CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Rental Dwelling Licenses held by RBE Properties Inc. and Ronald E. Folger for the Premises at 3439 Aldrich Ave. N, 3746 Bryant Ave. N., 3543 Colfax Ave. N., 3547 Colfax Ave. N., 3623 Colfax Ave. N., 3638 Colfax Ave. N., 3301 Dupont Ave. N., 3443 Dupont Ave. N., 3300 Emerson Ave. N., 4351 Fremont Ave. N., 3455 Girard Ave. N., 3407 Irving Ave. N., 3534 Lyndale Ave. N., 3759 Lyndale Ave. N., 3419 Morgan Ave. N., 3347 Newton Ave. N., 3319 Thomas Ave. N., Minneapolis, Minnesota	**FINDINGS OF FACT,** **CONCLUSIONS, AND RECOMMENDATION**

The above entitled matter came on for hearing before Administrative Hearing Officer Edward Backstrom on October 17, 2011 at 1:00 p.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 Inspections Ronald Folger owner of the properties located at 3439 Aldrich Ave. N, 3746 Bryant Ave. N., 3543 Colfax Ave. N., 3547 Colfax Ave. N., 3623 Colfax Ave. N., 3638 Colfax Ave. N., 3301 Dupont Ave. N., 3443 Dupont Ave. N., 3300 Emerson Ave. N., 4351 Fremont Ave. N., 3455 Girard Ave. N., 3407 Irving Ave. N., 3534 Lyndale Ave. N., 3759 Lyndale Ave. N., 3419 Morgan Ave. N., 3347 Newton Ave. N., 3319 Thomas Ave. N., Minneapolis, Minnesota, was present.

After considering all of the evidence presented at the hearing and the arguments presented by both parties before, during and after the hearing, the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

RBE Properties LLC owns the properties located at 3439 Aldrich Ave. N, 3746 Bryant Ave. N., 3543 Colfax Ave. N., 3547 Colfax Ave. N., 3623 Colfax Ave. N., 3638 Colfax Ave. N., 3301 Dupont Ave. N., 3443 Dupont Ave. N., 3300 Emerson Ave. N., 4351 Fremont Ave. N., 3455 Girard Ave. N., 3407 Irving Ave. N., 3534 Lyndale Ave. N., 3759 Lyndale Ave. N., 3419 Morgan Ave. N., 3347 Newton Ave. N., 3319 Thomas Ave. N. in the City of Minneapolis (here after referred to as the properties). RBE Properties LLC was organized by Ronald Folger and Julie Folger. The Registered Office Address for RBE Properties, LLC, is listed as 4634 Hamlet Avenue N., Oakdale, MN, the same address listed for Ronald and Julie Folger. Ronald Folger/RBE Properties LLC applied for and was awarded rental dwelling licenses for each of the properties. The rental license applications list RBE Properties/Ronald Folger as the owner responsible for the maintenance and management of the rental properties. The application lists the contact address for Ronald Folger as 4634 Hamlet Ave. NE., Oakdale, MN. Applicable property records admitted at the hearing in this matter list RBE Properties LLC or Roger and Julie Folger as the owner and taxpayer of record for the properties with a mailing address of 4634 Hamlet Ave. NE., St. Paul, MN. The only exception is the property located at 4351 Fremont Ave. which shows Ronald and Julie Folger as the owners with an address of 4351 Fremont Ave. N., Minneapolis, MN.

This matter was commenced by the Department of Inspections to revoke the rental dwelling licenses for the properties under Minneapolis Code of Ordinances (M.C.O.) § 244.1910 (13)a. The ordinance states that any owner who has had two rental licenses revoked is ineligible to hold or have an interest in a renal license for 5 years.

At the hearing Mr. Folger did not contest that he had two rental licenses revoked during the past year. Mr. Folger attended appeal hearings contesting both revocations. These hearings

resulted in the City Council approving the recommendations to revoke the two licenses. The first was a violation of M.C.O. § 244.2020(c) for the failure to submit a written management within ten days of a notice of disorderly use involving narcotics. The revocation was approved by the City Council on January 14, 2011. The second revocation resulted from a violation of M.C.O. § 244.1910 (8) for failure to allow the inspection of property. This was approved by the City Council on April 29, 2011.

On May 16, 2011, a Notice of Director's Determination of Noncompliance was sent to RBE Properties/Ronald Folger. On August 15, 2011, a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to RBE Properties LLC/Ronald Folger as the owner and contact person for the properties. The notice advised that the Inspections Division would recommend to the City Council that the rental dwelling licenses for the properties be revoked. The recommendation was made pursuant to M.C.O. § 244.1910 (13). The notice was served via certified mail and receipts were returned confirming the delivery and receipt of the notice by Ronald Folger. On August 30, 20111, Ronald Folger filed a proper appeal of the revocation recommendation.

CONCLUSIONS

The Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

The owner and licensee falls within the provisions of M.C.O. § 244.1910 (13)a which states: "Any person who has an interest in two (2) or more licenses revoke pursuant to this article or canceled pursuant to section 244.1925 or combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental license or provisional license for a period of five (5) years".

The rental dwelling licenses held by RBE Properties LLC/Ronald C. Folger as owner of the properties, are subject to revocation or cancellation under M.C.O. 244.1910(13)a. Revocation or cancellation of the referenced rental dwelling licenses is the appropriate adverse license sanction.

RECOMMENDATION

That the rental dwelling licenses held by RBE Properties LLC and Ronald Folger as owner of the properties, for 3439 Aldrich Ave. N, 3746 Bryant Ave. N., 3543 Colfax Ave. N., 3547 Colfax Ave. N., 3623 Colfax Ave. N., 3638 Colfax Ave. N., 3301 Dupont Ave. N., 3443 Dupont Ave. N., 3300 Emerson Ave. N., 4351 Fremont Ave. N., 3455 Girard Ave. N., 3407 Irving Ave. N., 3534 Lyndale Ave. N., 3759 Lyndale Ave. N., 3419 Morgan Ave. N., 3347 Newton Ave. N., 3319 Thomas Ave. N., in Minneapolis, Minnesota be revoked or canceled.

Dated October 25, 2011.

Edward Backstrom

EDWARD BACKSTROM
ADMINISTRATIVE HEARING
OFFICER