

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE CITY OF SOUTH ST. PAUL

In the Matter of the Civil Penalty
Assessed Against:

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

1571 Stickney Avenue

Issued to:

Viengsavanh Paborriboon,

Respondent.

The above entitled matter came on for hearing before Chief Administrative Law Judge Tammy L. Pust on Thursday, October 3, 2013, at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota. The City of South St. Paul (City) was represented by Peter Hellegers, City Planner, and Addison Lewis, Code Inspection Officer. The Respondent was represented by her spouse and co-owner of the property located at 1571 Stickney Avenue (Subject Property), Mr. David Myers.

After a hearing on this matter, the Administrative Law Judge adopts the following:

FINDINGS OF FACT

1. In response to a received complaint, on May 7, 2013, the City inspected the a property located adjacent to the Subject Property, which is also owned by Respondent, from a vantage point on the public street and noted the existence of exterior storage of indoor furniture on the front porch, peeling paint, and accumulated debris.
2. The City sent Respondent a Notice of City Code Violation detailing the findings of the May 7, 2013 inspection.
3. Subsequently, the Respondent cured the code violations noted in the Notice to the satisfaction of the City.
4. The City inspected the Subject Property on July 18, 2013 and noted code violations consisting of vehicles parked on the grass and additional exterior storage violations visible from the street, all of which the City detailed to the Respondent in a Compliance Notice of the same date.

5. On August 6, 2013, the City issued Respondent an Administrative Citation for exterior storage of personal property and debris in violation of South St. Paul City Code section 118.240(a)(c)(g), which Citation included but was not limited to the presence of a storage trailer/dumpster parked on the Subject Property in an unscreened area visible from the street.

6. At the hearing, Mr. Myers admitted that the storage trailer/dumpster was still parked on the Subject Property in an unscreened area visible from the street, which constituted a code violation.

7. The preponderance of evidence at the hearing did not establish that Respondent had allowed the parking of motor vehicles on the grass rather than on the gravel driveway of the Subject Property.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The City and the Office of Administrative Hearings have subject matter jurisdiction pursuant to South St. Paul City Ordinance No. 1227, Sec. 38.108.

2. The City has complied with all relevant substantive and procedural requirements of Minnesota statutes, rules and South St. Paul City Code.

3. The Respondent was given timely and proper notice of the hearing in this matter.

4. The City has demonstrated by a preponderance of evidence that Respondent has violated the South St. Paul City Code by allowing a storage trailer/dumpster to be parked on the Subject Property in an unscreened area visible from the street.

5. The Administrative Law Judge has considered the duration, frequency of reoccurrence, seriousness, and history of the violation; Respondent's conduct after the issuance of the Notice and Order for Hearing and good faith efforts to comply; the impact of the violation on the community; the Respondent's record of prior City Code violation(s) and other factors appropriate to a just and fair result and;

6. An Order is in the public interest.

Based on the foregoing, the Administrative Law Judge makes the following:

ORDER

1. Respondent must abate the violation by removing the storage trailer/dumpster from the Subject Property by the end of the day on Friday, October 4, 2013. If the condition is met, no civil penalty or costs shall be imposed.
2. If Respondent fails to abate the violation by removing the storage trailer/dumpster from the Subject Property by the end of the day on Friday, October 4, 2013, Respondent shall pay to the City of South St. Paul a civil penalty of \$200.00, plus costs of \$100.00, all payable within 30 days of the date of this Order.

NOTICE

Pursuant to South St. Paul City Ordinance No. 1227, Sec. 38.108 and Minn. Stat. ch. 14, this Order is the final decision in this case. Any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 to 14.69.

Dated: October 3, 2013

s/Tammy L. Pust

TAMMY L. PUST
Chief Administrative Law Judge

Reported: Digitally Recorded