CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Rental Dwelling License held by Mahmood Khan for the Premises at 2714 4th St. N. Minneapolis, Minnesota

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

The above entitled matter came on for hearing before Administrative Hearing Officer Edward Backstrom on December 4, 2013, 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. Mahmood Khan owner of the property located at 2714 4th Street N. 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

Mahmood Khan is the owner of the property located at 2714 4th Street N. in the City of Minneapolis. Mahmood Khan applied for and was awarded a rental dwelling license for the building at 2714 4th Street N. in the City of Minneapolis. The rental license application lists Mahmood Khan as the owner and the property manager responsible for the maintenance and management of the rental property. The application initially listed the contact address for Mahmood Khan at 2972 Old Highway 8, Roseville, MN. Mr. Khan subsequently filed a

change of address listing his contact address as 333 Washington Avenue North, Minneapolis, MN. Six months after this change Mr. Kahn again became the contact person for the dwelling rental license, with the address of 2972 Old Highway 8, Roseville, MN. Applicable property records admitted in this matter list Mahmood Khan as the owner and taxpayer of record for the property with a mailing address of 2972 Old Highway 8, Roseville, MN.

This matter was commenced by the Regulatory Services Department to revoke the rental dwelling license for the property located at 2714 4th St. N. under Minneapolis City Ordinance (M.C.O.)§ 244.1910. Section 244.1910 LS5, "**Repeated accumulation of weeds, vegetation, junk, debris, or rubbish**", requires a rental licensee to not allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under M.C.O. § 227.90. If the city is required to abate such nuisance condition under §227.100, or collect, gather, or haul solid waste under M.C.O. § 225.690 more than three (3) times under either or both sections during a period of twenty four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.

As of February 1, 2013 the city had acted under M.C.O. § 244.1910 LS5 and §225.690 to abate nuisance conditions at 2714 4th St. N. seven (7) times within a twenty four (24) month period. The City abated nuisance conditions on September 26, 2011, October 17, 2011, March 5, 2012, March 26, 2012, August 27, 2012, November 5, 2012, and December 31, 2012. In each instance a blue tag was left in the trash can at the address giving the owner notice that if the nuisance condition was not corrected within 24 hours the city would abate the nuisance. The details , including follow-up letters to the owner, are set forth in Exhibit A, which was introduced into evidence without objection.

On February 1 2013, **Notice of Director's Determination of Noncompliance** was sent to Mahmood Khan at 2972 Old Highway 8, Roseville, MN. The notice informed Mr. Khan that there had been three or more instances where the city abated nuisance conditions at 2714 4th St. N. within the twenty four months prior to the date of the notice. It further informed Mr. Khan that if another nuisance condition occurs, that the city council may proceed to deny, revoke, or suspend the rental license for 2714 4th St. N.

On April 15, 2013, another nuisance condition was found on the property and another blue tag was issued giving the owner twenty four hours to abate the nuisance condition. On April 17, 2013 the city abated the nuisance condition.

On August 16, 2013, **Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License** was sent to Mahmood Khan at 2972 Old Highway 8, Roseville, MN as the owner and contact person for the property located at 2714 4th St. N. by certified mail. The notice advised that the Inspections Division would recommend to the City Council that the rental dwelling license for 2714 4th Street N. be revoked. The recommendation was made pursuant to M.C.O. § 244.1910 and §244.1940, based on the repeated accumulation of weeds, vegetation, junk, debris, rubbish. The notice was served via certified mail and receipts were returned confirming the delivery and receipt of the notice by Mahmood Khan. On September 9, 2013, Mahmood Khan filed a proper appeal of the revocation recommendation.

At the hearing Mr. Kahn presented evidence indicating that he had taken and was currently taking action to attempt to eliminate the trash problem at 2714 4th St. N. He employs workers who testified that they remove trash and weeds from 2714 4th St. N. whenever they were requested to do so by Mr. Kahn or his wife. Mr. Kahn also presented

testimony that there were problems with third parties illegally dumping in the neighborhood in general and specifically on his 2714 4th St. N. property. He further made unsubstantiated claims that after he received notice from the City, he had the trash picked up by his employees and that the trash subsequently picked up by the City was different trash, which was left at 2714 4th St. N. without his permission by an unknown third party.

CONCLUSIONS

Eight (8) instances of a nuisance condition occurred at 2714 4th St. N. in a twenty four (24) month period between September 23, 2011 and April 15, 2013. The owner and licensee failed to take timely, appropriate action in response to notices from the city concerning the nuisance conditions causing the city to take action to abate the nuisance conditions.

The solid waste and the regulator services department followed appropriate steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

The large number of nuisance conditions abated by the city demonstrates that the owner licensee has failed to comply with the provisions of M.C.O. § 244.1910 which prohibits the repeated accumulation of weeds, vegetation, junk, debris, or rubbish. This failure provides a basis for adverse license action, specifically inclusive of revocation against the rental license held by the licensee and any interest in the rental license at 2714 4th St. N.

The rental dwelling license held by Mahmood Khan as owner of the property, for 2714 4th St. N. is subject to revocation or suspension under M.C.O. §§ 244.1910. Revocation of the referenced rental dwelling license is the appropriate adverse license sanction.

RECOMMENDATION

That the rental dwelling license held by Mahmood. Khan as owner of the property, for 2714 4th St. N., in Minneapolis, Minnesota be revoked.

Dated December 13, 2013

Edward Backstrom

EDWARD BACKSTROM
ADMINISTRATIVE HEARING
OFFICER