

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Properties
Located at 2431 Chicago Avenue,
2519 14th Avenue S. and 1005 19th Street E.
Located in Minneapolis, MN and owned by
Abdulaziz Sheikh**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on March 27, 2014, 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 JoAnn Velde, Deputy Director Housing Inspections, Department of Regulatory Services. Daniel Kennedy, Esq., was present and represented Abdulaziz Sheikh, owner of the properties in question, who was also present.

FINDINGS OF FACT

Abdulaziz Sheikh owns the properties located at, 2431 Chicago Avenue, 2519 15th Avenue S. and 1005 19th Street. E., in the City of Minneapolis. Abdulaziz Sheikh filed for and was awarded rental licenses for the properties located at 2431 Chicago Avenue, 2519 15th Avenue S. and 1005 19th Street. E.

Abdulaziz Sheikh owned the property located at 2628 18th Avenue S., in the City of Minneapolis. On August 26, 2011, a rental license application was completed for the property located at 2628 13th Avenue S., Minneapolis, MN. On the rental license application, the applicant was listed as Abdulaziz Sheikh and Mr. Sheikh was also listed as the contact

person/property manager. The contact address for the Abulaziz Sheikh was listed as 1132 South 8th Street, #203, Minneapolis, MN.

On November 30, 2012, a Notice of Director's Determination of Non-Compliance was sent to Abdulaziz Sheikh at the listed address of 1132 South 8th Street, #203, Minneapolis, notifying the owner that the property located at 2628 13th Avenue S., 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 Mr. Sheikh 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.

Mr. Sheikh failed to bring the property into compliance by paying the unpaid administrative citations and on February 5, 2013, a Notice of Revocation of Rental License was issued to Abdulaziz Sheikh at the listed address of 1132 South 8th Street, #203, Minneapolis, MN. 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. Mr. Sheikh was 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 2628 13th Avenue S.

On February 11, 2013, Abdulaziz Sheikh filed an appeal of the recommendation to revoke the rental license for 2628 13th Avenue S., stating: "My cousin was managing the property and I was not aware, I would like to do all necessary steps."

The matter was set for a hearing on April 3, 2013, at 1:00 p.m. At the hearing Abdulaziz Sheikh failed to appear and the matter was heard as a default.

On May 24, 2013, the Minneapolis City Council voted to revoke the rental license, held by Abdulaziz Sheikh, for the property located at 2628 13th Avenue S. The City Council action was final when signed by the Mayor and published on Saturday June 1, 2013.

Mr. Sheikh admitted that the revocation of the rental license for the property at 2628 13th Avenue S. was valid and final upon the action of the City Council and signing by the Mayor in June of 2013.

Abukar Ali Jimale was the listed owner of the property located at 1218 26th Street E. in the City of Minneapolis. As the owner of this property Abukar Ali Jimale, in May of 2010, applied for and was awarded a rental license for the property. Abukar Ali Jimale was listed on the rental license application as the owner of the property and Abdulaziz Sheikh was listed as the person responsible for the maintenance and management of the property. Abukar Ali Jimale's listed address on the rental license application was 5 Gunstor Road, London, England. Abdulaziz Sheikh's address was listed as 541 W 98th Street #304, Bloomington, MN.

On September 23, 2010, Housing Inspector Sarah Maxwell conducted an inspection at the 1218 26th Street E. property. Inspector Maxwell issued orders to Abdulaziz Sheikh to repair or replace the leaking plumbing in the basement crawl space and to reset the 1st floor toilet. The orders gave Abdulaziz Sheikh until September 26, 2010, to comply by making the necessary repairs.

On September 30, 2010, October 25, 2010, December 9, and January 28, 2011, inspections were completed which showed that the corrections were not made at the 1218 26th Street E. address and administrative citations were issued in the amount of \$200.00, \$400.00, \$800.00 and \$1,600.00 respectively. The administrative citations were neither appealed nor paid.

On January 24, 2011, a Notice of Director's Determination of Non-Compliance was sent to the owner Abukar Ali Jimale at the listed address of 5 Gunstor Road, London, England and to Abdulaziz Sheikh at the listed address of 541 W 98th Street #304, Bloomington, MN, notifying the owner and property manager, that there was a violation of M.C.O. § 244.1910 (11)(a) due to delinquent assessments for unpaid administrative citations on the rental property located at 1218 26th Street E. The owner and manager were given ten (10) days to bring the property in compliance with M.C.O. § 244.1910 (11).

The owner failed to bring the property into compliance and on April 19, 2011, a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to notice was sent to Abukar Ali Jimale at the listed address of 5 Gunstor Road, London, England and to Abdulaziz Sheikh at the listed address of 541 W 98th Street #304, Bloomington, MN, and the property was posted with notice of the revocation action. The owner was given fifteen (15) days to file an appeal which he failed to do.

On August 19, 2011, the City Council voted to revoke the rental license for the property located at 1218 26th Street E., Minneapolis, MN.

Abdulaziz Sheikh, is the listed owner of the properties located at 1500 26th Street E. and 1806 26th Street E. both located in the City of Minneapolis. In 2013, Abdulaziz applied for rental licenses for both properties. In both instances the Inspections Division of the

Department of Regulatory Services issued a Notice of Denial of Rental License or Provisional License. The Notice of Denials stated that the reason for the Notice of Denials was based upon violation of M.C.O. § 244.1910 (a) (13) (b) due to Mr. Sheikh being ineligible from obtaining any new rental licenses based upon the revocation of the rental license he held previously at 2628 13th Avenue S.

On November 22, 2013, a Notice of Revocation of Rental License or Provisional License was issued to Abdulaziz Sheikh at the listed addresses of 1132 8th Street, #203, Minneapolis, MN and 1005 19th Street E., Minneapolis, MN. The Notice of Revocation indicated that the rental licenses for the properties located at 2431 Chicago Avenue, 2519 15th Avenue S. and 1005 19th Avenue S. were the subject to a revocation action. The Notice of Revocation stated that the reason for the revocation action was due to a failure of the properties to meet the licensing standard set out in M.C.O. § 244.1910 (13) due to the owner/licensee having two or more rental licenses revoked.

On November 26, 2013, the owner, Abdulaziz Sheikh, filed an appeal challenging the fact that the owner had two rental license revoked. At the hearing the owner admitted to the fact that the rental license for the property at 2628 13th Avenue S. had been revoked when he was the owner of the property. Abdulaziz Sheikh, however, disputed the fact as to whether he was the property manager/person responsible for the maintenance and management of the property at 1218 26th Street E. at the time the rental license was revoked in August of 2011.

Testimony was taken from Janine Atchison, Housing Inspections Supervisor, who was in charge of the rental licensing revocation process for the Department in 2010 and 2011, when the revocation of the license for 1218 26th Avenue S. occurred. Testimony was also

taken from Abdulaziz Sheikh and Hodo Abdulahi, who took over management of 1218 26th Avenue S. at some time after the revocation of the rental license in April of 2011.

This court finds the testimony of Janine Atchison to be more credible regarding the issue of whether Abdulaziz Sheikh continued as the property manager/person responsible for the maintenance and management of the property located at 1218 26th Avenue S. at the time of the license revocation. Ms. Atchison testified that she spoke with Mr. Sheikh several times after she initiated the revocation process in January of 2011, including a conversation the week prior to the City Council Committee voting to revoke the rental license on August 8, 2011, in which Mr. Sheikh requested additional time to pay the unpaid fines at the property. Ms. Atchison also spoke with Mr. Sheikh after the revocation notice had been posted on the property, with Mr. Sheikh inquiring as to what steps would need to be taken to re-instate the rental license.

Ms. Atchison's testimony is consistent with the fact that although Mr. Sheikh claims to have resigned from his position as the property manager/person responsible for the maintenance and management of the property at 1218 26th Street E., he was never removed from that position according to the records of the Department. Mr. Sheikh testified that he continued to receive notices from the Department, with regards to 1218 26th Street E., but failed to contact the Department to have his name removed from the rental license as property manager/person responsible for the maintenance and management of the property.

CONCLUSIONS

M.C.O. § 244.1910. states: Licensing standards. (a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate

grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

Subdivision 13 (a) of M.C.O. § 244.1910 states: Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.

On August 19, 2011, the Minneapolis City Council revoked the rental license for the property located at 1218 26th Street E., Minneapolis, MN. At the time of the revocation Abulaziz Sheikh was listed as the property manager/person responsible for the maintenance and management of the property. As the property manager/person responsible for the maintenance and management of the property, Abdulaziz Sheikh had an interest in the rental license for the property at 1218 26th Avenue S, Minneapolis, MN.

Mr. Sheikh admitted that the revocation of the rental license for the property at 2628 13th Avenue S. was valid and final upon the action of the City Council and signing by the Mayor in June of 2013.

On November 22, 2013, a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, was issued by the Inspections Division of the Department of Regulatory Services, for violations of M.C.O. § 244.1910(13) due to the owner/licensee having two or more rental licenses revoked. The Notice listed 2431 Chicago Avenue, 2519 15th Avenue S. and 1005 19th Street E. as the properties subject to revocation.

RECOMMENDATION

That the rental license for the properties located at 2431 Chicago Avenue, 2519 15th Avenue S. and 1005 19th Street E., all located in Minneapolis, MN., held by Abdulaziz Sheikh be revoked.

Dated 4/18 2014


FABIAN HOFFNER
ADMINISTRATIVE HEARING OFFICER