



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

April 7, 2023

**NOTICE OF INTENT TO SUSPEND LICENSE
AND REQUEST IMPOSITION OF \$500 MATRIX PENALTY**

Benzel Automotive, LLC
d/b/a Benzel Motors
985 Randolph Avenue
Saint Paul, MN 55102

RE: Auto Repair Garage license held by Benzel Automotive, LLC d/b/a Benzel Motors for the premises located at 985 Randolph Avenue in Saint Paul.
License ID #: 20180000688

Dear Licensee:

The Department of Safety and Inspections ("Department") will recommend suspension of the Auto Repair Garage license held by Benzel Automotive, LLC d/b/a Benzel Motors ("Licensee") for the premises located at 985 Randolph Avenue in Saint Paul. In addition, the Department will request the imposition of a \$500.00 matrix penalty.

Saint Paul Legislative Code §310.03 (m)(2) sets forth the general penalties for violation of provisions of the legislative code relating to the licensed activity. The matrix prescribes a penalty of \$500 for a first-time violation.

Saint Paul Legislative Code §310.03 (m)(8) sets forth the general penalties for failure to pay license fees. The matrix prescribes a penalty of license suspension for a first-time violation.

The Department asserts the following facts along with attachments herein constitute proof of a violation of Saint Paul Legislative Codes §310.03 (m) (2) and (8) by a preponderance of the evidence.

On August 29, 2022, you were sent a letter and RENEWAL INVOICE from the Department of Safety and Inspections indicating your Auto Repair Garage license had expired and was now delinquent.

You were also instructed to complete and submit an attached Certificate of Compliance Minnesota Workers' Compensation Law form along with your renewal invoice and payment of the delinquent license fees by September 19, 2022, or adverse action would be taken.

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

STPAUL.GOV

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.



On September 29, 2022, DSI sent an email following up on the August 29, 2022, delinquent letter with a current renewal invoice. You were asked to submit payment of the delinquent license and late fees along with a completed a Certificate of Compliance Minnesota Workers' Compensation Law form.

As of today, we have not heard back from you.

You have four (5) 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 **April 17, 2023**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.
2. You can submit the required information above and pay the delinquent Auto Repair Garage license and late fees. **If this is your choice, you need to contact the Department of Safety and Inspections (651) 266-8989 to determine the total amount now due.** You may then send the payment and information directly to DSI at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **April 17, 2023**. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent Auto Repair Garage license and late fees and submission of the required documents will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but contest the penalty, you may have a hearing before the Saint Paul City Council, you will need to send me a letter with a statement admitting the facts and requesting a Council hearing by **April 17, 2023**. The matter will then be scheduled before the City Council to determine whether to suspend your Auto Repair Garage license and impose the \$500.0 matrix penalty. You will have an opportunity to appear before Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge ("ALJ"). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **April 17, 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).



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5. If you no longer wish to do business in the City of Saint Paul, you will need to complete and return the attached REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **April 17, 2023**.

If you have not contacted me by April 17, 2023, I will assume that you do not contest the suspension of your Auto Repair Garage license and imposition of the \$500.00 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 feel free to contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,

Therese Skarda
Assistant City Attorney
License No.: 0240989

Cc: Amy Smith, 18053 Hydra Circle, Lakeville, MN 55044
Mary Cutrufello, Executive Director, West Seventh Street/Fort Road Federation
882 West 7th Street, Suite 6, Saint Paul, MN 55102

Attachments: Letter with Renewal Invoice and Workers' Compensation form dated 8/29/2022
Email sent to licensee dated 9/29/2022
Certificate of Compliance Minnesota Workers' Compensation Law form.
REQUEST TO CANCEL LICENSE with the CITY OF SAINT PAUL
Saint Paul Legislative Code §310.03 (m)

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 7th day of April she served the attached **NOTICE OF INTENT TO SUSPEND LICENSE AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Benzel Automotive, LLC
d/b/a Benzel Motors
985 Randolph Avenue
Saint Paul, MN 55102

Amy Smith
18053 Hydra Circle
Lakeville, MN 55044

Mary Cutrufello, Executive Director
West Seventh Street/Fort Road Federation
882 West 7th Street, Suite 6
Saint Paul, MN 55102

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


Julie Kraus

Subscribed and sworn to before me
This 7th day of April 2023


Notary Public





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

Delin

August 29, 2022

Benzel Motors
985 Randolph Ave
St Paul MN 55102

RE: License ID # 20180000688
@ 985 Randolph Ave

Dear Licensee:

Our records indicate the above referenced license(s) which were issued to you have expired and are now delinquent. Renewal of the license(s) is required if you intend to engage in the licensed activity within the City of St Paul.

You must complete the renewal of your license(s) by Sep 19, 2022, or we may submit your delinquent/expired license(s) to the City Attorney's office for adverse action. To complete the renewal process, submit to this department payment of the renewal fee (including any late fees) and all required supporting documentation as stated on the enclosed invoice.

For your convenience, a copy of the referenced invoice and a self-addressed return envelope is enclosed. If you are no longer working within the City of Saint Paul, please advise our office of the information in writing.

If you have questions regarding this notice or wish to dispute your license is delinquent/expired, please contact our office at 651-266-8989, Monday through Friday, between 8:00 AM and 4:30 PM.

Sincerely,

Eric Hudak
Licensing Manager
Department of Safety and Inspections

Enclosure(s)



SAINT PAUL
MINNESOTA

Renewal Invoice

☐ Check this box if making any name, mailing address or phone # corrections. Please write the changes on this form. If your business license address is changing, please request a new business license application.

October 4, 2022

CITY OF SAINT PAUL

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
PHONE: (651) 266-8989
FAX: (651) 266-9124
www.stpaul.gov

BENZEL AUTOMOTIVE LLC
BENZEL MOTORS
985 RANDOLPH AVE
ST PAUL MN 55102

BUSINESS PHONE: 651-621-3314

Invoice #: 1136702

Invoice Due Date: Upon Receipt

Account Balance: \$703.00

Pay this Amount: \$703.00

Transaction Description

Transaction Total

Inv: 1128472 180000688 Auto Repair Garage Expires: 06/05/2022	
@ 985 RANDOLPH AVE	469.00
Inv: 1128544 Late Fee 7-30 days late (10%)	47.00
Inv: 1128566 Late Fee 31-60 days late (10%)	47.00
Inv: 1128600 Late Fee 61-90 days late (10%)	47.00
Inv: 1129338 Late Fee 91-120 days late (10%)	47.00
Late Fee 121+ days late (10%)	46.00

Requirements

Invoice Amount Due: \$703.00

Your account is overdue. Please mail payment today!!

Your Taxpayer Identification is on file. Thank you.

Please give us your email address: _____

Please return this invoice with your payment!

Remit Payment to:

City of Saint Paul Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Make Checks Payable to: The City of Saint Paul

Cardholder Signature (required for all charges):

****Beginning April 1, 2021, a 2.49% convenience fee will be charged for credit 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. **Checks and cash payments will still be accepted at 375 Jackson St., #220.******

IF PAYING BY CREDIT CARD PLEASE COMPLETE THE FOLLOWING INFORMATION:

INVOICE #: 1136702 **CUSTOMER:** BENZEL AUTOMOTIVE LLC☐ American Express Discover

Visa, MasterCard, Discover



Security Code:

Expiration Date:**Account Number:**

Amount: \$ _____

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Certificate of Compliance Minnesota Workers' Compensation Law



SAINT PAUL
SAFETY & INSPECTIONS

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)		LICENSE OR PERMIT NO (if applicable)	
DBA (doing business as name) (if applicable)			
BUSINESS ADDRESS (PO Box must include street address)		CITY	STATE ZIP CODE

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)

WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
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NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

☐ I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- ☐ I have no employees.
- ☐ I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____
- ☐ Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
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NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.
This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

Fischbach, Jeffrey (CI-StPaul)

From: Fischbach, Jeffrey (CI-StPaul)
Sent: Thursday, September 29, 2022 9:36 AM
To: THESSBENZEL@GMAIL.COM
Subject: 985 Randolph Ave - Benzel Automotive LLC - Delinquent Auto Repair Garage License ID #20180000688
Attachments: Delinquent_Letter.pdf; Renewal_Invoice_Paperwork.pdf

Thess,

On 08/29/2022 DSI sent the attached delinquent license letter with a due date for renewal of 09/19/2022. As of this date the renewal has not yet been completed.

You must **submit payment and all renewal paperwork** as per the attached Renewal Invoice Paperwork document by **10/10/2022** or the license will be referred to the City Attorney for adverse action.

Please let me know if you have any questions about this matter.

Thanks,

Jeff Fischbach
DSI - Licensing Division
City of Saint Paul
Department of Safety and Inspections (DSI)
375 Jackson St, Suite 220
Saint Paul, MN 55101
P: 651-266-9106 / **Fax:** 651-266-9124
jeffrey.fischbach@ci.stpaul.mn.us