



# City of Saint Paul

City Hall and Court House  
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## Master

**File Number: RLH CO 16-35**

**File ID:** RLH CO 16-35      **Type:** Resolution LH Correction Order      **Status:** Passed

**Version:** 3      **Contact Number:**      **In Control:** City Council

**File Created:** 08/26/2016

**File Name:** 1595 Blair Avenue      **Final Action:** 01/04/2017

**Title:** Appeal of Marjorie Conrad to a Correction Notice at 1595 BLAIR AVENUE.

### Notes:

**Agenda Date:** 01/04/2017

**Agenda Number:** 48

**Sponsors:** Stark

**Enactment Date:**

**Attachments:** 1595 Blair Ave.appeal.8-26-16, 1595 Blair Ave.Conrad. Ltr.9-8-16, 1595 Blair Ave.Conrad. Revised Ltr.9-28-16, 1595 Blair Ave.Conrad Ltr.12-15-16, 1595 Blair Ave.Court Docs.10-10-16

**Financials Included?:**

**Contact Name:**

**Hearing Date:**

**Entered by:** Racquel.Naylor@ci.stpaul.mn.us

**Ord Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Legislative Hearings	09/06/2016	Referred	City Council	10/05/2016		
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**Action Text:** Referred to the City Council due back on 10/5/2016

**Notes:** *Marjorie Conrad, owner, appeared.*

*Inspector Lisa Martin:*

*-on Aug 16, 2016 we issued Orders for a siding project that is not completely done; we gave her until Sep 30, 2016 to complete this work; however, it's been brought to our attention that she has had quite a history with a bad contractor, unfortunately, this dates back to 2012; she had pulled a bldg permit and did some repairs; at this point, the siding is under dispute*

*-I talked with Ms. Conrad who explained the situation to me and I had extended the Orders to Sep 30; in the meantime, she had spoken with Deputy Director Travis Bistodeau, who was going to give her to May 1, 2017; after further discussion with other people in the dept, it was brought to our attention that this was something that should be before Legislative Hearings in order to determine what the plan was going to be; so, we are here today*

*Ms. Conrad:*

*-I'm pretty much a rule person; I like rules; I went to law school but everybody else is not doing their job and I am struggling to put it all back together; and I'm doing it with a brain disability*

*-in 2011, some kid had a seizure and hit my garage and knocked it down; he died a month later from complications; my insurance came out and said that I should do my siding, so I hired a contractor who*

talked me into doing my roof; after I hired him, he started to work on my house; I'm looking at the work and thinking 'something's not right;' I had several other siding people come to me but prior to my terminating the contractor, I had talked to him extensively on the phone and he had several others contact him, as well; at some point, he hired someone new and the new guy was doing a better job but he still wasn't doing it properly; the contractor Tim Holden was becoming abusive; he was allowing people to wander onto her property; so, I called SPPD and they told him to remove these people from my property; the officer said to fire the guy; I wrote a letter firing him-and she was relieved; she mailed one letter; dropped one at his office and dropped another at his house; by the time, she got home, he had already filed a false police report against me saying that I had insulted him; then SPPD came to my house just to ask questions and realized it was too much crap and they left; on the following Mon, I went down to the police dept and filed a citizen's complaint with a witness; the whole thing was discharged and expunged after considerable expense and stress for me; so, I had to hire an attorney; the contractor made up a crazy story; I had 3 neighbors who testified against him; then, my attorney wasn't doing his job and so, I started a lawsuit and his attorney started a foreclosure lawsuit; then, in 2013, my attorney dropped the ball; the other attorney forced him to withdraw; afterward, I went thru 68 attorneys trying to find one who would take my case because the other side had created so many obstacles to clog it up and slow me down; by the time I found someone, it was Fri and I couldn't turn in any evidence because my first attorney hadn't gotten things in on time; I had to schedule with a judge, Judge Oxby, who combined our cases; we sat down and agreed to give a judgement to the supplier; he never paid the supplier with the money that I paid him, which is a crime but he was never punished; at this point, he knew this work was unwarrantable because ....

Ms. Moermond:

-excuse me; I'm assuming that the "guy" you're talking about is Tim Holden

Ms. Conrad:

-yes

-in 2013, we gave the judgement to ABC Supply so they could come after both of us; so this foreclosure was done; he couldn't give me a lien; he failed to perfect that whole section of the process -we agreed to stipulate to arbitration and in the meantime, and during all of this, I'm trying to put my life back together because I had 2 brain hemorrhages in 2008; I'm learning to walk, talk, speak, everything; I was starting from scratch; and I have Holden stalking me and leaving nails in my driveway, video-taping me in my yard, trying to hit me with his truck - I have that on video; I have a lot of stuff on video; I called the cops and complained and they said, "Oh, there's nothing we can do; he hasn't committed a crime," but then, they have Social Services call me back to ask me if I'm OK - that's so inappropriate, I can't believe that just happened

-so, I'm dealing with all this and then, my attorney died (the 2nd attorney that I hired) a month before arbitration; I got another attorney to fill in at the last minute; at arbitration, the arbitrator decides that Holden should have a windfall because the city building inspector never gave him a written Correction Order before I fired him; at some point, the city did send him a letter saying that his work needed to be corrected; that it was woefully inadequate; he also got a letter from the building supply company - there was a 5-page report on what he did wrong so they weren't going to warrant it; under the building code, it has to be warranted; you can't do unwarrantable work and you can't bring a lien if you know your work is unwarrantable

-fast forward to 2014 - Holden won the equity award and I filed bankruptcy because he never documented it and he was driving me crazy: standing outside my house doing all this weird stuff; driving by 6 times a day and he still does that

-I filed bankruptcy and that stopped any judgement that he would have gotten from that arbitration award; so, I was awarded the bankruptcy in Nov 2014; then, the trustee didn't close it until Sep 28, 2015; but during that entire time, I had no access to any funds; the trustee was holding any money that I had and I don't have any money; I live on \$33,000 a year; I just happened to be already established when these things happened to me

-and prior to that, Holden had all the money because the checks came directly from Farmers Insurance to me and my mortgage company and I signed them over to them and they released the funds to me and Holden; the first 2 checks I got, I signed over to Holden and he cashed them; he had \$30,000+ in his pocket and he spent only \$20,000; he never paid for the supplies

-Sep 2015, I contacted my mortgage company, my attorney and I had a builder ready to go; I signed a contract with him but the mortgage company said that they could not release the money because of the lien and Farmers Insurance wasn't going to pay out depreciation because it took too long; so, I'm wondering how I'm supposed to do this

-I found a contractor who was going to do the work on the side - after each of his own projects - when he had time; he started Jan 1, 2016 and finished sometime in Jun; it was signed off - a nice garage (has photo); all the bldg materials that were in my yard are now in the garage; I seeded grass and yard looks great; got all the junk out-had garage sales

-we sent a letter to Holden last Sep asking him to remove his lien but he refused  
-we had repaired the roof by someone else, who did a great job; a few things are already to go with the siding like the dormer flashing; we are just waiting for this lien  
-Charley Durenburger, Dept of Labor & Industry, says that he doesn't want to pursue Mr. Holden for any reason because he sees him as a victim and is not going to hold him accountable; however, I'm being held accountable for my house; I'm being threatened on the phone that I've committed a crime, etc; I'm trying to hold everything together and everyone else is falling thru the cracks  
-since this legal stuff has stopped, I have been diligent: I've put up the garage and put in the driveway; my fence is up; the gardening is done; the drainage is good, you name it; it's all done  
-my house is completely sided with cedar and on top of the cedar, about 50% if the house is LP SmartSide; there's no leaking; it's all sealed up  
-I spoke to another attorney who said that it is a violation of law and a violation of his license for Holden to maintain a malicious lien; and it's the Dept of Labor Industry's job to send him a letter telling him that he has to release it but they are refusing to do so; I don't have \$5000 to pay an attorney to do a quiet title, which isn't even necessary in this case; Holden just needs to go down and file those 2 documents; if you can get him to do that, as the law requires, I can get this work done by the end of Nov  
-but I'm not a super power here; I'm just 1 person with a disability and limited funds who's just following all the rules and nobody else it; so, it's really difficult for me to do a job when I'm picking up the pieces that everybody else is dropping; so, I really don't know at this point, what you guys are asking me when you sent this; I really don't know because there are no leaks in the siding; that is siding; that's siding with siding over it

Ms. Moermond:

-have you approached your state representative or senator or the governor's office:

Ms. Conrad:

-everyone sends me back to Charley  
-at this point, someone is going to have to give me help; I need help  
-can you send Charley Durenburger a letter? If the state would just do it's job, none of this would have happened  
-all the free services are done making their decisions in Jun for the this year; they're taking applications for next year; and my income is over by about \$3000 for any "free" money/work  
-what do I do?

Ms. Moermond:

-we've got to figure out a plan; I'm not opposed to going into next year  
-PED may have some financing programs to help do rehab projects  
-it's outside the authority of DSI's Deputy Director to be granting extensions of greater length  
-and I need to show reasonable steps to be taken if I recommend an extension of greater length  
-I will ask the City Council on Oct 5, 2016 to send it back to LH without a recommendation; I want to have a chance to talk with you again when you have better information so that a reasonable deadline can be put into place

Ms. Conrad:

-I've learned that you can go from Abstract to Torrens - they do look at the lien and try to determine if it's valid or not; that will cost me a limited amount of money but it's still contingent on what they decide

Ms. Moermond:

-there are applications that you can be submitting now  
-I don't know how to fix Charley Durenburger; think you need to talk with the governor's office; explain your circumstances  
-how do you think you'll be situated for a conversation in mid-Dec about how things are looking? We could look at a tentative plan for 2017

Ms. Conrad:

-I can do that; and make a list of everyone I reach out to and here's where it will or will not work

Ms. Moermond:

-we will also send you by email, a copy of the minutes from today of you telling your story  
-at Council meeting Oct 5, I will say, "Please send it back to me (LH) on Dec 13, 2016; and on Dec 13, will talk in concrete terms about steps being taken and put together some documentation on why an extension of some length is appropriate in your circumstances that wouldn't be in other circumstances"  
-I will do what I can (talk to some people)

-will send this back to LH Dec 13, 2016

To refer back to Legislative Hearing on December 13, 2016.

2 City Council 10/05/2016 Referred Legislative Hearings 12/13/2016

Action Text: Referred to Legislative Hearings on December 13

2 Legislative Hearings 12/13/2016 Referred City Council 01/04/2017

Action Text: Referred to the City Council due back on 1/4/2017

Notes: Marjorie Conrad, owner, appeared.

Ms. Moermond:

-we've talked by phone a couple of times; it's looking like the applications that you need to fill out for funding aren't really in play until 2017; and your interest is still, primarily, in trying to fund this on your own, so, you would like the deadline extended

Ms. Conrad:

-my income level is just a little too much for many of these applications for funding  
-the biggest problem I'm having is because the contractor put an improper lien on my property and he refuses to remove it; and so, my attorney told me to go talk with people at the county to see if I could change from abstract to torrens because that is a way to wash stuff; I went to talk with them and they said that I didn't even have to do that; they told me that what I just needed to do was to file the court documents and his lien would actually die in court and since we'd agreed to arbitrate, he couldn't transfer the lien to arbitration; so, I filed the court determination and I also asked the other party involved in the case, ABC Supply, to send me a Satisfaction of Judgement so that I could file that, as well; I did it a couple of weeks ago; I've already sent some documents to my mortgage company; they have a bunch of other forms that they have asked me to fill out; so, I'm showing those to my bankruptcy guys  
-also, I talked to the lead inspection group

Ms. Moermond:

-asked if she spoke with a Jim Yannarely, Ramsey County Public Health? He does lead abatement for windows

Ms. Conrad:

-I don't remember what his name was  
-he explained all the different areas that they would look at; windows is a big one  
-my house was built in 1910; I painted all of my windows 4 years ago; most other things in my house aren't painted, except for my kitchen and the walls in my basement  
-he said that if I plan to cover the outside of the house (siding), lead would not be an issue  
-I have paperwork about some of the documents I'm waiting for  
-something that shows the case was dismissed - that was his final chance; he couldn't foreclose after that; you can't agree in writing to move a lien to a different venue; it has to be decided in court; so, the arbitrator, when he made his decision, wouldn't touch the issue of the lien; it's dead  
-have Order for dismissal

Ms. Moermond:

-scanned her paperwork  
-I'm thinking Sep 1, 2017 to have it all done  
-you have not been a good candidate for alternative funding for this; and I know that you are on disability and will be paying this on a "pay as you go" way  
-and you have taken steps to clean this up, legally, which has been your biggest hurdle

Grant to September 1, 2017 for compliance.

3 City Council 01/04/2017 Adopted Pass

Action Text: Adopted

3 Mayor's Office 01/09/2017 Signed

Action Text: Signed

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### Text of Legislative File RLH CO 16-35

Appeal of Marjorie Conrad to a Correction Notice at 1595 BLAIR AVENUE.

**AMENDED 1/4/17**

WHEREAS, in the matter of the Appeal of Marjorie Conrad to a Correction Notice at 1595 BLAIR AVENUE, the Legislative Hearing Officer has reviewed the appeal and considered the testimony of City staff and the appellant;

WHEREAS, the Legislative Hearing Officer's recommendation is ~~forthcoming~~ to grant to September 1, 2017 for compliance; Now, Therefore, Be It

RESOLVED, that the Saint Paul City Council hereby accepts and adopts the Legislative Hearing Officer's recommendation in this matter.

Legal / lien / financial issues preventing additional repairs.