CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES

ADMINISTRATIVE HEARING OFFICER

In the matter of the Properties Located at 1312 16th Avenue N. 3100 Humboldt Avenue N.; 1509 Girard Avenue N.; 2011 Girard Avenue N.; 2742 Sheridan Avenue N.; 1812 Bryant Avenue N.; 3446 Fremont Avenue N.; 2629 Dupont Avenue N.; 2743 Penn Avenue N.; 2746 Queen Avenue N.; 2029 Willow Avenue N.; 3651 Penn Avenue N. & 2507 27th Avenue N. located in Minneapolis, MN and owned by Alan Kwong

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on April 8, 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 and Janine Atchison, District Manager Department of Housing. Alan Kwong, owner of the above listed properties, was present.

FINDINGS OF FACT

Alan Kwong owns the properties located at 1312 16th Avenue N., 3100 Humboldt Avenue N., 1509 Girard Avenue N., 2011 Girard Avenue N., 2742 Sheridan Avenue N., 1812 Bryant Avenue N., 3446 Fremont Avenue N., 2629 Dupont Avenue N., 2743 Penn Avenue N., 2746 Queen Avenue N. 2029 Willow Avenue N., 2651 Penn Avenue N. and 2507 27th Avenue N. all located in the City of Minneapolis. Alan Kwong's address, as listed on the Hennepin County property information records for the thirteen listed properties, is 1611 Girard Avenue N.

On March 8, 2010, a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to Alan Kwong for violations of M.C.O. §

244.1910 (2) & (3), for exceeding the maximum number of dwelling units and for illegally or over occupancy of 3123 James Avenue N. Alan Kwong was the owner of the property and had applied for and had received a rental license for the property. The property at 3123 James Avenue N. was also posted with the notice of revocation. Mr. Kwong was given fifteen (15) days to file an appeal which he failed to do and on June 18, 2010, the Minneapolis City Council voted to revoke Mr. Kwong's rental dwelling license for the property located at 3123 James Avenue N.

On November 15, Minneapolis Housing Inspector Farrokh Azmoudeh conducted an inspection at the property located at 4543 James Avenue N., Minneapolis, MN following a fire at the property. Inspector Azmoudeh found the property to be boarded and issued a notice to Alan Kwong, listed owner of the property, informing Mr. Kwong that he had sixty (60) days to remove the boards or the building would be condemned for being a boarded building. The property was also posted with a notice of intent to condemn for being a boarded building.

On January 18, 2011, Inspector Azmoudeh conducted a re-inspection of the property located at 4543 James Avenue N. and found that the property remained boarded. Inspector Azmoudeh sent a letter, on January 19, 2011, to Mr. Kwong informing him that the property had been condemned and the property was posted with a notice of condemnation.

CONCLUSIONS

The City of Minneapolis Department of Housing Inspections issued a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, for a violations of M.C.O. § 244.1910 (2) & (3), for exceeding the maximum number of dwelling units and for illegally or over occupancy of the property located at 3123 James Avenue N. Alan Kwong, owner of the property

failed to appeal the revocation action and the Minneapolis City Council acted to revoke Mr. Kwong's rental dwelling license.

The City of Minneapolis Department of Housing Inspections issued a valid notice of intent to condemn the property located at 4543 James Avenue N. for being a boarded building.

The City of Minneapolis Department of Housing Inspections issued a valid notice of condemnation for the property located at 4543 James Avenue N. after the building was found to be boarded after a period of sixty (60) days.

M.C.O. § 244.1925 states: **Condemned and boarded buildings**. When a building is condemned as hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing, or mechanical systems, or boarded under Minnesota Statutes, Section 463.251, requiring a code compliance inspection prior to reoccupancy, the rental dwelling license shall be cancelled on the effective date of the condemnation or boarding. The dwelling shall be eligible to hold a rental dwelling license upon issuance of a code compliance certificate.

Alan Kwong has had an interest in two properties, 3123 James Avenue N. and 4543 James Avenue N., where the rental dwelling licenses were revoked or cancelled.

M.C.O. § 244.1910 (13) states: Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.

The City of Minneapolis Department of Housing Inspections followed proper procedure in issuing a Notice of Revocation, Denial, Non-Renewal, or Suspension for the properties located at 1312 16th Avenue N., 3100 Humboldt Avenue N., 1509 Girard Avenue N., 2011 Girard Avenue N., 2742 Sheridan Avenue N., 1812 Bryant Avenue N., 3446 Fremont Avenue N., 2629 Dupont Avenue N., 2743 Penn Avenue N., 2746 Queen Avenue N. 2029 Willow Avenue N.,

2651 Penn Avenue N. and 2507 27th Avenue N. all located in the City of Minneapolis, all of which have rental dwelling licenses held by Alan Kwong.

RECOMMENDATION

That the rental licenses for the properties located at 1312 16th Avenue N., 3100 Humboldt Avenue N., 1509 Girard Avenue N., 2011 Girard Avenue N., 2742 Sheridan Avenue N., 1812 Bryant Avenue N., 3446 Fremont Avenue N., 2629 Dupont Avenue N., 2743 Penn Avenue N., 2746 Queen Avenue N. 2029 Willow Avenue N., 2651 Penn Avenue N. and 2507 27th Avenue N. all located in the City of Minneapolis, held by Alan Kwong, be revoked.

Dated May 17 2011

FABIAN HOFFNER
ADMINISTRATIVE HEARING
OFFICER