

November 19, 2024

Cal Prince
802 Benton Street
Anoka, MN 55303

RE: Notice of Administrative Citation Hearing Decision
CE1326883 issued September 12, 2024
4336 Columbus Avenue

To Whom It May Concern,

We have received the Hearing Officer's determination regarding the above referenced appeal hearing. A copy of the decision is enclosed.

If a payment is due, you can call (612) 673-2555 to make a payment with a credit or debit card. You can also pay by check by mailing a check payable to the Minneapolis Finance Department to:

**City of Minneapolis
Inspections Services Fees & Fines
505 4th Avenue South, Room 510A
Minneapolis, MN 55415**

Payments are due within 30 days of the hearing officer's order. Please be aware that citations that remain unpaid for over 30 days will be increased by 10% as a late payment fee, and citations that are partially stayed may be due in full if the reduced amount is not received.

This ruling may be appealed to the Minnesota State Court of Appeals. You can contact them at 651.291.5297 or visit mncourts.gov for more information.

If you have any questions regarding this decision, visit minneapolismn.gov/hearings or call me at 612.673.2306.

Sincerely,



Nick Magrino
Legal Coordinator
Administrative Hearings

CITY OF MINNEAPOLIS
BEFORE THE ADMINISTRATIVE HEARING OFFICER
FOR THE DEPARTMENT OF REGULATORY SERVICES

In the matter of the Administrative Citation:

CE1326883
September 12, 2024
4336 Columbus Avenue

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER**

Issued to:

Cal Prince

Respondent.

The above entitled matter came on for hearing before Administrative Hearing Officer Inti Martínez-Alemán on Friday, November 8, 2024, at 10:00 a.m. at Minneapolis City Hall, Room 1A, Minneapolis, Minnesota. The City was represented by Ryan Flanagan, Lead Housing Inspector. The Respondent, Cal Prince, ☒ was ☐ was not present in the Courtroom.

Based upon the entire record and testimony received, the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

Respondent has been issued the following charges for which they received proper notice:

An Administrative Citation CE1326883 dated September 12, 2024 for violation of Minneapolis Code of Ordinances 87.90(f):

Minneapolis Code of Ordinances 240.100. **Renovation and remodeling.** Whenever the commissioner of health, the fire chief, or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of a rental dwelling, rooming house or lodging establishment constructed prior to January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the following requirements:

- (1) That a person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, provide proof of certification in renovation and remodeling from an accredited training source pursuant to the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745, prior to or upon completion and inspection of the repair work.

Minneapolis Code of Ordinances 244.435. **Heating facilities performance inspection and energy audit required.** (a) The owner of any dwelling or dwellings required to possess a rental dwelling, rooming house, or lodging establishment license shall obtain at the owner's expense, a heating facilities performance inspection from a city-licensed mechanical or gas contractor or a boiler operator licensed by the State of Minnesota. The inspection shall verify that any combustion fuel heating plant in excess of ten (10) years of age complies with the "Heating, Ventilation and Cooling Performance Safety Check" requirements published, maintained and made readily available by the director of regulatory services. In addition to any other requirements adopted by the director, it shall be required that combustion make up air with a properly functioning air trap be installed for all combustion water heaters and heating plants in compliance with standards established by the Minnesota Fuel Gas Code. Should the initial inspection indicate that the dwelling or dwellings fail to meet any standard required pursuant to this section, the owner shall take necessary remedial action to abate the deficiency and obtain a reinspection documenting compliance with all requirements. Proof of a satisfactory inspection occurring within the previous two (2) years shall be required upon the occurrence of the regularly-scheduled periodic rental licensing inspection for the property. If proof of a satisfactory inspection is not provided upon the occurrence of the regularly-scheduled periodic rental licensing inspection, the owner shall be

ordered to provide such documentation or to obtain and submit proof of a satisfactory inspection within a reasonable timeframe, not less than thirty (30) days, as established by the director of regulatory services, and may not be deemed to have violated this section nor be subject to any penalties until the expiration of such time. The owner shall submit upon request to the director of regulatory services all applicable and necessary information documenting compliance with this section. This section shall not apply to any combustion fuel heating plant or boiler system already required to undergo periodic inspection by any agency of the State of Minnesota.

Minneapolis Code of Ordinances 244.450. **Screens.** Openable windows in each habitable room shall be supplied with a screen. Such screens shall have a mesh of not less than number fourteen (14) and shall be hung not later than May first of each year; provided, however, that such screens shall not be required in rooms located more than fifty (50) feet above ground level. Other such screening may be required by the director of inspections when deemed necessary for insect control or safety of persons.

Minneapolis Code of Ordinances 244.500. **Foundations, roofs, exterior walls and surfaces.** (a) All exterior surfaces shall be of a material manufactured or processed specifically for use in such a weather-exposed location, including redwood and other naturally suitable materials, and every exterior wall, chimney, foundation and roof shall be reasonably weathertight, watertight and rodentproof; and shall be kept in a professional state of maintenance and repair. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood or other material that is extensive and gives evidence of long neglect. Exterior surfaces and surface coverings, such as but not limited to wood, cellulose insulation, and paper, paint, and other wall coverings, including paper-faced gypsum board, shall have no signs of visible mold growth or chronic or persistent excessive dampness or moisture.

Minneapolis Code of Ordinances 244.510. **Interior.** (a) Every interior partition, wall, floor, door, window, trim surface, radiator and ceiling shall be kept in a professional state of repair. In other than owner-occupied dwellings such interior partitions, walls and ceilings shall be provided with an interior finish material specifically manufactured for, and intended to be used as, an interior finished surface. Walls, floors and ceilings that are required to be fire rated by new construction regulations shall be maintained and repaired to prevent a lowering of the resistance to fire or the spread of fire. In addition, maintenance and repairs to walls, floors and ceilings separating dwelling units, or dwelling units from public corridors or stairways shall be done in a manner which will not reduce the sound transmission class of such walls, floors or ceilings. Dwelling unit doors leading to communal, shared or public areas, when replaced, shall be replaced with an approved solid core door not less than one and three-eighths (1 $\frac{3}{8}$) inches in thickness. For the purposes of this section, professional state of repair shall apply to the repair and application of interior finishes. Interior finishes shall meet the flame spread classification set forth in Chapter 42 of the Building Code when such interior finishes are hereafter altered, refinished, repaired or replaced. Bathroom and toilet room floor surfaces shall be reasonably impervious to moisture.

Minneapolis Code of Ordinances 244.530. **Windows, exterior doors, hatchways.** Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof; and shall be kept in a professional state of maintenance and repair. Every exterior window or door of habitable rooms, bath and toilet rooms shall be supplied with a storm window or storm door or the equivalent for ventilation, light and insulation. Unless otherwise provided for by written agreement, the owner or operator shall install such storm windows and storm doors not later than November first of each year. Such written agreements shall be applicable only to one- and two-family dwellings. All exterior doors of dwellings, except those which are required to be

outswinging based on occupant load, shall be provided with a storm door unless the principal door has an "R" value of two (2) or more.

Minneapolis Code of Ordinances 244.1560. **Construction, maintenance of nondwelling structures.** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every nondwelling structure shall be so constructed and maintained as to prevent the structure from becoming a harborage for rats. Each entranceway for persons or vehicles in any such structure on residential property shall have exterior doors. All such structures and exterior doors shall be kept in good workmanlike state of maintenance and repair. All exterior surfaces of nondwelling structures shall be of a material manufactured or processed specifically for use in such a weather-exposed location. Nondwelling structures shall not be used for the storage of garbage or rubbish unless such garbage or rubbish is placed in an approved container or stored in a manner so as not to constitute a health or safety hazard.

For which the prescribed and recommended penalty is five hundred dollars (\$500.00).

- ☒ The Administrative Hearing Officer hereby adopts the facts as submitted by the City.
- ☐ The Administrative Hearing Officer hereby adopts the facts as submitted by the City with the following changes:
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- ☐ The Administrative Hearing Officer rejects the facts as submitted by the City;
- ☐ The Administrative Hearing Officer hereby finds that the actual costs of enforcement have been shown to be greater than the amount of the scheduled fine.
- ☐ The Respondent is in default.

Based upon the foregoing Findings of Fact, the Administrative Hearing Officer makes the following:

CONCLUSIONS OF LAW

1. The City of Minneapolis Department of Regulatory Services and the Administrative Hearing Officer have subject matter jurisdiction pursuant to City Ordinance.
2. The Respondent was given timely and proper notice of the hearing in this matter.
3. The City has complied with all relevant substantive and procedural requirements of statute and rule.
4. The Administrative Hearing Officer has considered the duration, frequency of reoccurrence, seriousness, and history of the violation; the appellant's conduct after issuance of notice of hearing and good faith effort to comply; the impact of the penalty on the appellant and the impact of the violation on the community; the appellant's record of prior City code violations and other factors appropriate to a just result, and;
5. An order is in the public interest.

Based upon the foregoing Conclusions, the Administrative Hearing Officer makes the following:

ORDER

☒ Respondent shall pay to the City a civil penalty in the amount of \$ 500.00.

☐ Additional \$ _____ enforcement costs due.

☒ \$ 250.00 is stayed pending:

☐ the order is completed to the satisfaction of the City by _____.

☒ \$ 250.00 is paid by Nov. 22, 2024

☐ _____

☒ there be no further violations for one year. (some or similar) at this property.

☐ _____

☐ This citation(s) is dismissed.

EXPLANATION/REASONING

SO ORDERED.

By: _____

INTI MARTÍNEZ-ALEMÁN
ADMINISTRATIVE HEARING OFFICER

Dated: 11/03/2024

Prince CE1326883