

## FINDINGS OF FACT

Alan Kwong is the owner of the property at the listed address of 3123 James Avenue N., Minneapolis, MN. As the owner of this property Mr. Kwong applied for and was awarded a rental license for the property. On the rental license application Mr. Kwong listed himself as the person responsible for the maintenance and management of the property.

On January 24, 2006, Housing Inspections received a tenant complaint from 3123 James Avenue N. The complaint stated "The landlord moved another family into the basement. The landlord also permanently nailed the kitchen door shut. I can only get in and out of this 3 bedroom house by the front door now. I also pay for all of the heat, electric and water for the whole property. I've been leaving messages for the landlord and he won't return my calls and he also has lied to me about the situation in the past." Inspector Josh Rudlong conducted an inspection of the property on February 1, 2006, and found that the door from the main floor kitchen to the basement had been secured shut and that the basement tenant was required to enter the unit from the exterior of the building. Contact was made with the basement tenant, who stated that she was renting the basement unit. As the building was legally a single family home, orders were issued, to the owner Alan Kwong, to convert the building back to a single unit and the basement tenant was given until March 1, 2006 to vacate the basement.

On February 2, 2006, a Director's Determination of Noncompliance was sent to Alan Kwong, indicating that the property failed to meet licensing standard 244.1910 (3) as the building was over occupied or illegally occupied. Mr. Kwong was given until February 10, 2006, to bring the building into compliance. On March 10, 2006, Inspector Rudlong conducted a re-inspection of the property and found the property in compliance and abated the original orders.

On February 24, 2010 Housing Inspections received a tenant complaint from 3123 James Avenue N. The complaint stated "The furnace is not working all winter and last winter owner will not fix it and gave tenant space heaters in October. Last night one of the space heaters caused a fire in the socket and he happened to be in that room so he was able to put the fire out." On February 24, 2010, Inspector Kyle Breffle conducted an inspection at the property and was provided access by a tenant. The tenant informed Inspector Breffle that there were nine (9) unrelated individuals rooming at the property because it was a halfway house. The tenant indicated that the person who ran the halfway house (New Perspective Treatment Center) rented the property from Alan Kwong. Mr. Kwong arrived at the property and stated that he would take care of the heating problem. On February 24, 2010, Inspector Breffle issued orders to fix the heating source at the property.

On February 26, 2010, Inspector Breffle re-inspected the property and found the heat to be working. Inspector Breffle was able to observe that the property was being used as a halfway house due to a roster list of the tenants and observing numerous rooms having been converted to bedrooms, including the basement where the ceiling height did not meet the minimum requirements for a sleeping room. On March 4, 2010, Inspector Breffle issued orders to the owner, Alan Kwong, to discontinue the unlawful occupancy of the basement space and to discontinue the over-occupancy of the building.

On March 8, 2010, a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to Mr. Kwong for violation of M.C.O. § 244.1910 (2) & (3), for exceeding the maximum number of dwelling units and for illegally or over occupancy of the building. The property was also posted with the notice of revocation. Mr. Kwong was given fifteen (15) days to file an appeal which he failed to do.