

**CITY OF MINNEAPOLIS**  
**RENTAL DWELLING LICENSE BOARD OF APPEALS**

**In the matter of the Rental  
Dwelling License held by  
Chike Onyekaba for the  
Premises at 3420 Chicago Avenue,  
Minneapolis, Minnesota**

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

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This matter came on for hearing before the Rental Dwelling License Board of Appeals at 1:30 p.m. on December 11, 2007 in Room 014 of the Minneapolis Public Service Center. Board chair Brian Bushay presided. Other board members present, constituting a quorum, included Clinton T. Blaiser, Daisy Barton and Wayne Jensen. Assistant City Attorney Joel Fussy was present as *ex officio* counsel to the board. Lee Wolf, Assistant City Attorney, represented the Division of Inspections. The Licensee, Mr. Chike Onyekaba, appeared at the hearing without legal counsel.

**FINDINGS OF FACT**

1. Chike Onyekaba holds a rental dwelling license (No. 529150) for the building located at 3420 Chicago Avenue, in the City of Minneapolis. The rental license application filed by Dr. Onyekaba lists himself as the owner of the building as well as the property manager responsible for the maintenance and management of the rental property. The executed rental dwelling license application personally filed by Dr. Onyekaba lists his contact address as 12221 Jay Circle in Coon Rapids, Minnesota. All notices sent pursuant to this action were duly and properly served upon and received by Mr. Onyekaba at this address.

2. This matter was commenced by the Community Crime Prevention/SAFE Unit of the Minneapolis Police Department in conjunction with the Division of Inspections to revoke the rental dwelling license held by Mr. Onyekaba for the property at 3420 Chicago Avenue, 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) to prevent reoccurrences. 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 prohibit the unlawful sale or possession of controlled substances.”

3. On April 23, 2007, Minneapolis police officers executed a narcotics search warrant on apartment #2 of the subject rental property. Specifically, a search warrant was obtained after police successfully completed a controlled purchase of a substance which tested positive as cocaine from the tenant of apartment #2 by utilizing a confidential reliable informant. This purchase of illicit narcotics from apartment #2 took place within 72 hours prior to the execution of the search warrant. The purchases and related surveillance indicated that narcotics were being sold from the subject property, and specifically from apartment #2. Upon serving the warrant, eight individuals were found within the apartment along with a quantity of marijuana and a substantial amount of cash. Such possession and sale of cocaine by residents of the property or their guests violates provisions of Minn. Stat. Ch. 152 and thereby qualifies as an incident of disorderly use of the premises of rental property per M.C.O. § 244.2020(a)(3).

4. On May 21, 2007, Crime Prevention Specialist (CPS) Karen Notsch of the Minneapolis Police Department mailed a First Notice of Conduct on Licensed Premises to Dr.

Onyekaba, pursuant to M.C.O. § 244.2020. This notice informed Dr. Onyekaba that there had been an instance of disorderly use at the premises of 3420 Chicago Avenue on or about April 23<sup>rd</sup>, involving possession and sale of narcotics. The notice was recorded as a first notice of disorderly use of the premises, informed Dr. Onyekaba 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 his rental dwelling license. The notice cited M.C.O. § 244.2020(a), informing Dr. Onyekaba that it is a licensee's affirmative responsibility to take appropriate action following disorderly use by persons occupying the premises.

5. The first notice was mailed via certified mail to the contact address supplied by Dr. Onyekaba at 12221 Jay Circle, Coon Rapids, Minnesota 55448 and a certified mail receipt was returned confirming the delivery and receipt of the notice.

6. On July 19, 2007 Minneapolis Police officers served an additional narcotics search warrant at 3420 Chicago Avenue, this time on apartment #5. The search warrant was obtained after police successfully completed a controlled purchase of a substance which tested positive as cocaine from the tenant of apartment #5 by utilizing a confidential reliable informant. Upon execution of the search warrant, officers arrested or cited six individuals from the premises on disorderly house charges and recovered quantities of cocaine and marijuana along with several scales commonly used in the narcotics trade. Such possession and sale of cocaine by residents of the property or their guests violates provisions of Minn. Stat. Ch. 152 and thereby qualifies as an incident of disorderly use of the premises of rental property per M.C.O. § 244.2020(a)(3).

7. On July 27, 2007, Crime Prevention Specialist Karen Notsch of the Minneapolis Police Department mailed a Second Notice of Conduct on Licensed Premises to

Dr. Onyekaba, via certified mail and pursuant to M.C.O. § 244.2020. A certified mail receipt was returned confirming delivery of the notice.

8. The second notice advised Dr. Onyekaba that a second incident of disorderly use had occurred at the subject property and that he was **required** to respond within ten (10) days with a written management plan detailing all actions taken to respond to disorderly use and to prevent further disorderly use of the premises. The notice specifically informed Dr. Onyekaba that failure to submit an acceptable management plan within ten days would constitute independent grounds for the imposition of adverse license action, inclusive of revocation.

9. CPS Notsch met with the Licensee on August 9, 2007 and extended the deadline for submission of the required written management plan to August 17, 2007. CPS Notsch provided the Licensee with substantial advice regarding how he might more effectively manage his rental property to prevent its continuing widespread disorderly and criminal use. This advice included, but was not limited to, documentation on lease addendums, referrals to the county attorney to seek assistance with eviction actions and information on email crime alerts. The Licensee submitted a sparse management plan dated August 17<sup>th</sup> which was received by CPS Notsch on August 21<sup>st</sup>. After reviewing the plan, CPS Notsch informed the Licensee in a detailed eleven-point letter dated August 31, 2007 of remaining deficiencies with the management plan and required a revised plan to be submitted by September 14, 2007. The Licensee did not submit any revised management plan until the morning of the date of this hearing on December 11, 2007. The Licensee claimed that he had the revised plan “in my computer” prior to December 11<sup>th</sup> but conceded that it was not submitted until that date.

10. On September 5, 2007 police completed another successful purchase of a substance that tested positive as cocaine from a tenant of apartment #4 of the property utilizing a confidential reliable informant. The CRI exchanged pre-marked cash for a rock of crack cocaine weighing 0.4 grams. After identifying the seller of the cocaine police officers arrested the tenant of apartment #4 and recovered an additional nine rocks of crack cocaine weighing 3.7 grams. Such possession and sale of cocaine by residents of the property or their guests violates provisions of Minn. Stat. Ch. 152 and thereby qualifies as an incident of disorderly use of the premises of rental property per M.C.O. § 244.2020(a)(3).

11. On October 4, 2007 a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to Dr. Onyekaba. The notice advised Dr. Onyekaba that the Inspections Division would recommend to the City Council that his rental dwelling license for 3420 Chicago Avenue be revoked. The recommendation was made pursuant to M.C.O. § 244.2020(d) & (f), which require that a license holder submit an acceptable and compliant written management plan within ten days of receipt of a second notice of conduct on licensed premises and provides that the occurrence of a third incident of disorderly use of a rental property in a specified time frame may result in license revocation. The notice was served via certified mail and a receipt was returned confirming the delivery.

12. On October 13, 2007 Dr. Onyekaba filed a proper appeal of the revocation recommendation. The Licensee, in his appeal and in his testimony at hearing, conceded that the referenced problems occurred at his building but claimed that he had generally attempted to cooperate with the police by beginning installation of a fence and some security cameras and engaging an Internet-based background check service among other efforts. However, these efforts appear to have been largely reactionary and primarily recent attempts occurring

after commencement of this revocation action. To this end, the background check company was only hired as of November 6, 2007 and his latest management plan was submitted in an untimely manner on the morning of this hearing. Although M.C.O. § 244.2020(g) does preclude pursuing revocation when the instances of disorderly use “occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days after a notice is given by the licensee to a tenant to vacate the premises” no evidence was submitted at hearing by the Licensee showing that such proceedings had been instituted **prior** to the occurrences. The Licensee only claimed to have provided some court information regarding an eviction action in late September 2007, after all three instances of disorderly use had already occurred.

### **CONCLUSIONS**

1. The incidents of disorderly use that occurred on and about April 23, July 19, and September 5, 2007 are qualifying instances of disorderly use within the meaning of M.C.O. § 244.2020(a). No exception pursuant to Section 244.2020(g) or otherwise applies in this case. Furthermore, the Licensee failed to submit a timely or acceptable written management plan in relation to these incidents, as required by M.C.O. § 244.2020(d) and (e).

2. The Licensee, Chike Onyekaba, failed to take timely, appropriate action in response to notices from Community Crime Prevention/SAFE concerning disorderly incidents on the premises of 3420 Chicago Avenue by failing to submit an approved management plan after service of the Second Notice of Conduct on Licensed Premises. Additionally and independently, three incidents of qualifying disorderly use of the premises took place within a five-month period. Therefore, revocation of the referenced rental dwelling license is appropriate under either M.C.O. § 244.2020(e) or (f).

3. The Community Crime Prevention/SAFE Unit and the Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

4. The subject rental property has been the source of repeated criminal, disorderly and nuisance activity. The criminal activity at this property has occurred throughout the premises and has involved multiple tenants and apartments and has had a substantial negative impact on the surrounding community.

### **RECOMMENDATION**

That the rental dwelling license held by Chike Onyekaba for the premises at 3420 Chicago Avenue, in Minneapolis, Minnesota be revoked.

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Brian Bushay  
Chair,  
Rental Dwelling License Board of Appeals