

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Property
Located at 6015 Wentworth Avenue
Minneapolis, Minnesota, Owned
By Tyrone Reese**

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

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on June 22, 2010, at 1:30 p.m. at Room 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 Housing Inspector Marvin Forbragd. Leana Reese, co-owner of the property located at 6015 Wentworth Avenue appeared and represented the owner and license holder, Tyrone Reese.

FINDINGS OF FACT

Tyrone Reese owns the property located at 6015 Wentworth Avenue (the "Property") in the City of Minneapolis. Tyrone Reese applied for and was given a rental dwelling license for the Property. On the rental license application Mr. Reese listed his address as 5401 45th Avenue S., Minneapolis, MN.

On January 5, 2010, Minneapolis Housing Inspector Marvin Forbragd conducted an inspection at the Property. Inspector Forbragd issued order for illegal basement occupancy of the east basement bedroom due to the lack of egress windows. Other orders issued included, repair smoke detectors, provide carbon monoxide detectors, repair light switch, repair ceiling, repair cabinets and counters and repair glass. On January 14, 2010, Inspector Forbragd

conducted a re-inspection at the Property and found that the basement was no longer occupied and abated that order. Inspector Forbragd issued an administrative citation for the lack of carbon monoxide detectors.

On March 9, 2010, Inspector Forbragd conducted a re-inspection of the Property and found the east bedroom in the basement to be illegally occupied. The bedroom lacked an egress window and did not meet the seven (7) foot minimum ceiling height. Inspector Forbragd issued an order to the owner Tyrone Reese to discontinue the use of the basement for sleeping purposes. The written order stated that the east bedroom did not have an egress window and that neither room in the basement met the seven (7) foot minimum ceiling height to be used as a sleeping room. Inspector Forbragd also left a message for Mr. Reese indicating that he would be re-inspecting the property on March 13, 2010.

On March 17, 2010, Inspector Forbragd attempted to conduct a re-inspection at the Property but was unable to do so as no one appeared at the property. Inspector Forbragd then sent out an appointment letter for March 30, 2010, for the re-inspection. On March 30, 2010, Inspector Forbragd was able to gain entry into the Property and found that the illegal occupancy of the basement continued to exist, this time with the beds being placed in the west bedroom which did not have the required ceiling height for a legal sleeping room.

On March 31, 2010, Inspector Forbragd posted the Property with an unlawful occupancy placard and mailed to the owner, Tyrone Reese, and the tenants, a Director's Determination of Non-Compliance. The notice of Non-Compliance gave the owner until April 15, 2010, to bring the property into compliance or a license revocation action could be taken. On April 19, 2010, Inspector Forbragd conducted a re-inspection at the Property and found that the illegal bedroom occupancy in the west basement bedroom continued to exist.

On April 22, 2010, a Notice of Revocation, Denial, Non-Renewal or Suspension of Rental License was issued to the owner, Tyrone Reese. The Notice indicated that the revocation action was based upon a violation of Minneapolis Code of Ordinances § 244.1910 (3) for illegal occupancy.

On May 10, 2010, the Department received an appeal to the license revocation. The appeal document and Leana Reese's testimony indicate that the owner and tenants were confused as to whether the west bedroom could be used as a sleeping room as it had an egress window and the first notice issued by Inspector Forbragd indicated that the issue in the east bedroom was the lack of an egress window. Ms. Reese also indicated that there was some confusion due to the tenants not speaking English very well and that they did not understand what to do. Ms. Reese testified that neither basement room was currently being used as a bedroom.

CONCLUSIONS

The City of Minneapolis Department of Housing Inspections issued a valid order, for a violation of M.C.O. § 244.1910(3) which require that rental properties in the City of Minneapolis not be illegally occupied in violation the housing maintenance code.

The Department followed proper procedure in issuing a Notice of Non-Compliance, pursuant to M.C.O. § 244.1930 (b), which gave the owner fifteen days to bring the Property into compliance with licensing standard M.C.O. § 244.1910(3).

After the period to bring the Property into compliance the Property was found to be in violation M.C.O. § 244.1910(3) for illegal occupancy a second time.

M.C.O. § 244.1940 states: "If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing

standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, the director shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license or provisional license." In this matter the Property was found to be in violation of M.C.O. § 244.1910(3) on March 30, 2010. After the period for compliance had expired the property was again found to be in violation of M.C.O. § 244.1910(3) on April 19, 2010.

The Department followed proper procedure in issuing a Notice of Revocation, Denial, Non-Renewal, or Suspension based upon the second violation of M.C.O. § 244.1910(3).

RECOMMENDATION

That the rental license for the property located at 6015 Wentworth Avenue, Minneapolis, MN., held by Tyrone Reese, be revoked.

Dated July 6 2010


FABIAN HOFFNER
ADMINISTRATIVE HEARING
OFFICER