

Dear hearing officer,

We are appealing the revocation of certificate of occupancy and placement on the vacant building list of 1040 Selby Avenue, Saint Paul, MN 55104.

Myself, Lee Cooper, and my wife, Ann Cooper, are paying on contract for deed on this property and are responsible for repairs to the building.

There are two units to the building. Unit A and unit B.

We were operating a takeout restaurant called Cajun Steak and Seafood in unit B from January 2021 through September 7<sup>th</sup> 2022. This was opened with inspections and approval of plan from the city and the state. Unit A side of the building was used for storage only, while we operated out of the unit B side.

In May 2022 we submitted a permit to add a dine in area, taking a small area of unit A and incorporating it into unit B, as well as update the heating system in unit A. The entire building was only electric heat up to this point and the electricity bills were extremely high over the winter. We paid over \$10,000 to the city in permit fees in May 2022 to proceed with this project.

The project was submitted by our contractor, Hung Ly. We signed two separate contracts with Mr. Ly. One for the heat system and one for the new dining area. The contract for the dining area was as follows;

**“50% Deposit at time of signing the contract, 40% after drywall, electrical, and HVAC passed inspection, and 10% at final inspection passed.”**

We paid the first deposit of \$14,300 in May. On July 13<sup>th</sup> Mr. Ly informed us that the work was completed and demanded second payment on the contract. This led us to believe that the required inspections had taken place, as that is what was indicated in the contract for the terms of the second payment. We paid Mr. Ly the second payment just after July 13, 2022.

We were working on correction items listed in a letter from the city dated August 15, 2022 and for re-inspection on August 31<sup>st</sup>, 2022. A number of items on that list were marked as abated by the inspector on August 31<sup>st</sup>. On that date the inspector, Laura Huseby, informed us that inspections required under the permit we had submitted had not taken place. This caught us off guard. After that Mr. Ly worked with the inspectors to schedule inspections for September 8<sup>th</sup>. On September 8<sup>th</sup> the occupancy was revoked for non-compliance, primarily due to lack of having inspections and work completed in a timely manner, and including a new permit required that was identified on that date. However, we were working with Mr. Ly to get the inspections scheduled and caught up and all items remediated and we continue to do so.

I believe the revocation was not necessary, as we have made substantial progress and paid all the permit fees and paid the licensed contractors, whom are now working with the city to resolve the inspection issues to complete the projects. Including that walls finished and painted under the

permitted project have now had one side removed to allow for more thorough inspection, per request of the inspectors, at increased labor and material costs.

We have not operated from September 8<sup>th</sup> through the present, losing substantial income and losing sales taxes paid to the state. We have thrown out thousands of dollars in inventory. We continue to pay utility costs, property taxes, insurance, contract for deed payment, and payments to contractors during this period.

We ask that we be allowed to operate in unit B while we are fixing unit A and not have to go into vacant building list. We will continue to address all items as soon as possible, including keeping better tabs on the contractors to ensure they are properly following the permit inspection process and not just leave it up to them, which was a major factor that led us into these problems.

Thank you,

Lee Cooper