid for Dukes Care & Towing LLC at 977 Front Avenue.

Thank you,

Linda Koran

Pronouns: she/her/hers

License Clerk

Department of Safety and Inspections

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

P: 651-266-9105

F: 651-266-9124

linda.koran@ci.stpaul.mn.us



DSI Customer Service Counter is available 8:00 am - 4:00 pm (Mon - Fri).

EXHIBIT

6



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Resolution-Public Hearing: RES PH 22-193

File Number: RES PH 22-193

Approving adverse action against the Auto Repair Garage license held by Duke's Cars and Towing, LLC, d/b/a Duke's Cars and Towing, for the premises located at 977 Front Avenue.

WHEREAS, the Auto Repair Garage license (the "License") held by Duke's Cars and Towing, LLC, d/b/a Duke's Cars and Towing (the "Licensee"), under License ID #20190000933 for the premises located at 977 Front Avenue in Saint Paul (the "Licensed Premises") was the subject of a Notice of Violation (the "Notice") dated June 10, 2022; and

WHEREAS, the Notice stated that, during a complaint-based inspection of the Licensed Premises on May 12, 2022, an inspector from the Department of Safety and Inspections ("DSI") observed and documented with photographs two (2) license condition violations; and

WHEREAS, under the penalty matrix contained in section 310.05(m) of the Saint Paul Legislative Code, the presumptive penalty for a third time violation of license conditions within a period of eighteen (18) months is a fine of \$2000.00 and a 10-day license suspension; and

WHEREAS, because the Licensee's violations of their license conditions were their third time within a period of eighteen (18) months, DSI recommended that a \$2000.00 fine and a 10-day suspension be imposed against the License; and

WHEREAS, the Notice stated that if the Licensee failed to pay the \$2000.00 fine or request a public or administrative hearing by June 24, 2022, the matter would be placed on the next available consent agenda to impose the recommended penalty; and

WHEREAS, on June 23, 2022, the Licensee responded to the Notice via electronic delivery and requested a public hearing, which was held on July 20, 2022; now, therefore, be it

RESOLVED, that the City Council issues this decision based upon consideration of the record of the entire proceedings herein, including the oral argument from the Licensee from the July 20, 2022 public hearing; and be it

FURTHER RESOLVED, that the Auto Repair Garage license held by Duke's Cars and Towing, LLC, d/b/a Duke's Cars and Towing, under License ID #20190000933 for the premises located at 977 Front Avenue in Saint Paul is hereby suspended for 10 days for the aforementioned two (2) license condition violations; and be it

EXHIBIT

7
City of Saint Paul

FURTHER RESOLVED, that the Licensee is hereby ordered to pay a fine of \$2000.00 for the aforementioned two (2) license condition violations.

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

At a meeting of the City Council on 7/20/2022, this Resolution-Public Hearing was Passed.

Yea: 5 Councilmember Brendmoen, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, and Councilmember Jalali

Nay: 0

Absent: 2 Councilmember Thao, and Councilmember Yang

Vote Attested by Shari Moore **Date** 7/20/2022
Council Secretary Shari Moore

Approved by the Mayor Melvin Carter III **Date** 7/21/2022
Melvin Carter III

Clerk Shari Moore **Date** _____
Shari Moore

Test Signature Shari Moore **Date** _____
Shari Moore



Notice Information

Inspectors Name: Luis Sanchez-Panadero

Date: 9/19/2023

To: Therese Skarda

Sent By: Joseph Voyda

Approved By: Eric Hudak

DBA Name: Dukes Car and Towing

DBA Address: 977 Front Avenue - Saint Paul, MN 55103

Note: Include City, State & Zip

Eclips License Information

License Number: 20190000933

License Type(s) Note: List all Licenses: Auto Repair Garage

License Holders Name: Duqueiro Cano

License Holders Address: 3347 3rd Avenue South - Minneapolis, MN 55408

Note: Include City, State & Zip

STAMP Information (if different from license information from Eclips)

Property Owner Name: Dukes Cars And Towing

Property Owners Address: 3347 3rd Avenue South - Minneapolis, MN 55408

Note: Include City, State & Zip

Council Ward: 5 District Council: 10

License Action Requested

Type of Violation – i.e. Tobacco, Liquor, Auto etc.: Auto Repair Garage

First Violation

Second Violation (within 12 months)

Third Violation (within 18 Months)

Fourth Violation (within 24 months)

Requested Adverse Action: Fine _____ Suspension _____ Revocation New License Approval Denial

Change of Ownership Adding to Existing License Imposed License Conditions Upward departure

Rationale for Upward Departure: _____

Rationale for License Conditions: _____

Basis for Imposition of Conditions: _____

Cause for Action

Brief Description of Violation(s): License Condition Violations - during the inspection the manager lied about a vehicles parked on the street on 6/30/2023 re-inspection the vehicle was on property LP#CAW-183 on 7/31/2023 - SPPD ran plates

Ordinance Violation(s): good character may be drawn

Ordinance Number(s): 310.04(c)

State Statutes Violation(s): _____

License Condition Violation Number(s): 1, 11 & 18

Supporting Documents Included

Inspectors Report

Snips from Eclips

Driver's License Information

STAMP Information

License Conditions

Photo(s) or Snips of other Evidence

License Type Requirement Comments

Law Enforcement Data and Reports

License Group Comments

CN: 07/07/2023

Adverse Action Comments

Copy of Application Floor Plans/Site Plans

Public Notice

Other: _____

EXHIBIT
8

Sec. 310.01. - Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

Adverse action means 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.

Bond means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

Class R licenses means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class R Licenses	Legislative Code Chapter
Animal Foods Manufacturing and Distributing	<u>316</u>
Amusement Rides	<u>317</u>
Mechanical Amusement Devices	<u>318</u>
Bed and Breakfast	<u>378</u>
Bituminous Contractors	<u>320</u>
Rooming and Boardinghouses; Dormitories	<u>321</u>
Christmas Tree Sales	<u>323</u>
Cigarettes/Tobacco	<u>324</u>

Commercial Vehicles	<u>167</u>
Building Contractors	<u>326</u>
Courtesy Bench	<u>127</u>
Dry Cleaning Establishments and Pickup Stations; Laundries	<u>327</u>
Alarm Devices	<u>329</u>
Food Protection Standards	<u>331A</u>
Fuel Dealers—Liquid Fuel	<u>332</u>
Fuel Dealers—Solid Fuel	<u>333</u>
Pest Control	<u>334</u>
House Sewer Contractors	<u>338</u>
Keeping of Animals	<u>198</u>
Lawn Fertilizer and Pesticide Application	<u>377</u>
Mercantile Broker	<u>340</u>
Oil—Bulk Storage	<u>342</u>
Peddlers	<u>345</u>
Solicitors	<u>345</u>
Pet Grooming Facility	<u>382</u>
Pet Shops	<u>347</u>
Solid Waste Hauler	<u>357</u>
Rental of Hospital Equipment	<u>350</u>
Rental of Kitchenware	<u>351</u>
Rental of Trailers	<u>352</u>
Roller Rinks	<u>353</u>
Sanitary Disposal Vehicle	<u>354</u>
Secondhand Dealers (Single Location, Multiple Dealers)	<u>355</u>
Sidewalk Cafe	106
Sidewalk Contractors	<u>356</u>
Solid Waste Transfer Station	<u>357</u>
Sign and Billboard Construction	66 and 33
Sound Trucks and Broadcasting Vehicles	<u>359</u>
Public Swimming Pools	<u>360</u>
Tanning Facility	<u>380</u>
Wreckers and Tow Trucks	<u>361</u>
Taxicab Driver	<u>376</u>
Taxicab Vehicle	<u>376</u>
Tree Trimming	<u>362</u>
Food Vending Machines	<u>363</u>
Veterinary Hospital	<u>364</u>
Window Cleaning	<u>365</u>
Block Parties	<u>366</u>
Wrecking of Buildings	<u>368</u>
Building Trades Business Licenses	<u>369</u>

Building Trades Certificates of Competency	<u>370</u>
Finishing Shop	<u>371</u>
Tire Recapping Plants	<u>372</u>
Massage Center	<u>412</u>
Therapeutic Massage Practitioner	<u>414</u>
Vehicle Immobilization	<u>383</u>
Short-term Rental Platform	<u>379</u>
Short-term Rental Host	<u>379</u>

Class T licenses means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class T Licenses	Legislative Code Chapter
Amusement Rides—Temporary	<u>317</u>
Close-Out Sales	<u>325</u>
Transient Merchants	<u>345</u>
Gambling—Temporary	<u>402.06</u>
Entertainment—Temporary	<u>411</u>
Extension of Service Area-Liquor	<u>409</u>
Soliciting Funds—Tag Days	<u>391</u>
Temporary On-Sale Malt (3.2)	410
Temporary Wine, Wine Licenses for Festivals and Liquor	<u>409</u>
Secondhand Dealer—Exhibition	<u>355</u>
Temporary World Cup Soccer License	<u>409</u> , 410

Class N licenses means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class N Licenses	Legislative Code Chapter
Automobile Repair Garage and Body Shop	<u>423</u>
Pool Hall, Bowling Center	<u>322</u>
New Motor Vehicle Dealer	401
Bingo	402
Bingo Halls	403
Cabaret	<u>426</u>
Private Clubs - Liquor	<u>409</u>

Dance or Rental Halls	405
Firearms Dealer	<u>225</u>
Gambling Hall	<u>278</u>
Game Rooms	<u>406</u>
Gas Station	<u>424</u>
Gambling Location	<u>409</u>
Hotel/Motel	<u>407</u>
Health/Sports Club	<u>427</u>
Infectious Waste Processing	<u>429</u>
Recycling Collection Center/Recycling Processing Center	408
Second Hand Dealer—Motor Vehicle Parts	401
Motor Vehicle Salvage Dealer	<u>422</u>
Intoxicating Liquor—On and Off Sale	<u>409</u>
Brewpub/Off-Sale	<u>409</u>
Off-Sale Brewery	<u>409</u>
Motorcycle Dealer	401
Pawn Shop	<u>344</u>
Nonintoxicating Liquor-On and Off Sale	410
Entertainment	<u>411</u>
Conversation/Rap Parlors	<u>413</u>
Steam Room/Bathhouse	<u>428</u>
Theatres and Movie Theaters	<u>415</u>
Motion Picture Drive-In Theatres	<u>416</u>
Second Hand Dealer—Motor Vehicle	401
Parking Lots and Parking Garages	<u>417</u>
Scrap and Metal Processor	<u>420</u>
Liquor Extension of Service Hours	<u>409</u>
Liquor Outdoor Service Area (Patio)	<u>409</u>
Currency Exchange	<u>381</u>
Small Brewer Off-Sale—128 Ounces License	<u>409</u>

Department means the department of safety and inspections.

Director means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

Fee means and includes both the license fee and application fee unless otherwise provided.

Inspector as used in these chapters means the director of the department of safety and inspections or his or her designee.

License means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning administrator means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19; Ord 22-35, § 2, 8-3-22)

Sec. 310.05. - Hearing procedures.

- (a) *Adverse action; notice and hearing requirements.* In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee shall be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the inspector, by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.
- (b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee shall have been notified in writing that adverse action may be taken against the license or application, and that he or she is entitled to a hearing before action is taken by the council. The notice shall be served or mailed a reasonable time before the hearing date, and shall state the place, date and time of the hearing. The notice shall state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the inspector or by the city attorney.
- (c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing shall be held before the council. Otherwise the hearing shall be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee shall be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.
- (c-1) *Procedure; hearing examiner.* The hearing examiner shall hear all evidence as may be presented on behalf of the city and the applicant or licensee, and shall present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council shall consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and shall not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council shall provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with

such additional arguments presented at the hearing, the council shall determine what, if any, adverse action shall be taken, which action shall be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

- (c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein shall prevent an inquiry or communications regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, shall mean and include a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.
- (d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.
- (e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.
- (f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.
- (g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall be complied with and shall supersede inconsistent provisions of these chapters. This shall include, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.
- (h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to

withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

- (i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.
- (j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall be prepared by the license inspector and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.
- (k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor.
- (l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole

discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall be controlling.

(m) *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation

(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00	\$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	\$2,000.00	Revocation	n/a	n/a

(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		
(9) Critical violations under <u>331A</u>	\$250.00	\$500.00	\$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under <u>331A</u>	\$150.00	\$250.00	\$500.00	\$1,000.00
(11) Taxi fail to display driver's license as required by <u>376.16(f)</u>	\$100.00	\$250.00	\$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by <u>376.11(v)</u>	\$100.00	\$250.00	\$500.00	Revocation

(13) Violation of restrictions upon sidewalk café license under <u>106.01(b)</u>	\$200.00	\$400.00	\$800.00	Revocation
--	----------	----------	----------	------------

(i) *Fines payable without hearing.*

- A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.
- B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

(iii)

Violations occurring after the date of the notice of hearing. Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.

- (iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.
- (v) *Computation of time.*
- (1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.
 - (2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.
 - (3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.
 - (4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.
 - (5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.
 - (6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

Sec. 310.06. - Revocation; suspension; adverse actions; imposition of conditions.

- (a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.
- (b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:
- (1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.
 - (2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.
 - (3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.
 - (4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.
 - (5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.
 - (6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;
 - b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or
 - c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.
- (7)

The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

- (8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.
- (9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.
- (10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.
- (11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.
- (12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.
- (13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.
- (14)

The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section shall mean and include any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall be the basis for adverse action against the license or application.

- (c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license 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. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:
- (1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;
 - (2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;
 - (3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;
 - (4) A requirement to provide off-street parking in excess of other requirements of law;
 - (5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;
 - (6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a

nuisance.

The inspector may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses. The council may impose such conditions on Class N licenses with the consent of the license holder, or upon any class of license as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the council in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.

- (d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:
- (1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;
 - (2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;
 - (3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;
 - (4) The management practices of the licensee or applicant with respect to each of such licenses;
 - (5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;
 - (6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or applications; and
 - (7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Code 1956, § 510.06; Ord. No. 17584, § 1, 8-25-88; Ord. No. 17657, § 15, 6-8-89; Ord. No. 17659, § 2, 6-13-89; Ord. No. 17901, §§ 2, 3, 1-14-92; Ord. No. 17917, §§ 2, 3, 3-31-92; Ord. No. 17922, § 1, 4-28-92; C.F. No. 94-500, § 3, 7-6-94; C.F. No. 94-1340, § 3, 10-19-94; C.F. No. 95-473, § 5, 5-31-95; C.F. No. 99-500, § 3, 7-7-99; C.F. No. 06-954, § 2, 11-8-06; C.F. No. 06-1072, § 2, 12-27-06)