

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

**ADMINISTRATIVE HEARING OFFICER**

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**In the matter of the Property  
Located at 3519 15<sup>th</sup> Avenue S.  
Located in Minneapolis, MN and owned by  
226 Maple, LLC and Alfonso Morales**

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

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The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on September 11, 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 of the Department of Regulatory Services. Alfonso Morales, owner of the property was not present nor was any representative from 226 Maple, LLC.

**FINDINGS OF FACT**

Alfonso Morales and 226 Maple, LLC own the property located at 3519 15<sup>th</sup> Avenue S. in the City of Minneapolis.

A rental license application was completed for the property located at 3519 15<sup>th</sup> Avenue S. On the rental license application, the applicant was listed as 226 Maple, LLC and Alfonso Morales listed as the person responsible for the maintenance and management of the property.

On September 23, 2013, an inspection of the property located at 3519 15<sup>th</sup> Avenue S. was conducted by Housing Inspector Joy Parizek. Inspector Parizek discovered, during the inspection, that rooms on the second floor of the property were being used as bedrooms.

The two second floor rooms, being used as bedrooms, were illegal due to the fact that the ceiling height in both rooms measured six feet six inches, well below the seven foot minimum ceiling height allowed by Minneapolis Code of Ordinances (M.C.O.) § 244.800.

On October 1, 2013, Inspector Parizek issued a Director's Determination of Non-Compliance, informing the owner and property manager that the property was in violation of M.C.O. § 244.1920 (3) due to the illegal occupancy of the two upstairs bedrooms. The owner and property manager were given until October 16, 2013, to come into compliance by removing the bedrooms from the 2<sup>nd</sup> floor.

On October 2, 2013, Inspector Parizek issued written orders to Alfonso Morales, at his listed contact address of 8936 Springwood Cir., Woodbury, MN. The written orders informed Mr. Morales that the second floor rooms could not be used as bedrooms due to the low ceiling height. Mr. Morales was given until October 16, 2013, to come into compliance by removing the bedrooms from the second floor.

On November 26, 2013, a re-inspection of the property was conducted by Housing Inspector Baily Erlandson. During the re-inspection it was discovered that the two rooms on the second floor were still being used as bedrooms. Inspector Parizek, on January 3, 2014, issued an administrative citation for the second floor ceiling height violations as well as other uncorrected violations at the property.

On April 17, 2014, a re-inspection of the property was conducted by Housing Inspector Parizek. Inspector Parizek found that the second floor rooms were still being used as bedrooms despite the low ceiling height. On June 18, 2014, Inspector Parizek issued an administrative citation for the second floor ceiling height violations as well as other uncorrected violations at the property.

On August 19, 2014, a re-inspection of the property was conducted by Inspector Parizek. Inspector Parizek found that the second floor rooms continued to be used as bedrooms.

On June 23, 2014, a Notice of Revocation of Rental License or Provisional License was issued to 226 Maple, LLC and Alfonso Morales at the listed address of 8936 Springwood Circle, Woodbury, MN. The Notice informed the owner and property manager that the Regulatory Services Department, Housing Inspections Division was recommending revocation of the rental license for the property due to the continued violation of M.C.O. § 244.1910 (3) due to the illegal occupancy of the second floor rooms as bedrooms. The owner and property manager were given fifteen (15) days to appeal the recommendation. The property was also posted with a notice of the revocation action.

On July 8, 2014, Alfonso Morales filed an appeal of the Housing Inspections Division's recommendation to revoke the rental license for 3519 15<sup>th</sup> Avenue S. The appeal stated that the "resident was giving notice off lease violation. For use of room with low ceilings on Oct. 21, 2013, No March 30<sup>th</sup> 2014, notice to vacate as given, resident keep saying can't find a place to live yet". Enclosed with the appeal Mr. Morales included a letter dated October 21, 2013, to the resident of 3519 15<sup>th</sup> Avenue S., informing the tenant not to use the second floor rooms as bedrooms.

On August 20, 2014, a letter was sent to 226 Maple, LLC and Alfonso Morales at the listed address of 8936 Springwood Circle, Woodbury, MN. The letter informed the owner and the property manager that the rental license appeal hearing would be conducted on Thursday, September 11, 2014, at 9:00 in room 310 of Minneapolis City Hall, 350 South 5<sup>th</sup> Street, Minneapolis, MN. The letter also informed the owner and property manager that if

they failed to appear at the hearing the administrative hearing officer would act upon the appeal only with the facts presented in the original appeal application.

## **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 3 of M.C.O. § 244.1910 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.

On September 23, 2013, there was a 1<sup>st</sup> instance of illegal occupancy at the property located at 3519 15<sup>th</sup> Avenue S.

On October 1, 2013, a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(3) for having had an instance of illegal occupancy at 3519 15<sup>th</sup> Avenue S.

On November 26, 2013, April 17, 2014, and August 19, 2014, the property located at 3519 15<sup>th</sup> Avenue S. remained in violation of M.C.O. § 244.1910(3) as the second floor rooms were still being used as bedrooms despite low ceiling height.

M.C.O. § 244.1940 states: Denial; non-renewal; revocation; suspension. (a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a

license pursuant to section 244.2020, or 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.

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 (3), for having had multiple instances illegal occupancy at 3519 15<sup>th</sup> Avenue S

**RECOMMENDATION**

That the rental license for the property located at 3519 15<sup>th</sup> Avenue S., Minneapolis, MN, held by 226 Maple, LLC and Alfonso Morales be revoked.

Dated \_\_\_\_\_ 2014

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FABIAN HOFFNER  
ADMINISTRATIVE HEARING OFFICER