CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Property Located at 1603 Girard Avenue N. Located in Minneapolis, MN and owned by Ronnie and Sarah Holliday

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on February 26, 2013, 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 Cynthia Gagnier, Manager of Administrative Services for the Department of Regulatory Services. Ronnie and Sarah Holliday, owners of the above listed property, did not appear for the hearing.

FINDINGS OF FACT

Ronnie and Sarah Holliday own the property located at 1603 Girard Avenue N.in the City of Minneapolis. The Holliday's address, as listed on the Hennepin County property information records, is 4022 Bryant Avenue N., Minneapolis, MN.

On May 27, 1998, a rental license application was completed for the property located at 1603 Girard Avenue N., Minneapolis, MN. On the rental license application, the applicant was listed as Ronnie and Sarah Holliday and the Hollidays were listed as the contact person/property manager. The contact address for the Hollidays was listed as 4022 Bryant Avenue N., Minneapolis, MN 55412.

On August 30, 2011, an inspection was conducted at 1603 Girard Avenue N. On August 31, 2011, written orders were issued to Ronnie and Sarah Holliday at their listed address of 4022 Bryant Avenue N. Minneapolis, MN. The written orders directed the Hollidays to make the following corrections at the property: repair the overhead door and foundation of the garage; repair the flashing on the front of the property, to properly prepare and paint the exterior wood trim and exterior siding of the main dwelling structure, to repair or replace the roof overhang of the main dwelling, to provide proper screens for the windows and doors of the property and to repair or replace the exterior handrails at the property. The written orders gave the Hollidays until September 30, 2011, to make the necessary repairs at the property.

On October 19, 2011, a re-inspection was completed at 1603 Girard Avenue N. which revealed that the written orders had not been completed and on October 20, 2011, an administrative citation was issued, in the amount of $200.00, to Ronnie and Sarah Holiday at their listed contact address of 4022 Bryant Avenue N., Minneapolis, MN. The Hollidays were given twenty days to pay or appeal the citation. Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $200.00 administrative citation issued on October 20, 2011.

On November 17, 2011, a re-inspection was completed at 1603 Girard Avenue N., which revealed that the written orders, issued on August 31, 2011, had not been completed and on November 176, 2011, an administrative citation was issued, in the amount of $400.00, to Ronnie and Sarah Holiday at their listed contact address of 4022 Bryant Avenue N., Minneapolis, MN. The Hollidays were given twenty days to pay or appeal the citation.

Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $200.00 administrative citation issued on November 17, 2011.

On November 17, 2011, a warning notice was issued to Ronnie and Sarah Holliday regarding the violations at 1603 Girard Avenue N. The warning letter gave the owners until June 1, 2012, to make the necessary repairs at the property.

On June 4, 2012, a re-inspection was completed at 1603 Girard Avenue N., which revealed that the written orders, issued on August 31, 2011, had not been completed and on June 7, 2012, an administrative citation was issued, in the amount of $800.00, to Ronnie and Sarah Holiday at their listed contact address of 4022 Bryant Avenue N., Minneapolis, MN. The Hollidays were given twenty days to pay or appeal the citation. Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $200.00 administrative citation issued on June 7, 2012.

On June 6, 2012, a review of the Inspections Division's records revealed that the phone number listed by Ronnie and Sarah Holliday on their rental license was no longer active and a violation letter was sent to the Hollidays at their listed address of 4022 Bryant Avenue N., Minneapolis, MN requiring the Hollidays to update their rental license application. The Hollidays were given until June 26, 2012, to make the required correction.

On June 27, 2012, a review of the records revealed that the Hollidays had failed to comply with the written order and an administrative citation was issued in the amount of $250.00 on June 28, 2012. Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $250.00 administrative citation issued on June 27, 2012.

On September 18, 2012, a review of the records revealed that the Hollidays had failed to comply with the written order and an administrative citation was issued in the amount of $500.00 on September 18, 2012. Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $200.00 administrative citation issued on September 18, 2012.

The September 20, 2012, a re-inspection of the property located at 1603 Girard Avenue N. revealed that the written orders, issued on August 31, 2011, had not been completed and on September 27, 2012, an administrative citation was issued, in the amount of $1,600.00, to Ronnie and Sarah Holiday at their listed contact address of 4022 Bryant Avenue N., Minneapolis, MN. The Hollidays were given twenty days to pay or appeal the citation. Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $200.00 administrative citation issued on September 27, 2012.

The October 23, 2012, a re-inspection of the property located at 1603 Girard Avenue N. revealed that the written orders, issued on August 31, 2011, had not been completed and on October 25, 2012, an administrative citation was issued, in the amount of $2,000.00, to Ronnie and Sarah Holiday at their listed contact address of 4022 Bryant Avenue N., Minneapolis, MN. The Hollidays were given twenty days to pay or appeal the citation. Minneapolis Housing Inspections' records indicate that the Hollidays neither appealed nor paid the $200.00 administrative citation issued on October 25, 2012.

On November 30, 2012, a Notice of Director's Determination of Non-Compliance was sent to Ronnie and Sarah Holliday, at their listed contact address of 422 Bryant Avenue N., Minneapolis, MN, notifying the owners that the property located at 1603 Girard 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 the Hollidays ten days to bring the property into compliance by paying the unpaid administrative citations and informed the owners 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.

The Hollidays failed to bring the property into compliance by paying the unpaid administrative citations and on January 10, 2013, a Notice of Revocation of Rental License was issued to Ronnie and Sarah Holliday. 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. The Hollidays were 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 1603 Girard Avenue N.

On January 22, 2013, the Hollidays filed an appeal of the recommendation to revoke the rental license for 1603 Girard Avenue N., stating: "The repairs have been done." The Hollidays also requested that the any levy be lifted and removed and for more time to pay any levy.

The matter was set for a hearing on February 26, 2013, at 9:00 a.m. At the hearing neither Ronnie nor Sarah Holliday appeared and the matter was heard as a default.

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 1603 Girard 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 1603 Girard Avenue N., Minneapolis, MN., held by Ronnie and Sarah Holliday be revoked.

Dated April 13 2013

FABIAN HOFFNER
ADMINISTRATIVE HEARING OFFICER