

CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Property
Located at 1341 Oliver Avenue N.
Minneapolis, MN and owned by
Ramone Robinson II

FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on August 5, 2013, at 10:00 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. Romone Robinson II, owner of the above listed property appeared and was represented by John Braun Esq. of Thomas Law Group.

FINDINGS OF FACT

Ramone Robinson II owns the property located at 1341 Oliver Ave. N. in the City of Minneapolis. Ramone Robinson's address, as listed on the Hennepin County property information records, is 1341 Oliver Ave. N., Minneapolis, MN. Ramone Robinson's address as listed in the rental license application submitted the City of Minneapolis Housing Inspections Division in 2001, is 1341 Oliver Ave. N., Unit B.

The property at 1341 Oliver Ave. N. is listed in the City of Minneapolis property records as a duplex with Mr. Robinson renting one unit and occupying the second unit.

On February 11, 2008, an inspection was completed for the property located at 1341 Oliver Ave. N. and the housing inspector observed illegal occupancy in the basement rooms that were being illegally used as bedrooms.

On February 11, 2008, the housing inspector issued written orders to the owner, Ramone Robinson II, ordering the discontinuance of the unlawful occupancy of the property. The property was also posted with a placard for the unlawful occupancy.

On February 7, 2008, the housing inspector issued a Notice of Director's Determination of Non-Compliance indicating that the property violated the licensing standards set in Minneapolis Code of Ordinances § 244.1910 (a) (3) for the dwelling units being illegally occupied.

In May of 2013, the Housing Inspections Division received a complaint regarding bed bugs at 1341 Oliver Ave. N. On May 16, 2013, Inspector Mann conducted an inspection at the property. In addition to confirming the presence of bed bugs Inspector Mann found the property to be over occupied. Inspector Mann spoke with seven people who claimed to be living in Unit A which is limited by the zoning code to three unrelated people living in the unit.

Inspector Mann, during his inspection, also found that the basement rooms were being unlawfully occupied as they were not legal bedrooms due to lack of egress windows. Additionally the illegal basement bedrooms did not have proper smoke or carbon monoxide detectors.

On May 16, 2013, Inspector Mann issued written orders to discontinue the unlawful occupancy of the basement rooms as bedrooms and to discontinue the over-occupancy of the dwelling unit. The owner was given until June 19, 2013, to come into compliance.

On May 22, 2013, the Housing Inspections Division issued a Notice of Revocation to Ramone Robinson II, owner of the property, based upon the second incident of illegal and/or over occupancy. The property was also placarded with a Notice of Revocation. On June 11, 2013, Ramone Robinson II filed his notice of appeal of the pending rental license application and the matter was set for a hearing on August 5, 2013 at 10:00 a.m.

On June 28, 2013, Inspector Mann completed a re-inspection of the property to determine compliance with the written orders to discontinue the illegal and over occupancy of the property. Upon arrival at the property Inspector Mann went to the basement rooms and observed individuals occupying the rooms as bedrooms. Inspector Mann was able to see clothing, personal affects and beds with bedding in at least one of the two rooms and spoke with an individual occupying the other bedroom.

CONCLUSIONS

M.C.O. § 244.1910 (a) (3) states: No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the Zoning Code or the Housing Maintenance Code.

The City of Housing Inspections Division issued valid written orders in February of 2008, notifying the owner, Ramone Robinson II, that the property was illegally occupied due to the occupancy of the non-habitable basement space as bedrooms.

The City of Minneapolis Department of Housing Inspections issued a valid Notice of Director's Determination of Non-Compliance, in February of 2008, for violations of M.C.O. § 244.1910(3), for the illegal occupancy of the property.

The City of Minneapolis Housing Inspections Division issued valid written orders in May of 2013, notifying the owner, Ramone Robinson II, that the property was illegally and over occupied.

Pursuant to M.C.O. § 244.1930, the City of Minneapolis Housing Inspections Division was not required to issue a second Notice of Director's Determination of Non-Compliance for the second violation of M.C.O. § 244.1910 (a) (3).

Pursuant to M.C.O. § 244.1940, the City of Minneapolis Housing Inspections Division, issued a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, for violations of M.C.O. § 244.1910 (3) for the illegal occupancy of the property. In pertinent part § 244.1940 states: if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13)(a), (18) or (21), for a second time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license.

RECOMMENDATION

That the rental license for the property located at 1341 Oliver Avenue N., Minneapolis, MN., held by Ramone Robinson II be revoked.

Dated Sept 3 2013


FABIAN HOFFNER
ADMINISTRATIVE HEARING OFFICER