CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Rental Dwelling License held by Douglas Doty for the Premises at 1068/1072 18th Avenue SE. 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. Douglas Doty owner of the property located at 1068/1072 18th Avenue SE was present and represented by Andrew Larson-Willie, Attorney at Law. 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

Douglas Doty is the owner of the property located at 1068/1072 18th Avenue SE in the City of Minneapolis. Douglas Doty applied for and was awarded rental dwelling licenses for the buildings at 1068 and 1072 18th Avenue SE. in the City of Minneapolis. The rental license applications lists Douglas Doty as the owner and the property manager responsible for the maintenance and management of the rental property with a contact address of 4210 Pasture Ridge Road, Afton, MN. Applicable property records admitted in this matter list

Douglas Doty as the owner and taxpayer of record for the property with a mailing address of 4210 Pasture Ridge Road, Afton, MN..

This matter was commenced by the Regulatory Services Department to revoke the rental dwelling license for the property located at 1068/1072 18th Avenue SE. under Minneapolis City Ordinance (M.C.O.)§

On August 15, 2013 the Department sent **Notice of Director's Determination of Noncompliance** to the owner of 1068/1072 th Avenue SE. Douglas Doty. This notice citied the failure of the property to meet three rental license standards: failure of Licensee to pay required reinspection fees; delinquent property taxes or assessments for administrative citations; and other cause established by chapter 4, section 16 of the Charter.

The notice send to Mr. Doty makes it appear that the rental license which the City desires to have revoked is a duplex located at 1068/1072 18th Ave. SE. In fact there are two structures on the property owned by Mr. Doty with two separate rental licenses, one license for 1068 18th Ave SE and one for 1072 18th Ave. SE., both of which are duplexes. Except for unpaid assessments, the documents provided to Mr. Doty by the city prior to the hearing reference 1068 18th Ave. almost exclusively.

Mr. Doty filed for federal bankruptcy protection and notice of this was provided to the City. Because of the bankruptcy proceeding Mr. Doty had no obligation to repay debts outside of his Chapter 13 plan which was confirmed on February 10, 2013. Therefore the reinspection fees from December 10, 2012, October 30, 2012, and December 3, 2012, cannot be used as a basis for the revocation of the rental license for 1068 18th Ave. There are also unpaid administrative citations arising from 1068 18th Ave. SE from November 11, 2012 and

November 28, 2012, which are also subject to the bankruptcy plan. The unpaid administrative fine of $1000 from July 22, 2013, falls outside the bankruptcy protection.

There are also unpaid administrative citations arising from 1072 18th Ave. SE. for violations occurring on November 11, 2012 and November 28, 2012, which are subject to the Mr. Doty's bankruptcy plan. There are two administrative citations for 1072 18th Ave. SE which fall outside the bankruptcy plan: August 9, 2013 for $250 and July 22, 2013 for $1000.

The Livability Chair for the South East Como Improvement Association testified that Mr. Doty inadequately maintained and repaired both the properties located at 1072 18th Ave. and 1068 18th Ave. SE and this is a longstanding continuing problem.

The record shows that since 1993, the time period Mr. Doty has had a rental license for 1068 18th Avenue SE, the property has had 62 special assessments, with 25 occurring in the last 5 years. There have also been 12 housing violations in 2013, 100 in 2012, and prior to that 415 violations since 1993. Of the 100 housing violations in 2012, 58 remained open at the time of the hearing.

There have also been a large number of police calls referencing 1068 18th Ave. SE. Officer Harmond, whose job duties involve assisting the problem property unit, testified that the large number of police calls seemed excessive but that he could draw no other conclusions because he had not reviewed the police reports corresponding to those calls. These calls include requests for medical assistance and other non crime related situations.

Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to Douglas Doty at 14210 Pasture Ridge Road, Afton, MN as the owner and contact person for the property located at 1068/1072 18th Avenue SE. by certified mail. The notice advised that the Housing Inspections Division would recommend to

the City Council that the rental dwelling license for 1068/1072 18th Avenue SE. be revoked. The recommendation was made pursuant to M.C.O. § 244.1910 and §244.1940, based on failure to pay reinspection fees, delinquent taxes or assessment for administrative citations and for good cause pursuant to chapter 4, section 16 of the Charter.

CONCLUSIONS

Notice given by the city to Respondent was sufficient notice to Mr. Doty that the department intended to request the revocation of the dwelling rental license for 1068 18th Ave SE property. There is not sufficient notice to Mr. Doty that the city intended to seek the revocation of the rental license for the dwelling at 1072 18th Ave. SE. Therefore the unpaid fines incurred for violations arising from 1072 18th Ave SE should not be considered as a basis for the revocation of the dwelling rental license for 1072 18th Ave. SE.

As a result of Mr. Doty's bankruptcy plan the only unpaid administrative citation which can serve a basis for a revocation of the rental license for 1068 18th Ave SE is a violation with a fine of $1000 which occurred on July 22, 2013.

Minneapolis City charter chapter 4 section 16, states "Any license issued by authority of the City Council may be revoked by the City Council at any time upon proper notice and hearing for good cause; ... the city council may revoke such license in addition to the penalties provided by law or by ordinances for such violation." Based on the number of housing violations occurring at the property, a large number which currently remain open, and the community concern over the condition of the property, good cause has been shown.

The rental dwelling license held by Douglas Doty as owner of the property, for 1068 18th St. SE. 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 no action should be taken concerning the dwelling rental license held by Douglas Doty, as owner of the property, for 1072 18th Ave. SE. in Minneapolis, Minnesota.

That the rental dwelling license held by Douglas Doty as owner of the property, for 1068 18th Avenue SE., in Minneapolis, Minnesota be revoked.

Dated Dec 30, 2013

EDWARD BACKSTROM
ADMINISTRATIVE HEARING
OFFICER