

Kimberley Bukstein

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FAX to 651-266-8574For City Council Meeting **March 7 2012****Re: ITEM 104 RLH TA 12-124**

Amending Council File No. RLH AR 11-139 to reduce the assessment for Property Cleanup Services from October 1 to 31, 2011 at 1383 MINNEHAHA AVENUE EAST, (File No. J1204A, Assessment No. 128503)

Sponsors: Lantry

Attachments

1383 Minnehaha Ave E.Work Orders.10-26-11.pdf

1383 Minnehaha Ave E.Email.9-14-11.pdf

Attn City Counsel,

In regard to the matter underlying **Item #104**, Mr. Westby states inspector James Thomas has acted improperly in regard to this case and that:

- 1) Mr. Thomas refuses to tell Mr. Westby who it was that let him into the locked property to perform the original inspections.
- 2.) Mr. Thomas refuses to return phone calls or explain his actions in anyway.
- 3) The violations Mr. Thomas cites in his reports vary from inspection to inspection, in are ever increasing in number.
- 4) Many of these violations are trivial and considering the inspector Thomas's conduct are a form of harassment rather than any true concern for public health and safety.

Around March of last year Mr. Westby went to Mr. Thomas's supervisor Leanne Shaft expressing these concerns and asking for information how to proceed. Ms. Shaft was hostile and belligerent and twice hung the phone on Mr. Westby.

A citizen has the right to petition government for remedy and redress without fear of reprisal or retribution from public officials. Mr. Thomas and Ms. Shaft both work for the City of Saint Paul and appear to be violating that right. Their conduct is definitely discriminatory and retaliatory against Mr. Westby for expressing valid concerns.

Mr. Westby has been given the run around at every level of this process, he is not being given information in writing nor provided answers to his concerns. He has been told he has "no right to live on the property" and that it is being taken from him. This appears to be entirely without due process or reasonable opportunity for appeal.

There appears to be a complete lack of a grievance procedure. If there is such a procedure Mr. Westby is not being afforded that opportunity. Lack of a proper grievance procedure violates state and federal mandates.

Mr. Westby states that to resolve this problem he is *told* he must request a code compliance inspection at a cost of \$450.00. However the true reason for the inspection stems from Mr. Thomas's misconduct and retaliatory acts.

The city has been provided copy of the most recent truth in housing inspection report which indicates there is nothing wrong with the property, but this report is being ignored. The city also has been provided a furnace compliance inspection report provided to Dave Nelmark who after telling Mr. Westby this would resolve the issue now claims it will not and refuses to provide clarification of reasons for reversal of his views.

Mr. Westby questions why is his right to occupy the home is being denied and why is he being told that if he is to be permitted to live in the home he owns he must pay \$450 for a compliance inspection, as a result of Mr. Thomas retaliatory acts?

Mr. Westby states that when he called Mr. Thomas the first time back in June 2010 he informed Mr. Thomas the neighbors had a key but they are not authorized to live there, and that he was working with the mortgage company to establish a forbearance of foreclosure. However from that point forward Mr. Thomas has exploited the situation in a highly unethical way and Mr. Westby discovered he had already gained access to the property without permission or notice to Mr. Westby.

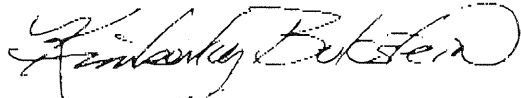
From this advocates observation Mr. Westby's rights are being trampled, Mr. Westby's appears to be targeted for retaliation and discrimination by city inspectors, who display a "**pattern and practice**" of disparate treatment and fail to follow established guidelines. These inspectors appear to be engaging in misconduct for improper purpose and for personal gain. Clearly Mr. Westby rights are being denied, all reasonable means for remedy and redress thwarted and throughout this process Mr. Westby has been treated with scorn. This situation is shameful and the City Council has a duty and obligation to address this problem for proper resolution.

RECOMMENDATION:

1. The subject property be reduced to a Vacant building Status 1,
2. Mr. Westby's right to occupy the property be restored.
3. The truth in housing findings acknowledged; that this property has no evidence of health and safety concerns.
4. No further sanction or hostile act be taken against Mr. Westby in any way, including retaliation or threats from city inspectors.

Furthermore, the City Council needs to investigate the conduct and practices of these employee inspectors in question, James Thomas, Leanne Shaft and others and take steps to address misconduct.

Respectfully Submitted,



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Randy Westby, homeowner