

CITY OF MINNEAPOLIS

Rental Dwelling License Board of Appeals

**In the matter of the Rental
Dwelling License held by
Ryan Comer for the
Premises at 1008 21st Avenue North,
Minneapolis, Minnesota**

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

This matter came on for hearing before the Rental Dwelling License Board of Appeals on January 14, 2003 at the Public Service Center, 250 South Fourth Street, board chair Brian Bushay presiding. Other board members present were Daisy Barton, Paul Thomas Kjornes and Wayne Jensen. Assistant City Attorney Henry T. Reimer was present. Joel Fussy, Assistant City Attorney, represented the Inspections Division. The Licensee, Ryan Comer, was present, and was not represented by an attorney.

FINDINGS OF FACT

1. Ryan Comer holds a rental dwelling license for the building located at 1008 21st Avenue North, in Minneapolis. Mr. Comer has been the owner of this property for all times relevant to this matter.
2. This matter was commenced by the SAFE Unit of the Minneapolis Police Department and the Division of Inspections to revoke the rental dwelling license for the property located at 1008 21st Avenue North, under Minneapolis Code of Ordinances, section 244.2020. Section 244.2020, "Conduct on Licensed Premises", requires the licensee to take appropriate action following conduct on the premises defined as disorderly under section 244.2020(a).

3. Notice of the recommendation to revoke was mailed to Mr. Comer on October 31, 2002. Mr. Edward Eubanks filed an appeal of the proposed revocation on November 15, 2002.
4. On or shortly before June 26, 2001, a Confidential Reliable Informant of the Minneapolis Police Department purchased crack cocaine from a guest inside the upper apartment of the duplex located at 1008 21st Avenue North. Minneapolis Police Officer Beaupre had also conducted surveillance and observed a heavy amount of foot and vehicle traffic coming and going from this location. Police executed a search warrant and recovered six rocks of crack cocaine from Deandre Jackson in the common hallway. Mr. Jackson was a guest of the resident of the upstairs dwelling unit. He had been selling crack cocaine out of this dwelling unit, and forced the female resident to have sex with various men in exchange for crack cocaine. The resident told police that she had smoked crack cocaine approximately one hour prior to the officers' arrival.
5. On July 18, 2001, Minneapolis Police Officer Ted Fisher of the Department's Community Crime Prevention SAFE Unit sent by certified mail, a notice to Mr. Comer that there had been an incident of disorderly use at the premises. The notice stated that the violation was being recorded as an incident of disorderly use, that steps should be taken to prevent further violations, and that further disorderly use could result in the denial, revocation, non-renewal or suspension of the rental dwelling license. The letter cited 244.2020(a), informing Mr. Comer that it is the licensee's responsibility to take appropriate action following

- disorderly use by persons occupying the premises. Mr. Comer received this notice.
6. On October 29, 2001, Minneapolis Police executed a narcotics search warrant at the upper unit of 1008 21st Avenue North. Police recovered a bag containing several rounds of shotgun slugs and .357 caliber ammunition. Police also recovered a bag containing an electronic gram scale of the type commonly used in the trafficking of narcotics, and an envelope containing a small amount of crack cocaine. Officer Thome recovered the envelope containing crack cocaine under a pile of folded children's clothing. The resident of the unit told police that she allowed a man she knew to store the bags in her apartment. The tenant and her guest engaged in disorderly use on the premises.
 7. On November 5, 2001, Officer Fisher mailed a notice of the October 29, 2001 incident, pursuant to M.C.O. § 244.2020(d). The notice was sent by certified mail and received by Mr. Comer. The notice (a "second letter") advised Mr. Comer that it was a second notice of disorderly use and that Mr. Comer was required to submit a written management plan within 5 days detailing all actions taken and to be taken to respond to disorderly use and to prevent further disorderly use of the premises. Mr. Comer did not submit the requested management plan.
 8. On or about August 30, 2002, Minneapolis Police Officer Creighton was informed that narcotics dealing was occurring at 1008 21st Avenue North during the day and nighttime hours. Officer Creighton engaged in surveillance of the premises and observed foot and vehicle traffic to and from the location, consistent with a drug dealing operation. A Confidential Reliable Informant (CRI) engaged

in a controlled buy of cocaine inside the lower unit of the premises. The narcotics were purchased from a guest of the tenant residing in the lower unit. This undercover buy of narcotics led to the issuance of a search warrant that was executed on September 10, 2002.

9. On October 17, 2002, Officer Steven Manhood mailed a notice of third incident, pursuant to M.C.O. § 244.2020(d). The notice was sent by certified mail and received by Mr. Comer. This “third letter” advised Mr. Comer that CCP/SAFE would recommend that the rental dwelling license for 1008 21st Avenue North be revoked. The recommendation was made pursuant to M.C.O. § 244.2020(e).
10. The instances of disorderly use that occurred on or about June 26, 2001, October 29, 2001 and August 30, 2002 are instances of disorderly use within the meaning of M.C.O. § 244.2020(a). Tenants and their guests were responsible for each of the violations. Eviction proceedings were not pending for any relevant tenant when each instance of disorderly use occurred.
11. The activity of guests and tenants of 1008 21st Avenue North has had a constant negative impact on the neighborhood and nearby residents. This location has been the hub of regular and continuous criminal, nuisance activity revolving around the selling of narcotics. On November 13, 2002, the block club voted unanimously to support revocation of the rental dwelling license. This location has demanded a highly inordinate amount of police resources.
12. Mr. Comer did not submit a written management plan as requested by the November 5, 2001 notice, despite being reminded of this requirement by Crime Prevention Specialist (CPS) Hillary Freeman prior to issuance of the third notice.

Submission of a detailed, written management plan is mandatory and an extremely important, and necessary, step for a licensee to take appropriate action to prevent further disorderly use. The management plan submitted by Mr. Comer in the hearing of this matter was not submitted to the City in a timely manner so as to have any effect on preventing additional disorderly use.

13. Mr. Comer failed to take appropriate action in response to the notices to prevent further disorderly use. Minneapolis Police CCP/SAFE invited Mr. Comer to attend a rental property owners' workshop, designed to help rental property owners deal with problem activity and better manage their properties. Mr. Comer did not attend. In June 2002, CCP/SAFE invited Mr. Comer to meet with Officer Manhood and CPS Hillary Freeman to discuss opportunities to improve the management of his building. Mr. Comer cancelled that meeting and did not reschedule. In the hearing of this matter, CPS Freeman offered to list the things Mr. Comer could do to abate disorderly use of the property, Mr. Comer declined the offer. The City's efforts to cooperatively address the problems with Mr. Comer were not reciprocated. Mr. Comer's own testimony reveals that he lost control of this challenging property. Mr. Comer did not engage adequate security and did not take timely steps to establish an adequate on-site management presence.

CONCLUSIONS

1. Three or more incidents of conduct determined to be disorderly use and defined as disorderly in M.C. O. § 244.2020(a), by tenants of 1008 21st Avenue North and/or their guests, occurred on the premises of 1008 21st Avenue North.
2. The licensee, Mr. Comer, failed to make timely, appropriate action in response to notices from SAFE concerning disorderly incidents on the premises.
3. The record contains substantial evidence that the SAFE unit and the Inspections Division followed the appropriate procedural steps and provided adequate notices.
4. The rental dwelling license held by Ryan Comer for the premises located at 1008 21st Avenue North is subject to revocation under M.C.O. § 244.2020(e).

RECOMMENDATION

That the rental dwelling license held by Ryan Comer for the premises located at 1008 21st Avenue North, Minneapolis be revoked.

Brian Bushay, Chairman