

**CITY OF MINNEAPOLIS  
FOR THE DEPARTMENT OF  
REGULATORY SERVICES**

**ADMINISTRATIVE HEARING OFFICER**

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**In the matter of the Property  
Located at 4255 Penn Avenue N.  
Located in Minneapolis, MN and owned by  
Andrea Walker/ Complete Real Estate  
Mortgage Solutions, Inc.**

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

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The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on April 23, 2012, at 9:00 a.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Janine Atchison, District Manager Department of Housing. Andrea Walker, owner of the above listed property, did not appear for the hearing.

**FINDINGS OF FACT**

Andrea Walker owns the property located at 4255 Penn Avenue N. in the City of Minneapolis. Andrea Walker's address, as listed on the Hennepin County property information records, is 4255 Penn Avenue N., Minneapolis, MN.

On January 30, 2008, a rental license application was completed for the property located at 4255 Penn Avenue N., Minneapolis, MN. On the rental license application, the applicant was listed as Complete Real Estate Mortgage Solutions, Inc. and Andrea Walker was listed as the natural person representing the corporation and as the contact person/property manager. The contact address for Andrea Walker as the contact person/property manager was listed as 17115 13<sup>th</sup> Avenue N., Plymouth, MN 55447.

On August 19, 2011, an inspection was conducted at 4255 Penn Avenue N. On August 19, 2011, written orders were issued to Andrea Walker at her listed contact address of 17115 13<sup>th</sup> Avenue N, Plymouth, MN 55447. The written orders directed Ms. Walker to properly prepare and paint the exterior wood trim of the main dwelling structure, to repair or replace the overhead garage door on the garage, to repair or replace the deteriorating roof overhang on the south side of the house, to repair or replace the front handrail at the property, to supply the necessary screens for the windows and doors at the property and to repair or replace the loos and/or deteriorating windows at the property. The written orders gave Ms. Walker until September 19, 2011, to make the necessary repairs at the property.

On September 22, 2011, a re-inspection was completed at 4255 Penn Avenue N. which revealed that the written orders had not been completed and on September 22, 2011, an administrative citation was issued, in the amount of \$200.00, to Andrea Walker at her listed contact address of 17115 13<sup>th</sup> Avenue N., Plymouth, MN. Ms. Walker was given twenty days to pay or appeal the citation. Minneapolis Housing Inspections' records indicate that Ms. Walker neither appealed nor paid the \$200.00 administrative citation issued on September 22, 2011.

On October 25, 2011, a re-inspection was completed at 4255 Penn Avenue N., which revealed that the written orders, issued on August 19, 2011, had not been completed and on October 26, 2011, an administrative citation was issued, in the amount of \$400.00, to Andrea Walker at her listed contact address of 17115 13<sup>th</sup> Avenue N., Plymouth, MN. Ms. Walker was given 20 days to appeal or pay the administrative citation. Minneapolis Housing Inspections' records indicate that Ms. Walker neither appealed nor paid the \$400.00 administrative citation issued on October 26, 2011.

On November 29, 2011, a re-inspection was completed at 4255 Penn Avenue N., which revealed that the written orders, issued on August 19, 2011, had not been completed and on December 1, 2011, an administrative citation was issued, in the amount of \$800.00, to Andrea Walker at her listed contact address of 17115 13<sup>th</sup> Avenue N., Plymouth, MN. Ms. Walker was given 20 days to appeal or pay the administrative citation. Minneapolis Housing Inspections' records indicate that Ms. Walker neither appealed nor paid the \$800.00 administrative citation issued on December 1, 2011.

On December 28, 2011, a re-inspection was completed at 4255 Penn Avenue N., which revealed that the written orders, issued August 19, 2011, had not been completed and on January 9, 2012, an administrative citation was issued, in the amount of \$1,600.00, to Andrea Walker at her listed contact address of 17115 13<sup>th</sup> Avenue N., Plymouth, MN. Ms. Walker was given 20 days to appeal or pay the administrative citation. Minneapolis Housing Inspections' records indicate that Ms. Walker neither appealed nor paid the \$1,600.00 administrative citation issued on January 9, 2012.

The October 25, 2011, inspection of the property located at 4255 Penn Avenue N. also revealed that the rental license for the property had not been renewed following its expiration in August of 2011. Written orders were issued to Andrea Walker at her listed contact address of 17115 13<sup>th</sup> Avenue N., Plymouth, MN. The written orders required Ms. Walker to obtain a current rental license for the property. On October 26, 2011, an immediate administrative citation was issued, in the amount of \$500.00, to Andrea Walker, for failure to have the property properly licensed as a rental property. Ms. Walker was given 20 days to pay or appeal the \$500.00 administrative citation. Minneapolis Housing Inspections' records indicate that Ms. Walker neither appealed nor paid the \$500.00 administrative citation issued on October 26, 2012.

On February 6, 2012, a Notice of Director's Determination of Non-Compliance was sent to Andrea Walker, at her listed contact address of 17115 13<sup>th</sup> Avenue N., Plymouth, MN, notifying Ms. Walker that the property located at 4255 Penn Avenue N, was in violation of M.C.O. § 244.1910 (11 )(a), for having delinquent financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process, specifically, unpaid administrative citations. The Notice of Director's Determination of Non-Compliance gave Ms. Walker until February 21, 2012, to bring the property into compliance by paying the unpaid administrative citations and informed her that failure to bring the property into compliance may lead to the Minneapolis City Council taking an action to deny, revoke or suspend the rental dwelling license.

Ms. Walker failed to bring the property into compliance by paying the unpaid administrative citations and on February 22, 2012, a Notice of Revocation of Rental License was issued to Andrea Walker. The Notice indicated that the revocation action was based upon a violation of M.C.O. § 244.1910(11)(a) for failure to pay administrative citations. Ms. Walker was given 15 days to appeal or the matter would be forwarded to the Minneapolis City Council for action on the recommendation to revoke the rental license for 4255 Penn Avenue N.

On March 9, 2012, Ms. Walker filed an appeal of the recommendation to revoke the rental license for 4255 Penn Avenue N., stating: "I have been a property owner in Minneapolis for the past 8 years and due to health complications, a loss of income and a downturn in the market I am unable to pay the entire assessed amount and am asking that it be reduced due to circumstances out of my control." Ms. Walker also stated that the problems at the property were caused by the children of a tenant who had gang affiliations and caused problems in the neighborhood. Ms. Walker stated that she now has two stable families at the property and hopes to keep the property long term.

The matter was set for a hearing on April 23, 2012, at 9:00 a.m. Ms. Walker failed to appear. The City moved to have the matter issued based upon the record and the default. The Hearing Officer granted the motion and made Findings of Fact and Conclusions of Law and Order. After the hearing was completed it was found that Ms. Walker had faxed a letter to Housing Inspections' District Manager, Janine Atchison in the early morning hours of April 23, 2012, stating that she would not be able to attend the hearing and would stand on her written appeal document.

### CONCLUSIONS

M.C.O. § 244.1910 (11) (a) states: There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

The City of Minneapolis Department of Housing Inspections issued valid written orders to make necessary repairs at the property located at 4255 Penn Avenue N. When the repairs were not completed in the time allotted by the Department, the Department issued valid administrative citations for the non-compliance.

The City of Minneapolis Department of Housing Inspections issued a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(11) (a), for having outstanding obligations owing to the city under an action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

The City of Minneapolis Department of Housing Inspections issued a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, for violations of M.C.O. § 244.1910

(11) (a), for having outstanding obligations owing to the city under an action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

**RECOMMENDATION**

That the rental license for the property located at 4255 Penn Avenue N., Minneapolis, MN., held by Andrea Walker/Complete Real Estate Mortgage Solutions Inc., be revoked.

Dated May 8 2012

  
FABIAN HOFFNER  
ADMINISTRATIVE HEARING  
OFFICER