



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

RECEIVED

SEP 08 2021

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 536096)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, September 14, 2021

Time 2:30 p.m. to 4:30 p.m.

Location of Hearing:
Teleconference due to Covid-19 Pandemic
Call business line

Address Being Appealed:

Number & Street: 460 Beaumont City: St Paul State: MN Zip: 55130

Appellant/Applicant: LORI Kustritz Email: emkholdingco@mac.com

Phone Numbers: Business 6128368145 Residence _____ Cell _____

Signature: [Signature] Date: _____

Name of Owner (if other than Appellant): ERIC Kustritz

Mailing Address if Not Appellant's: 80 Virginia Street

Phone Numbers: Business 6123081000 Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O
 - Summary/Vehicle Abatement
 - Fire C of O Deficiency List/Correction
 - Code Enforcement Correction Notice
 - Vacant Building Registration
 - Other (Fence Variance, Code Compliance, etc.)
- Due to court current tenant will vacate NOV 25. Repairs and Renovations will occur after vacate. See attached letter

Eric Kustritz
EMK Holding CO., LLC
80 virginia Street
Saint Paul, MN 55102

Property Address: 460 Beaumont Street Saint Paul

September 7th, 2021

To Whom it may concern:

Eric Kustritz has owned the above mentioned property since 1/1/1991.
Brandon Turner, the current tenant has resided at the property since 2017.

History with inspections at that address over the last 12 years is as follows:
2011 inspection receiving an A grading. 2016 received an A grading.
This property was due for re-inspection by the end of this year.

The current tenant Brandon Turner has done extensive damage to the unit throughout his tenancy. During COVID-19 we made a decision to allow him to continue on in the unit as the repairs would be too intrusive to the family and children. Many times we performed repairs on broken windows as well as clean up due to his continued negligence to yard and interior house cleaning upkeep. Broken fixtures, damaged walls, disabled smoke detectors, general disorderly living including garbage overflowing, furniture and debris in the yard as well as continued discarded items stashed away in basement and attic were noted at each visit. At one point this summer when I visited the unit Mr. Turner emerged from the front door with alcohol bottles in each hand. Marijuana has been detected at just about every visit. This last list was generated by Mr. Turner when he called DSI because he felt we needed to attend to the destruction he clearly has caused including a broken window he admitted he broke and demanded a repair. It had been discussed with Mr. Turner on several occasions that the repairs were extensive and that we had plans to sell the property and that he should begin looking for alternative housing. It was at that time I gave official notice of non renew

On July 5th, 2021 due to many issues with the current tenant a letter was sent to the current tenant notify them that a non-renew of lease was issued so that repairs could be performed at the property to get it ready for sale.

This notice was misinterpreted as an eviction and Mr. Turner gave notice to EMK of a court hearing based on retaliation eviction. This was not the case. Please refer to the included letter. On August 26th, 2021 I appeared in court. We utilized a mediator to help with coming to an agreement. At this court date Mr. Turner displayed unreasonable outburst that would never had been allowed at an in person court hearing. The mediator and community service representative put unreasonable pressure on EMK to allow Mr. Turner to stay in the unit until

November 25th, 2021 rent free due to the lack of available housing available to rent. This on top of the already withheld two months up to this point. Mr. Turner did not properly put in escrow any rent owing and refused to pay any back rent owing. At the end of our exhausting court session we put in to agreement he could stay until the 25th of November.

EMK is asking at this time for adequate time after the 25th of November to perform on the Inspections list. All life saving points regarding fire and safety have been already been addressed at the property.

A handwritten signature in blue ink, appearing to be 'MWA', with a long horizontal line extending to the right.

EMK Holding CO., LLC
80 Virginia Street
Saint Paul, MN 55102

Brandon Turner et al
462 Beaumont Street East
Saint Paul, MN 55130

July 5th, 2021

To whom it may concern:

In regards to the property located at 462 Beaumont and the current Tenant Brandon Turner et al. EMK Holding will not be renewing the month to month lease. This letter serves as a 30 day notice with an extra 11 day gratis. The final day of tenancy will be August 15TH, 2021. When the above tenant vacates on or before the 15TH of August and removes ALL belongings and properly empties the unit with no further damage EMK will release Brandon Turner et al from any further contractual obligations regarding to rent.

Lori Kustritz
EMK Holding CO., LLC
651-283-9370

1. Exterior - Building - SPLC 34.09 (1)(2), 34.33 (1) - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.
Near the back-entry door, there is a section of the post for the eyebrow that is damaged and is coming loose from the house.
There is chipping and peeling paint on the house and near the front corner there are small holes and openings.
All exterior wood damage will be addressed with proper repair and paint where necessary
2. Exterior - Front Door - SPLC 34.33 (3) - Repair and maintain the door in good condition.
-The front entry door and door frame are damaged.
Front door jam and door will be repaired or replaced
3. Exterior - Roof - SPLC 34.09 (2), 34.33 (1) - Provide and maintained the roof weather tight and free from defects. -NEW & REVISED - The roof is damaged and has several openings. Daylight can be seen. On the attic side, there are boards that are water damaged and have rotted. Replace all rotted wood. There is evidence of water leaking into the apartment at the top of the front stairway.
Roof will be assed and repaired appropriately to be sound and impervious to elements.
4. Exterior - Window Screen - SPLC 34.09 (4), 34.33 (3) -Provide or repair and maintain the window screen.
All windows and screens will be complete and in good repair.
5. Exterior - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.
There is a large opening underneath the upstairs front window that is allowing the natural elements to enter.
The window sill/trim is cracked and damaged for the first-floor window.
All windows will be inspected and repaired if needed.
6. Unit 462 - Attic - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition. -NEW - July 26, 2021 - There is debris being stored in the attic. Remove the debris.
All debris in home will be removed upon the exit of current tenant.

7. Unit 462 - Attic - MSFC 1103.8.1 Replacement of smoke alarms. Single- and multiple-station smoke alarms shall be replaced when: They exceed ten years from the date of manufacture. Smoke alarms shall be replaced with smoke alarms having the same type of power supply. -NEW - July 26, 2021 - The hard-wired smoke alarm in the attic is expired.
All smoke alarms that are expired will be replaced with new.
8. Unit 462 - Attic - MMC 603.9, 604 - Repair, maintain or install proper insulation and duct sealant in compliance with the mechanical code. This work may require a permit(s). Call DSI at (651) 266-8989. -NEW - July 26, 2021 - There is a very large opening in the chimney wall for the furnace in the attic area. Properly seal this opening.
Opening will be properly sealed.
9. Unit 462 - Attic Floor - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner. -NEW - July 26, 2021 - There are loose and broken floor boards in the attic area.
All loose boards will be addressed and secured
10. Unit 462 - Basement - MSFC 1030.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path. -There is furniture and other items at the bottom of the basement stairs.
All tenant debris and furniture will be removed upon exit of tenant.
11. Unit 462 - Basement - SPLC 34.10 (3), 34.34(2) - Repair or replace the unsafe stairway in an approved manner. -The second-to-bottom stair tread is no longer stable and sinks when stepped on.
All stair treads will be carefully examined and repaired or replaced if necessary
12. Unit 462 - Basement - SPLC 34.10 (2), 34.34(1) - Repair and maintain the damaged structural member. This repair may require a building permit, call DSI at (651) 266-8989. -Where the subfloor is damaged, there is joist beam that is rotting and damaged.
Subfloor joist beams will be assed and repaired properly
13. Unit 462 - Bathroom & Kitchen - SPLC 34.10 (7) - Repair and maintain the cabinets in an approved manner. -
The kitchen sink cabinet is damaged at the bottom, the counter is no longer secured and there is a damaged drawer.
The bathroom sink is missing the drawers.
Kitchen cabinet and counter will be repaired or replaced

14. Unit 462 - CO Alarms - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturer's instructions. -Provide an additional carbon monoxide alarm next to the front bedrooms.
All carbon monoxide detectors will be in place and operable
15. Unit 462 - Ceiling - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner. -In the front stairway, there is some water damaged.
Total unit painted including ceilings
16. Unit 462 - Doors - SPLC 34.33 (3) - Repair and maintain the door in good condition. I. Doors and door frames shall be maintained in a professional state of maintenance and repair and in accordance with the building code in effect at the time of construction or as altered/modified under an approved building permit.-There are several doors throughout the apartment that are damaged and missing hardware.
The transom over the back-bedroom door is damaged.
All doorways interior and exterior will bear repaired or replace in an approved manner
17. Unit 462 - Floors - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.-In the lounge area, the floor is damaged and there is a section that sinks when stepped on, there is a hole and the sub-floor underneath is rotted and damaged.
In the first-floor hallway, there is a section of the floor that is slanted, and the boards underneath move.
Throughout the entire apartment, the carpet is stained, ripped, improperly installed and damaged.
The kitchen floor is damaged.
The floor by the front door is damaged.
Floor coverings throughout unit will be replaced upon tenant vacate
18. Unit 462 - Kitchen & Bathroom - SPLC 34.11 (1), MSBC 2902.1, SPLC 34.35 (1), MPC 301.1 - Repair or replace and maintain all parts of the plumbing system to an operational condition.
NEW - July 26, 2021 - The drain-stop for the second-floor bathroom sink does not work.
The kitchen sink faucet is loose and no longer secured.
Sink faucet and drain will be repaired and secured
19. Unit 462 - Light Fixtures - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
All lights with protective globes will be maintained with appropriate globes

20. Unit 462 - Second Floor Bedroom - SPLC 34.10 (7), 34.17 (5) - Repair or replace and maintain the woodwork in an approved manner.-NEW - July 26, 2021 - In the far-right second floor bedroom, the baseboard molding inside the closet is missing and there are gaps under the wall that may contribute to the traffic of mice.
All baseboard will be inspected and repaired
21. Unit 462 - Smoke Alarms - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.
NEW - July 26, 2021 - The hard-wired smoke alarm in the front stairway is hanging from the ceiling.
The hard-wired smoke alarm near the front bedrooms is missing the battery.
The hard-wired smoke alarm in the basement is chirping.
NEW - July 26, 2021 - The smoke alarm inside the lounge room is missing
All smoke detector/carbon monoxide detectors throughout the home will be in place and operable and I place per code ordinance
22. Unit 462 - Stairs - SPLC 34.10 (3), 34.34(2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair. -The back stairway is missing the handrail.
Handrail will be replaced
23. Unit 462 - Throughout - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-8989.
In the first lounge room, there is a broken outlet.
The light fixture in the back bedroom does not work.
All light fixtures will be repaired or replaced. All outlets will be in working order
24. Unit 462 - Throughout - SPLC 34.10 (6), 34.34 (5) - Exterminate and control insects, rodents or other pests. Provide documentation of extermination. -There is mice activity in the apartment and in the attic area. Four (4) mice have been found dead on a glue trap.
Unit will be inspected and treated and assessed for rodents
25. Unit 462 - Throughout - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.-
In the living room, there is a floor vent cover that is missing and there is trash inside the duct.
In the first-floor bathroom, there is section of pipe that is broken.
Air duct vent will be replaced. Abandoned pipe will be removed or replaced.

26. Unit 462 - Upstairs Bathroom - SPLC 34.10 (4), 34.34 (3) - Provide a bathroom floor impervious to water. -A section of the floor near the bathtub is damaged and the seal along the edge is cracked and worn.
All floor coverings will be replaced upon tenant vacate
27. Unit 462 - Walls - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner.
In the front left upstairs bedroom, there is a large section of the wall that is damaged. The walls in the front stairway are water damaged. There is leak coming from the attic. Throughout the apartment, there are different walls with damages. There is a large opening in the wall behind the stove.
Upon vacate of tenant all walls repaired and painted
28. Unit 462 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The bedroom windows have been painted making them difficult to open and close.
All windows will be operable



CITY OF SAINT PAUL

September 1, 2021

BRANDEN TURNER
462 BEAUMONT STREET
SAINT PAUL MN 55130

CORRECTION NOTICE - RE-INSPECTION COMPLAINT

RE: 460 BEAUMONT ST
Ref. # 105665

Dear Property Representative:

A re-inspection was made on your building on July 27, 2021, in response to a complaint. You are hereby notified that the following deficiencies must be corrected prior to re-inspection date.

A reinspection will be made on October 4, 2021 at 9:30 AM.

Failure to comply may result in a criminal citation or the revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

DEFICIENCY LIST

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Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: 651-266-8585 and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at Efrayn.Franquiz@ci.stpaul.mn.us or call me at 651-266-8955 between 7:30 a.m. - 9:00 a.m.

Please help to make Saint Paul a safer city in which to live and work.

Sincerely,

Efrayn Franquiz
Fire Safety Inspector

Ref. # 105665