

REGULATORY, ENERGY AND ENVIRONMENTAL COMMITTEE
MINNEAPOLIS CITY COUNCIL

Jenine Atkinson, District Manager, Housing Inspection Services, city of Minneapolis
Vs
Mohammed Shahidullah, home owner and rental licensee of 607 Erie Street SE,

MOTION TO RESCIND OR STAY COMMITTEE'S ACTION OF JANUARY 21, 2010

Licensee brings this Motion based on the following facts and statements supported by affidavit.

1. That on January 19, 2010 licensee filed with Ms. Jackie Hanson coordinator of this Committee, a proposed remedy. At that time, licensee asked Ms Hanson if he could review the file (package) to be presented to the committee for January 21, 2010 hearing.
2. That the licensee was in the process of preparing a written presentation for the January 21, 2010 committee hearing. At that time licensee discovered that Ms Atkinson removed three exhibits of the licensee which are integral part of the file (package). Licensee's exhibits were:
 - a) A licensed plumbing company's inspection report of the entire 607 Erie street SE property stating that the whole property in full compliance of the state and city's plumbing code,
 - b) A licensed electric company's inspection report of the entire 607 Erie street SE property to be in full compliance of the state and city's electric code
 - c) A history of the permits obtained for the works performed at the 607 Erie street SE property.

On the same day of January 19, 2010 licensee spoke with Ms. Atkinson demanding that the aforesaid licensee's exhibits be returned to the file immediately and made further request to have copy of those exhibits be available to him along with the copy of the Director's Determination of February 5, 2008 stating to the owner that if that occurred again that the license would be subject to revocation. Ms Atkinson refused to provide the requested documents to view at her office or provide copies of the licensee to be picked up so that he can prepare for the January 21, 2010 committee hearing. Ms, Atkinson adamantly refused to do so because she believed that she did not have to do so and hung up on the licensee.

Licensee sought assistance of coordinator Hanson and some council member's staff. Ms. Atkinson finally returned the above mentioned documents to Ms Hanson on the day of the committee hearing which came to licensee's attention at the time of his presentation before this Committee. Licensee's written statement asked this committee to investigate and take appropriate action. Licensee has been waiting for this Committee's findings of Facts and Conclusion of Law in this regard.

Licensee now firmly believes that Director;s Determination of February 5,2008 stating to the owner that if that occurred again that the licensee would be subject to revocation (Please see line 23,24 of page 1 of December 9,2009 committee hearing Verbatim Transcript.) was never mailed to the licensee and that is why he did not receive it

Wherefore, based on the facts stated above ,licensee is asking the committee

1.To rescind or stay its action of January 21,2010 until licensee's written complaint submitted on January 21,2010 and the Motion submitted now to investigate and take appropriate action regarding Ms Atkinson's removal of licensee's exhibit.s from the file(package) and her refusal to allow licensee to view at her office ,provide him copy or at lease fax to committee coordinator immediately.

Even if Ms Atkinson did so immediately her action concealing this from the Committee on December 09,2009 hearing and attempt to conceal again from the January 21,2010 hearing is not excusable rather an orchestrated affords of "Taking" depriving licensee a rental income and depreciating his properties market value

2.For an Order asking Ms Atkinson to provide licensee with the copy of :the Director's Determination of February 5,2008 stating to the owner that if that occurred again that the licensee would be subject to revocation"

3. For an Order asking Ms Atkinson to allow the licensee everything there is regarding 607 Erie Street SE in her office immediately or within a reasonable time .

Anything less than the licensee asked in 1 and 2 above will prejudice the licensee and will be construed as an obstruction for the licensee to prepare and present a good defense he is entitled to ..

Licensee believes that for the interest of justice this committee will grant his motion

[Signature]
1/26/2010
Mohammed Shahidullah
607 Erie Street SE
Minneapolis, MN 55414

AFFIDAVIT OF LICENSEE

Licensee sates under oath that the above statements are true to the best of his knowledge.

[Signature]
Mohammed Shahidullah
607 Erie Street SE
Minneapolis, MN 55414



Subscribed and sworn to before me

On January 26,2010
[Signature]

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VERBATIM TRANSCRIPT

A portion of the Public Safety & Regulatory Services Committee

Regular Meeting of Wednesday, December 9, 2009

Room 317, City Hall

Minneapolis, Minnesota

IN THE MATTER OF: Rental Dwelling License at 607 Erie Street Southeast

APPEARANCES:

Committee Members Samuels, Ostrow, Hofstede, Schiff, Gordon

Joel Fussy, Assistant City Attorney

Janine Atchison, Department of Regulatory Services, City of Minneapolis

Samuels: We'll now move to Item #13, which is a rental dwelling license recommendation to revoke the property at 607 Erie Street Southeast. Welcome Ms. Atchison.

Atchison: Thank you. The basis for this revocation action is illegal and unlawful occupancy of this property. The property is legally -- is a one dwelling unit and four rooming units. In February 5th of 2008, the housing inspector was there doing a rental licensing inspection and found that the property was -- had illegally converted additional rooms to rooming units and was over occupied, and the rental units, the number of rooming units exceeded that allowed by Zoning. So, at that time, a Director's Determination of Noncompliance with issued to the owner along with Orders demanding compliance with the ordinance, but the Director's Determination basically stated to the owner that if this -- that if this occurred again that the license would be subject to revocation. On March 26th of 2009 -- so that was February 5th of 2008. March 26th of 2009, the inspector -- an inspector was back