

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

**ADMINISTRATIVE HEARING OFFICER**

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**In the matter of the Property  
Located at 3622 Humboldt Avenue N.  
Minneapolis, Minnesota, Owned  
by RBE Properties Inc, and  
Ronald Folger**

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

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The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on February 7, 2011, at 1:00 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 Jody Waulters. Ronald Folger, owner of the property located at 3622 Humboldt Avenue N. was present.

**FINDINGS OF FACT**

RBE Properties LLC owns the property located at 3622 Humboldt Avenue N. (the "Property) in the City of Minneapolis. RBE Properties LLC, was organized by Ronald and Julie Folger. The Register Office Address for RBE Properties LLC., is listed as 4634 Hamlet Avenue N., Oakdale MN, the same address listed for Ronald and Julie Folger. On December 12, 2008, RBE Properties LLC applied for and was granted a rental dwelling license for the Property. On the rental license application Ronald Folger is listed as the Natural Person representing the LLC and Ronald Folger is listed as the person responsible for the maintenance and management of the Property.

On April 19, 2010, Minneapolis Housing Inspector Jody Waulters conducted a rental license inspection at the Property. Inspector Waulters inspected the property and issued orders to Ronald Folger to correct violations at the property. Inspector Waulters gave a compliance date of May 20, 2010. An appointment for a re-inspection of the property was set for June 17, 2010. On June 17, 2010, Inspector Waulters gained entry to the property from the Tenant and found that the work had not been completed and issued an administrative citation for the uncompleted work and a re-inspection date was set for July 26, 2010.

On July 26, 2010, a tenant at the property allowed entry to Inspector Waulters and Inspector Waulters observed that the violations at the Property were not corrected and an administrative citation was issued in the amount of \$400.00 and a re-inspection date was set for September 20, 2010. On September 20, 2010, Inspector Waulters arrived at the Property and was unable to gain entry. Inspector Waulters sent a no-show letter to Ronald Folger and new consent cares to the tenants. Re-inspection for the Property was then set for October 13, 2010.

On October 13, 2010, Inspector Waulters arrived at the Property and was unable to gain entry to conduct a re-inspection of the Property. On that same day Inspector Waulters sent a Director's Determination of Non-Compliance to RBE Properties LLC, Ronald Folger and the tenants of the Property. The notice of Non-Compliance stated that the property was in violation of M.C.O. § 244.1910 (8), for failing to allow required inspections and gave the owner until October 28, 2010, to allow Inspector Waulters to conduct a re-inspection of the property. The timeline for compliance expired and on November 19, 2010, a Notice of Revocation, Denial, Non-Renewal, or Suspension of the rental license was sent to RBE

Properties/Ronald Folger at the listed address of 4634 Hamlet Avenue N., Oakdale, MN 55128.

On December 23, 2010, Ronald Folger filed an appeal to the Notice of Revocation and on February 7, 2011, a license revocation hearing was held. The appeal document and Ronald Folger's testimony indicate that the owner had problems with some of the tenants at the property and that some of the locks had been changed and that the owner was attempting to evict the problem tenants. Mr. Folger also stated the he has hired a new management company, Urban Enterprises, to manage his properties including the property at 3622 Humboldt Avenue N. Mr. Folger, however, testified that he had not filed new rental license applications with the change of management of the properties as required by ordinance.

### **CONCLUSIONS**

The City of Minneapolis, Department of Housing Inspections issued conducted a valid inspection at the property located at 3622 Humboldt Avenue N. from which valid correction orders were issued.

M.C.O. § 244.1910 (8), requires landlords to allow required inspections at properties in the City of Minneapolis for which they hold a rental dwelling license. The City of Minneapolis, Department of Housing Inspections attempted to conduct re-inspections of the Property on September 20, 2010 and October 13, 2010, in order to determine if the correction orders had been complied with. On both occasions the Department was unable to gain access to the property even though valid notices of the inspections had been sent to the owner/property manager and the tenants.

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(8).

After the period to bring the Property into compliance the Property was found to be in violation M.C.O. § 244.1910(8), because the owner/property manager failed to allow the required inspection at the Property.

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(8).

**RECOMMENDATION**

That the rental license for the property located at 3622 Humboldt Avenue N., Minneapolis, MN., held by RBE Properties, LLC and Ronald Folger, be revoked.

Dated March 8 <sup>2011</sup><sub>2010</sub>

  
FABIAN HOFFNER  
ADMINISTRATIVE HEARING  
OFFICER