

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

**ADMINISTRATIVE HEARING OFFICER**

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**In the matter of the Rental  
Dwelling License held by  
Thomas Brummer  
for the Premises at  
1012 29th Avenue N. Minneapolis,  
Minnesota**

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

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The above entitled matter came on for hearing before Administrative Hearing Officer Edward Backstrom on May 24, 2011, at 2:30 p.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Janine Atchison, District Manager Department of Housing Inspections. Thomas Brummer owner of the property located at 1012 29th Avenue N. was 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**

Thomas Brummer is the owner of the property located at 1012 29th Avenue N. in the City of Minneapolis. As the owner of the property Thomas Brummer applied for and was awarded a rental dwelling license for the property. The rental license application lists Thomas Brummer as the owner and the property manager responsible for the maintenance and management of the rental property. The application lists the contact address for Thomas

Brummer as 2453 80th St. SW., Montrose MN. Applicable property records admitted at the hearing in this matter list Thomas and Barbara Brummer as the owners and taxpayers of record for the property with a mailing address of 2453 80th St. SW., Montrose, MN.

This matter was commenced by the City of Minneapolis Housing Inspections Division to revoke the rental dwelling license held by Thomas Brummer for the property located at 1012 29th Ave. N. under Minneapolis Code of Ordinances (M.C.O) § 244.1910 (11)(a). Section 244.1910 (11)(a), Licensing Standard", requires a rental licensee not to be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

On May 17, 2010, Minneapolis Housing Inspector determined that a required Truth in Sale of Housing (TISH) Report had not been obtained and submitted to the city and an order to submit such report by June 16, 2010 was sent to Mr. Brummer. On August 16, 2010 an administrative citation for \$200 was issued to Thomas Brummer because the report had not been provided to the Department.

Several other administrative citations were issued to Thomas Brummer for his further failure to provide the TISH report: on August 24, 2010 for \$400, on October 27, 2010 for \$800, and on December 16, 2010 for \$1600. None of these citations had been paid as of the date of the hearing. However on May 6, 2011 a letter was sent to Mr. Brummer from Minneapolis Regulatory services cancelling the \$440, \$880, and \$1760 assessment. The reason for this cancellation is not clear in the record. The \$220 assessment was still outstanding.

The Department also determined that besides the unpaid special assessment fees for the administrative citation, Hennepin County Treasurer records showed a balance due of \$7215.30 as of May 4, 2011. Notice of Director's Determination of Noncompliance was sent to Thomas

and Barbara Brummer on February 17, 2011 citing their failure to both pay delinquent property taxes and assessments for unpaid administrative citations. Mr. Brummer failed to respond this notice.

As a result Notice of Revocation, Denial, Non-Renewal, or suspension of Rental License or Provisional was sent to Thomas Brummer on April 19, 2011 citing the failure to pay the assessments and property taxes as required by M.C.O §244.1910 (11)(a).

Although maintaining that he did not recall receiving the notices or citations concerning the TISH report he does not dispute that he may have received them. Mr. Brummer stated that he didn't know if the TISH report had been completed and he still had not checked with his truth in housing inspector concerning this at the time of the hearing. Mr. Brummer maintains that he will pay what is owed but that because of his wife's heart surgery in May of 2010 he will need more time to do so.

On May 2, 2011, a proper appeal of the revocation was filed by Mr. Brummer.

### **CONCLUSIONS**

The City of Minneapolis Department of Housing Inspections issued a valid order requiring Mr. Brummer to provide the TISH report to the Department for property located at 1012 29th Ave N. The order was properly issued to the owner, Thomas Brummer. When the TISH report was not provided the Department, the Department properly issued a valid administrative citation to the owner, Thomas Brummer, which the owner failed to pay.

The Department followed proper procedure in issuing a Notice of Non-Compliance which gave the owner fifteen days to bring the property into compliance with licensing standard M.C.O. § 244.1910(11)(a). The owner has failed to file the report, pay the assessment for the

\$220 administrative citation, or pay the delinquent property taxes owed on the property, thus failing to bring the property into compliance.

The assessment of \$440, \$880, and \$1780 cancelled by the Department are not relevant to the issue of whether or not the rental dwelling license for 1012 29th Ave. N. should be revoked.

**RECOMMENDATION**

That the rental dwelling license held by Thomas Brummer as owner of the property, for 1012 29th Ave. N., in Minneapolis, Minnesota be revoked.

Dated \_\_\_\_\_ 2011

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EDWARD BACKSTROM  
ADMINISTRATIVE HEARING  
OFFICER