

DEFICIENCY LIST

1. SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. **Premises can only be occupied to comply with these orders until re-inspected and approved by this office.**
2. ROOF COVERINGS OVER THE COMPLEX - SBC 3405.1, SBC 110.2 - Obtain a structural engineer to complete a code analysis and have it reviewed by the St. Paul Building Official. Contact DSI at 651-266-9090. -Several structures have been erected and appear structurally unsound. Submit approved documentation to proof its structural integrity or remove.
3. MSFC 1003.3.1.8 - Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort. -All exit doors leading into the buildings and complex are barred or chained shut. All exits must be openable from the inside of the structures.
4. MSFC 1010.1, 1004.3.1 - Provide and maintain a minimum of 28 inch aisles throughout employee only areas.
5. MSFC 1005.2 - Provide additional means of egress due to an inadequate number of exits.
6. MSFC 2305.1 - Provide and maintain structural integrity and stability of rack storage systems.
7. MSFC 2301.3 - Submit plans and specifications to this office for approval of the installation of the rack storage systems.
8. MSFC 3404.3.3.3 - Class 1, 2, and 3A Flammable/Combustible liquids must not be stored near or be allowed to obstruct physically the route of egress.
9. MSFC 3404.3 - All Class 1 and 2 Flammable/Combustible liquid containers must be stored in the closed condition at all times except when in actual use.
10. SPLC 34.08 (6), 34.31 (4) - Remove the accumulation of exterior storage that creates a nuisance or harbors rodents.
11. MSFC 315.3 - Outside storage of combustible materials shall not be located within 10 feet of a property line. Separation can be reduced to three feet as long as the storage does not exceed six feet in height.
12. SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
13. SPLC 34.09 (1) b,c, 34.32 (1) b,c - 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.
14. SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects. -Office trailer has a visible leak.
15. SPLC 34.09 (3), 34.32 (3) - Repair and maintain the doors in good condition.

16. SPLC 310.02 - Use of this property does may no longer conform to licensing ordinance. Call DSI/Licensing at (651) 266-9090.
17. MSFC 803 - Wall and/or ceiling finishes exceed the code requirements for flame spread ratings. Remove or provide documentation of flame spread compliance. -Tarps in use as dividers.
18. SPLC 34.10 (2), 34.33 - Repair and maintain or remove the damaged or unapproved structures. This will require a building permit; call DSI at (651) 266-9090.
19. SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.
20. MSFC 315.2 - Provide and maintain orderly storage of materials.
21. MSFC 315.2 - Provide and maintain stable piles and stacks of materials
22. MN Stat 299F.18 - Immediately remove and discontinue the excessive accumulation of combustible materials.
23. MSFC 2302.1 - Reduce and maintain storage height to 12 feet or less or provide approved high-piled storage protection.
24. MN Rules 1300.0180 - Immediately discontinue use of unsafe heating appliance until repaired or replaced by a licensed contractor. This work may require a permit(s). Call DSI at (651) 266-9090. Furnace in the warehouse and used oil burner.
25. MSFC 2703.4 - Provide Material Safety Data Sheets on all flammable and combustible liquids, hazardous materials, and chemicals on site. The sheets are to be kept on site in an orderly fashion in a readily accessible area.
26. MSFC 3403.5 - Label all containers with product specific identification. -There are several containers of unknown products throughout the complex.
27. MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway. -Maintain clear aisles and pathways.
28. NFPA 58 - Reduce the propane within the maximum allowable quantities in accordance with NFPA 58.
29. MSFC 2703.3 - Hazardous materials in any quantity shall not be discharged or released on the sidewalk, street, highway, drainage canal, ditch, storm drain, sewer, flood-control channel, lake, river, or the ground. -Evidence of broken fluorescent bulbs and other unknown products on the ground.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

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: (651-266-8688) and must be filed within 10 days of the date of the original orders.

E. J. LIQUIDATION

315 Larch Street

St. Paul, Minnesota 55117

Phone: (651) 488-4818 - Fax: (651) 488-3260

E-mail: jmnej@aol.com

22 of these are completed and 6 we are waiting for clarification from inspector noise.

#1 is not a deficiency it is a statement.

#2 awaiting clarification from inspector noise.
not completed (we removed most of them,
have 2 more to disassemble. Should have
them disassembled within the next 30 days.)
same as #18

#3 Completed 4/10

#4 Completed

#5 awaiting clarification from inspector noise

#6 Completed

#7 awaiting clarification from inspector noise (
indoor/ outdoor file cabinets other....

#8 Completed

#9 Completed

#10 Completed

#11 Completed (from the pictures inspector
noise provided indicating the 20 gallon plastic
drums specifically, they have been removed.)

#12 Completed (and ongoing as garbage is
generated)

#13 Completed 06/10(after the clarification as
to what he was referring to in 05/10)

#14 Completed 05/10

#15 in limbo, inspector noise has not stated
what door/s needs to be repaired/kept in good

condition

#16 completed on 04/10 licensing said no
problems.

#17 Completed 4/10

#18 awaiting clarification from inspector noise.
not completed (we removed most of them,
have 2 more to disassemble. Should have
them disassembled within the next 30 days.)
same as #2

#19 completed (ongoing...cleaning as needed)

#20 completed and ongoing

#21 completed and ongoing

#22 completed? We have sold over %50 of the
wall panels that inspector noise indicated were
excessive.

#23 completed... none of our racking is over 12'
it was never over 12'

#24 Completed 5/2010

#25 in process

#26 completed on or before 6/10 in
compliance with ramsey county EPA

#27 completed...on or before 6/10

#28 completed 3/11

#29 completed we have followed through will
all ramsey county epa requirements and have

received approval and renewals from ramsey
county mn EPA.

The
DUGGINS

Law Firm, LLC

Marcia Moermond, Legislative Hearing Officer
310 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1615

May 27, 2011

RE: Appeal relative to the property at 315 Larch Street

Dear Officer Marcia:

My client, Mr. Norris Sr., is in the process of complying with your requirements relevant to the above captioned property. We intend to submit a list of those items on the 2010 list of concerns from A.J. Neis. We will also be submitting a list of the uncompleted items and a work plan relative to each of the uncompleted items.

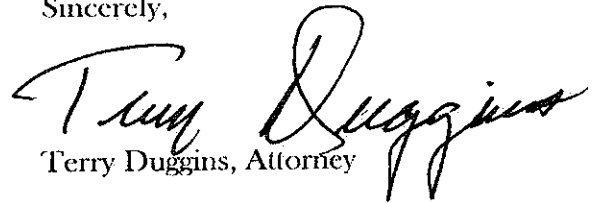
However, the large number of the photographs which you ordered your staff to provide to Mr. Norris Sr., have not been provided to him or my office. Therefore, he will not be able to provide a firm completion date for the items involved in these photographs. It is his intention to address each of these items when the information you ordered your staff to provide has been provided.

Mr. Norris Sr., has contacted several professional engineers about the code analysis which was requested. He wants to provide the city with the code analysis. However, the information received so far is not specific enough for any of the professional engineers to go forward.

It is not clear whether the Fire Inspector's concerns relate to the "structural integrity and code compliance of the roof coverings/structures" from the position of a possible fire hazard or a possible violation of different nature. Mr. Norris Sr., would appreciate a clarification of the requested code analysis from the fire department, or the other governmental entities, if they might be involved in his concerns.

Please provide me with any questions or input so that I can promptly review your information with Mr. Norris Sr. Additionally, when can we expect to receive the multiple photographs mentioned in the hearing? If you have any question please feel free to contact me.

Sincerely,


Terry Duggins, Attorney

Enclosures:

- May 19, 2011 letter from Legislative Hearing Officer Marcia Moermond to Terry Duggins
- May 13, 2011 letter from John Norris Sr. to A.J. Neis
- May 16, 2011 email from A.J. Neis to John Norris Sr.

The Duggins Law Firm, LLC

Phone: 651-490-0222

The Lowry Building
Saint Paul, MN 55102

By Appointment

350 St. Peter Street, Ste. 224

Fax: 651-254-1032

Inspector Neise

After the meeting earlier this week we have talked to several professional engineers asking for the code analysis, that was requested. They are not sure what you are asking for. We called the building plans examiners as recommended (651) 266-9074 and 266-9075. They told us that you are the only person that could specify "code analysis" this was followed up with speaking with Mai Vang who also referred us back to you.

Please expand on what is required for this analysis. Please be specific.

Of special concern are the numerous deficiencies that HAVE been addressed/ corrected and have been in compliance for over a year. It doesn't seem to matter that this has been done, and has been done for a long time.

thanks

John Norris Jr

terry@dugginslawfirm.com

From: john norris [jjselling007@gmail.com]
Sent: Thursday, May 26, 2011 5:31 PM
To: terry@dugginslawfirm.com
Subject: Fwd: question

----- Forwarded message -----

From: **Adrian Neis** <Adrian.Neis@ci.stpaul.mn.us>
Date: Mon, May 16, 2011 at 3:18 PM
Subject: Re: question
To: "norris, john" <jjselling007@gmail.com>
Cc: "Moermond, Marcia" <Marcia.Moermond@ci.stpaul.mn.us>, "Owens, Phil" <Phil.Owens@ci.stpaul.mn.us>, "Shaff, Leanna" <Leanna.Shaff@ci.stpaul.mn.us>, "Vang, Mai" <Mai.Vang@ci.stpaul.mn.us>, "Wiese, Angie" <Angie.Wiese@ci.stpaul.mn.us>

Mr. Norris,

The code analysis is to determine the structural integrity and code compliance of the roof coverings/structures.

In regards to your concern of the numerous items that have been completed over the past year, you can request me to make an inspection of your property per the Legislative Hearing Officer. If you would like to set up an inspection, please let me know.

Thanks,

A.J. Neis
Fire Inspector
City of St. Paul
375 Jackson St. Suite 220
St. Paul, MN 55101

651-266-8992 telephone
651-266-8951 fax

>>> john norris <jjselling007@gmail.com> 5/13/2011 3:33 PM >>>
the paper letter to follow via usps.

Thanks

John jr

The
DUGGINS

Law Firm, LLC

Marcia Moermond, Legislative Hearing Officer
310 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102-1615

May 31, 2011

RE: Appeal relative to the property at 315 Larch Street

Dear Officer Marcia:

My client, Mr. Norris Sr., is in the process of complying with your requirements relevant to the above captioned property. Attached, please find a list of those items on the 2010 list of concerns from A.J. Neis, which we believe have been completed and those that are not completed. Mr. Norris has indicated the reason for non-completion of the six items.

Mr. Norris has not been able to provide specific dates for some of the items due to lack of specific information relative to the Fire Code. I am requesting that Inspector Neis provide Mr. Norris with the Section/Sub-Section of the Fire Code for each of the items on his 2010 list. This will enable my client to compare his corrections to the requirements in the specific Sections of the Fire Code which are the basis for the corrected items and the remaining items. If there are additional efforts needed to bring the corrected items into compliance, he will then be in a position to know what additional efforts are needed for compliance.

However, the large number of the photographs which you ordered your staff to provide to Mr. Norris Sr., have not been provided to him or my office. Therefore, he is not be able to provide a firm completion date for the items involved in these photographs.

Mr. Norris Jr., has contacted several professional engineers about the code analysis which was requested. He wants to provide the city with the code analysis. However, the information received so far is not specific enough for any of the professional engineers to go forward.

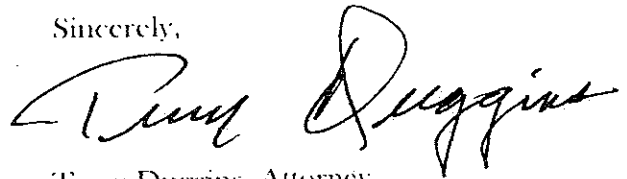
Those professional engineers are:

- | | | |
|----|-------------------------------|--------------|
| 1. | McPete Design | 651-406-8200 |
| 2. | Guy Engineering | 952-933-6161 |
| 3. | L.S. Black Engineering (Jack) | 651-774-8175 |
| 4. | BDM Consulting | 612-548-3134 |
| 5. | George | 612-379-8089 |

None of these individuals were able to proceed, based on the limited information Mr. Norris has at this time. Therefore, he contacted Frank, a Senior Plans Analyst in the City of Saint Paul's Building Inspectors Office. He referred Mr. Norris to Mai Vang in your office. My client was then referred back to Inspector Neis for the requested clarifications. I will appreciate receiving the above requested information and photographs prior to, or at the Meeting on June 1, 2011.

If you have any question please feel free to contact me.

Sincerely,



Terry Duggins, Attorney

The Duggins Law Firm, LLC

Phone: 651-490-0222

The Lowry Building
Saint Paul, MN 55102

By Appointment

350 St. Peter Street, Ste. 224

Fax: 651-254-1032

Memorandum

To: Terry Duggins

From: Jude Schmit

Date: July 5, 2011

Re: E.J. Liquidation - City Council Meeting

Issue

Whether E.J. Liquidation can fully comply with the “Deficiency” List set forth by Inspector Neis?

Discussion

1. *Ongoing Deficiencies*

At first glance, Inspector Neis’ “deficiency” list seems to run the gamut with regard to local fire codes. Upon examination of this list, however, it is apparent that many of these items are ongoing tasks that cannot be completed by a set deadline. Such tasks are addressed daily as part of the daily business operations. The following list of tasks were “completed” shortly after Inspector Neis’ report and are continually “completed”:

- a. MSFC 1010.1, 1004.3.1 - Provide and Maintain a minimum of 28 inch aisles throughout employee only areas.
- b. SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
- c. SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.
- d. MSFC 315.2 - Provide and maintain orderly storage of materials.
- e. MSFC 315.2 - Provide and maintain stable piles and stacks of materials.

2. *Deficiencies in Progress of Compliance*

E.J. Liquidation has diligently addressed the items listed by Inspector Neis. Completing many of these items, however, has been a very time-consuming effort. E.J. Liquidation has, in fact, expended over 1,400 hours of labor in doing so. The following list indicates the progress made since the items came to light in April of 2010:

- a.** MN Stat. 299F.18 - Immediately remove and discontinue the excessive accumulation of combustible materials.
 - i.** Explanation: Inspector Neis was specifically referring to the plastic drums stored inside and outside of E.J. Liquidation. When the item was listed, E.J. Liquidation took action and began donating these drums to the Minnesota Horticulture Society. Only around 40 of these plastic drums remain at E.J. Liquidation of the approximately 700 drums that were in place when the item was listed.
- b.** SPLC 34.08(6), 34.31 (4) - Remove the accumulation of exterior storage that creates a nuisance or harbors rodents.
 - i.** Explanation: In particular, Inspector Neis was referring to the wall panels that E.J. Liquidation had accumulated over time. There are less than 100 panels left of the 400 panels present when the initially list was given to E.J. Liquidation.

3. *Impossible to Complete Deficiency*

The deficiency highlighted by Inspector Neis, under SPLC 310.02, indicates that “use of this property may no longer conform to licensing ordinance.” E.J. Liquidation cannot comply with this item because the property has been condemned. In April of 2010, E.J. Liquidation

attempted to conform to the local licensing ordinance by paying the requisite fee. The check payment, however, was sent back because the business had been recently condemned. Because E.J. Liquidation cannot meet the licensing ordinance, it is impossible to comply with this item.

Conclusion

Inspector Neis' "deficiency" list provides E.J. Liquidation with a guide for escaping condemnation. Many of the items, however, are ongoing tasks that any business will encounter on a continual basis. Some of the highlighted deficiencies, in fact, are impossible to complete because they need to be clarified. E.J. Liquidation has either completed or made significant progress on a majority of the items.

Apr 2010

Mr. Norris complied with the following: MSFC 1003.3.1.8 - remove unapproved locks from the exits doors; MSFC 34.03.3.3.3 - Class 1, 2 and 3A Flammable/Combustible liquids must not be stored near or be allowed to obstruct physically the route of egress; SPLC 310.02 - ensuring use of property falls within the license ordinance; and MSFC 803 - wall and/or ceiling finishes fall within the code requirements for flame spread ratings. See Exhibit 1 (Numbers 3, 8, 16, and 17).

May 2010

Mr. Norris complied with the following: MSFC 1010.1 and 1004.3.1 - provide and maintain a minimum of 28 inch aisles throughout employee-only areas. Mr. Norris contends that the aisles were, despite Inspector Neils' claims, 32 to 36 inches; SPLC 34.09 (1) (e) and 34.32 (1) (d) - provide and maintain the roof weather tight and free from defects; MN Rules 1300.0180 - discontinue use of unsafe heating appliance (furnace in warehouse and used oil burner). See Exhibit 1 (Numbers 4, 14, and 24).

Jun 2010

Mr. Norris comp 2305.1 - provide and stability of r 34.09 (1)b and c maintain all exte deterioration. Al surfaces must b elements and m manner free fro MSFC 3403.5 - specific identifi the materials th See Exhibit 1 (N

Apr 1, 2010

Apr 2, 2010

May 1, 2010

May 2, 2010

E.J. Liquidation Tii

Apr 2010 to Jul 5, 2011

Mr. Norris maintains that the following "deficiencies" denoted by Inspector Neis are completed on an ongoing basis: SPLC 34.08 (1) and 34.31 (1) - all exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces; SPLC 34.10 (5), 34.33 (4), and 34.16 - provide and maintain interior in a clean and sanitary condition; MSFC 315.2 - provide and maintain orderly storage of materials; MSFC 315.2 - provide and maintain stable piles and stacks of materials. See Exhibit 1 (Numbers 12, 19, 20, and 21).

Mar 2011

Mr. Norris compli
reducing the prop
allowable quanti
See Exhibit 1 (nu

Aug 2010

Mr. Norris complied with the following: MSFC 3404.3 - all Class 1 and 2 Flammable/Combustible liquid containers must be stored in the closed condition at all times except when in actual use; SPLC 34.08 (6), 34.31 (4) - remove the accumulation of exterior storage that creates a nuisance or harbors rodents; and MSFC 315.3 - outside storage of combustible materials shall not be located within 10 feet of a property line. See Exhibit 1 (numbers 9, 10 and 11).

Jun 2010

Mr. Norris complied with the following: MSFC 2305.1 - provide and maintain structural integrity and stability of rack storage systems; SPLC 34.09 (1)b and c, 34.32 (1)b and c - 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; MSFC 3403.5 - label all containers with product specific identification; MSFC 1011.2 - remove the materials that cause an exit obstruction. See Exhibit 1 (Numbers 6, 13, 26, and 27).

May 2, 2010

Jun 1, 2010

Jun 2, 2010

Aug 1, 2010

Aug 2, 2010

May 31, 2011

Correspondence between Attorney Duggins and Marcia Moermond. This letter expounds upon the May 27th letter and again asks for specific information to enable Mr. Norris to rectify certain "deficiencies." See Exhibit 3.

2011

May 31, 2011

Jun 1, 2011

Jul 5, 2011