



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 8/4/22

We need the following to process your appeal:

- ☒ \$25 filing fee (non-refundable) (payable to the City of Saint Paul)
(if cash: receipt number waived)
- ☒ 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

EMAILED 8/4/22

HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, 8/9/22

Time: you will be called between

&

Location of Hearing:

Teleconference due to Covid-19 Pandemic

IN-PERSON, ROOM 330

Address Being Appealed:

Number & Street: 1455 Hudson Road #410 City: St Paul State: MN Zip: 55106

Appellant/Applicant: Benjamin Kaufman, SMRLS obo
Marilynn J Dunsmore, tenant Email benjamin.kaufman@smrls.org

Phone Numbers: Business 651-222-5863 Residence _____ Cell 612-829-9872

Signature: Marilynn J Dunsmore Date: 8/3/22

Name of Owner (if other than Appellant): May Bong Tiden Fundamental Holdings, LLC

Mailing Address if Not Appellant's: 1145 Hudson Road, Saint Paul, MN 55106

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why?

Attachments Are Acceptable

- ☒ Vacate Order/Condemnation/
Revocation of Fire C of O

See attachment

- ☐ Summary/Vehicle Abatement
- ☐ Fire C of O Deficiency List/Correction
- ☐ Code Enforcement Correction Notice
- ☐ Vacant Building Registration
- ☐ Other (Fence Variance, Code Compliance, etc.)



SAINT PAUL CENTRAL OFFICE

55 East Fifth Street, Suite 400

Saint Paul, MN 55101

Phone: (651) 222-5863 • Fax: (651) 297-6457

Website: www.smrls.org • Email: central@smrls.org

August 4, 2022

Legislative Hearings
310 City Hall
15 W. Kellogg Blvd.
Saint Paul, MN 55102

Re: Order to Vacate Application Appeal

To whom it may concern:

I am an elder law advocate with the Legal Advocacy for Older People Project, a project of Southern Minnesota Regional Legal Services. I write on behalf of SMRLS' client, Marilynn J. Dunsmore, a resident of Parkway Gardens who received an Order to Vacate based on the Fire Inspection Correction Notice dated 7/29/2022 that is enclosed with this letter along with the Application for Appeal.

Mrs. Dunsmore is a 73-yr-old woman, residing in unit 410, who has not been able to work for the last 20 years due to her disabilities including arthritis in her knees and hip, fused vertebrae, as well as fibromyalgia. For the former, Mrs. Dunsmore had been prescribed Methadone and Oxycontin, which she took since her injury 20 years ago until April of this year when she attempted to quit outright. Additionally, Mrs. Dunsmore recently was forced to suspend her fibromyalgia treatment due to prescription costs. The combination of her disability, injuries, medications, and subsequent withdrawal made it difficult for Mrs. Dunsmore to appreciate the condition of her unit. Together, these circumstances led to the condition of the apartment noted in the Fire Inspection; however, they do not reflect Mrs. Dunsmore's attempts to bring her unit into compliance with the Fire Code since the initial inspection, nor the further steps she has sought to take since receiving the Notice.

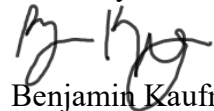
Mrs. Dunsmore's weakened knees, hip, and back slow her efforts to sort through the items giving rise to the code violations, but she has put considerable effort into bringing the unit into compliance. Even prior to the inspection, Mrs. Dunsmore sorted items to be thrown away, donated, or otherwise stored from the large boxes that filled her unit. Mrs. Dunsmore's medication regiment is also more stable, which has allowed her to finish the sorting process. As of the drafting of this letter, she has also been connected with Housecalls. A Housecalls staff member, Diana, agreed that Housecalls will assist her in bringing her unit otherwise into compliance with the identified violations of the fire code. Mrs. Dunsmore's efforts with Housecalls will yield a safe and sanitary unit for which the Order to Vacate will not be necessary. We therefore submit this application of appeal on her behalf.

In filing this application, please let us know the manner of hearing as Mrs. Dunsmore does not have a device that is capable of connecting to the internet. Furthermore, she is preparing for the surgery on the hernia and will be in doctor's appointments next Tuesday, 8/9 which she is unable to reschedule. She has given permission for us to represent her without her presence, but clarification on the scheduling would be greatly appreciated.

We would also ask that the filing fee be waived given that Mrs. Dunsmore's financial circumstances qualify her for our legal assistance.

If you require any additional documentation, please let me know. I can be reached by phone at 651-829-9872 or by email at benjamin.kaufman@smrls.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'B Kaufman', written over the printed name.

Benjamin Kaufman
Elder Law Advocate

Enclosures: Application for Legislative Hearing Appeal, Fire Inspection Correction Notice



CITY OF SAINT PAUL

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/ds

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July 29, 2022

MAY BONG
TILDEN FUNDAMENTAL HOLDINGS LLC
1145 HUDSON ROAD
ST PAUL MN 55106 USA

FIRE INSPECTION CORRECTION NOTICE

RE: 1145 HUDSON ROAD
Ref. #100321
Residential Class: A

Dear Property Representative:

Your building was inspected on July 29, 2022 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made on August 31, 2022 at 11:00A.M..

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

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

DEFICIENCY LIST

1. 108 - Varous locations - MSFC 604.5 - Discontinue use of extension cords used in lieu of permanent wiring.-
2. 109 - SPLC 34.10 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-

3. 109 - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.-Repair or replace the carpeting.
4. 110 - MSFC 1030.1 - Provide and maintain an approved escape window from each sleeping room or area, or discontinue use of area as a sleeping room. This work may require permit(s). Call DSI at (651) 266-8989.-One window is required for emergency escape and rescue in every room used for sleeping without any obstructions
5. 114 - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce 50%
6. 114 - 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.-Repair or replace and maintain an approved private toilet. This work may require a permit(s). Call DSI at (651) 266-8989.
7. 116 - 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.-Repair or replace and maintain an approved private toilet. This work may require a permit(s). Call DSI at (651) 266-8989.
8. 209 - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.-Repair or replace the carpeting.
9. 211 - NEC 240.5(B)(3) - Extension Cord Sets - Flexible cord used in listed extension cord sets shall be considered to be protected when applied within the extension cord listing requirements. - Plug appliance directly to outlet or use approved listed cord.-
10. 217 - SPLC 34.10 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-
11. 313 - Living room - MSFC 604.4 - Discontinue use of all multi-plug adapters.-

12. 317 - SPLC 34.23, MSFC 111.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.-
13. 317 - SPLC 200.02 (a) - No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989-
14. 410 - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.-reduce 80%
15. 410 - SPLC 34.23, MSFC 111.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.-
16. 415 - MSFC 807.3 - Provide documentation that decorative materials have been treated and maintained with an approved flame retardant or remove decorative materials that do not meet the flame retardant requirements.-Remove curtains from all exitways
17. 415 - SPLC 34.10 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-
18. 415 - 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.-Repair or replace and maintain an approved private toilet. This work may require a permit(s). Call DSI at (651) 266-8989.Secure toilet in place
19. 429 - SPLC 34.10 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-
20. 429 - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner.-Repair or replace the carpeting.

21. 439 - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce 50%
22. By unit 315 - MSFC 1013.6.3 - Provide and maintain at least 90 minutes of illumination to the exit signs in case of primary power loss.-
23. SPLC 39.02(c) - Complete and sign the smoke alarm affidavit and return it to this office.
24. MSFC 907.8, NFPA 72 14.3.1 - Provide required annual maintenance of the fire alarm system by a qualified person and provide written documentation to this office as proof of compliance.-

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 this order.

If you have any questions, email me at: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

James Thomas
Fire Safety Inspector

Reference Number 100321