

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES
BEFORE THE
ADMINISTRATIVE HEARING OFFICER**

**In the matter of the Rental
Dwelling License held by
Gallop Solutions Inc. and Thomas Bohlen
For the Premises at 2732 Bloomington
Avenue S., Minneapolis, Minnesota**

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

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on October 19, 2009, at 1:00 p.m. at courtroom 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney, Janine Atchison, District Manager Department of Housing Inspections and Don Greeley, Crime Prevention Specialist (CPS). Thomas Bohlen and Dan Mohr, the owner and property manager for 2732 Bloomington Avenue N. were present.

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

Gallop Solutions Inc. owns the property located at 2732 Bloomington Ave. S. As the owner of the property Gallop Solutions Inc. applied for and received a rental license for the property. On the rental license application Thomas Robert Bohlen was listed as the Chief Operating Officer of Gallop Solutions Inc. and was also listed as the property manager/contact person for the property. The rental license application provided a listed

address of 300 Bates Avenue, Suite 200, St. Paul MN 55106 as the contact address for Gallop Solutions and Thomas Robert Bohlen.

This matter was commenced by the SAFE unit of the Minneapolis Police Department and the Department of Inspections to revoke the rental dwelling license held by Gallop Solutions Inc., and Thomas Bohlen for the property at 2730 Bloomington Avenue S., under Minneapolis Code of Ordinances (M.C.O.) § 244.2020. Section 244.2020, "Conduct on Licensed Premises", requires a rental licensee to take appropriate action following conduct on the premises defined as disorderly under Section 244.2020(a). Specifically included within the ambit of disorderly use is conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of [provisions] which include the prohibition of the unlawful sale or possession of controlled substances.

On July 22, 2009, Minneapolis Police officers from the Third Precinct executed a narcotics search warrant at 2732 Bloomington Avenue South. Officers had previously completed a controlled buy at the address where a confidential reliable informant had purchased a substance which field tested positive for crack cocaine. After the controlled buy officers obtained the search warrant that was executed on July 22, 2009. Officers arrived at the property and recovered, from apartment 2 of the property, approximately 4.8 grams of a substance which field tested positive for crack cocaine. The possession of cocaine is a violation of Minnesota State Statute § 152.025.

On July 31, 2009, Crime Prevention Specialist Don Greeley of the Minneapolis Police Department's SAFE unit mailed a First Notice of Conduct on Licensed Premises to Thomas Bohlen, pursuant to M.C.O. § 244.2020. This notice informed Mr. Bohlen that there had been an instance of disorderly use at the premises of 2732 Bloomington Avenue South on July 22,

2009, involving the recovery of narcotics at the property. The notice informed Mr. Bohlen that steps should be taken to prevent further violations, and noted that further disorderly use could result in the denial, revocation, non-renewal or suspension of the rental dwelling license. The notice cited M.C.O. § 244.2020, informing the license holder that it is a licensee's affirmative responsibility to take appropriate action following disorderly use by persons occupying the premises. The notice also stated that within (10) ten days of receipt of the notice, the owner was required to submit a written management plan to CPS Greeley, the plan was to detail the proposed actions the owner would take to prevent further disorderly use of the property.

The first notice was mailed via certified mail to the address listed in the applicable property records for Mr. Bohlen at 300 Bates Avenue #200, St. Paul, MN 55106. The certified mailing was signed by Becky Bohlen on August 5, 2009.

On August 13, 2009, Minneapolis Police officers from the Third Precinct responded to 2732 Bloomington Avenue S. on a complaint and found approximately 25 people in the back yard of the property. Three of the tenants of the property were cited for participating in a disorderly house. Four days later CPS Greeley was contacted by Dan Mohr who identified himself as the property manager for the property. Mr. Mohr indicated that they were going to be evicting the tenant arrested in the July 22, 2009, narcotics raid as well as a tenant that was cited for disorderly house on August 13, 2009.

On August 19, 2009, a Notice of Revocation, Denial, Non-Renewal or Suspension of rental license was sent to Gallop Solutions Inc. and Thomas Bohlen for the failure to submit a management plan within ten days of the receipt of the first conduct on licensed premises letter. On August 24, 2009, Thomas Bolen submitted an appeal of the Notice of Revocation.

On September 22, 2009, after having had no further communication with the owner or any authorized representative, CPS Greeley searched the Hennepin County Housing Court records to determine that the owner had indeed filed for an Unlawful Detainer on August 18, 2009, which resulted in the eviction of Lydell Miller on August 26, 2009. At that time CPS Greeley had still not received a management plan from the owner. On October 6, 2009, CPS Greeley was contacted by Mr. Bohlen regarding the management plan. CPS Greeley then e-mailed a form to be used to put together a management plan and on October 15, 2009, Mr. Bohlen submitted a management plan that was accepted by CPS Greeley.

The conduct problems occurring at 2732 Bloomington Avenue S. have had a negative impact on the surrounding community. Jennifer Kohl, a manager for a nearby Senior Living Complex spoke to the numerous complaints she received from her tenants regarding their fear of the people living at and visiting 2732 Bloomington Avenue S. and their complaints from the noise and activity occurring at the property during the timeframe of June, July and August of 2009. Ms. Kohl herself witnessed drug transactions occurring at the property during the summer months of 2009.

CONCLUSIONS OF LAW

On July 22, 2009, an incident of disorderly use and defined as disorderly in M.C.O. § 244.2020(a) by tenants and/or guests occurred on the premises of 2730 Bloomington Avenue S. for which a proper notice of disorderly use was issued.

The Minneapolis Police Department and the Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

The licensee failed to submit a management plan, detailing the proposed actions the owner would take to prevent further disorderly use of the property, within ten days of receipt of the notice of disorderly use as is required by M.C.O. § 244.2020 (c). This failure provides an independent basis for adverse license action, specifically inclusive of revocation, against the rental dwelling license held by the licensee at 2730 Bloomington Avenue S.

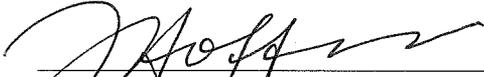
The subject property has been the source of repeated criminal, disorderly and nuisance activity. The activities at this property have had a substantial negative impact on the surrounding community, as evidenced by the testimony and documentation admitted from police personnel and the testimony of Jennifer Kohl.

The rental dwelling license held by Gallop Solutions Inc., and Thomas Bohlen for 2732 Bloomington Avenue S. is subject to revocation or suspension under M.C.O. §§ 244.2020(e). Revocation of the referenced rental dwelling license is the appropriate adverse license sanction.

RECOMMENDATION

That the rental dwelling license held by Gallop Solutions Inc., and Thomas Bohlen for 2732 Bloomington Avenue S., in Minneapolis, Minnesota be revoked.

Dated Nov 5 2009


FABIAN HOFFNER
ADMINISTRATIVE HEARING
OFFICER