

## Vang, Mai (CI-StPaul)

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**From:** Karly Garofalo <karlygiraffe@gmail.com>  
**Sent:** Monday, April 16, 2018 4:24 PM  
**To:** \*CI-StPaul\_LegislativeHearings  
**Subject:** 908 Jefferson Avenue privacy fence being damage twice during 62-cv-17-5116 administrative search warrant execution  
**Attachments:** 20170913\_170327.jpg; Fence2.wmv

DrivewayFence1 video shows skid steer trying to fit 10 foot long steel pipes through an 8 foot wide hole in the fence. We have seen the original destruction of fence when City of Saint Paul and employees broke open property at 908 Jefferson Avenue serving administrative search warrant 62-cv-17-5116. Skid steer does extensive damage to privacy fence. Snapping posts off at footings. Integrity of privacy fence compromised.

Fence2 video shows ED SMITH become aware of the destruction.

Fence3 video shows City of Saint Paul and employees prop a stick at an angle to support fence before leaving.

20170913\_170327 photo of condition of privacy fence City of Saint Paul annihilated. If curtilage contained hazard to public then public is in jeopardy. Due to City of Saint Paul and employees leaving 908 Jefferson Avenue curtilage breached and not secure.

City of Saint Paul and employees received a claim from 908 Jefferson Avenue for the cost of fence repair. Due to discretionary acts not being covered by City of Saint Paul claim was denied. Along with other claims of harm City of Saint Paul and employees have caused i.

Violation MN statute 169.09 subd.5. Notify owner of damaged property.

908 Jefferson Avenue was not informed. Only the condition of privacy fence after City of Saint Paul and employees departed and the video gave 908 Jefferson Avenue the information about privacy fence destruction.

 [DrivewayFence1.mp4](#)

 [Fence3.mp4](#)



## Vang, Mai (CI-StPaul)

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**From:** Karly Garofalo <karlygiraffe@gmail.com>  
**Sent:** Tuesday, April 17, 2018 4:19 PM  
**To:** \*CI-StPaul\_LegislativeHearings  
**Subject:** 908 Jefferson Avenue occupancy issue?

Wiebesick is a family from Golden Valley, MN.

Wiebesicks rent a portion of their home.

Wiebesicks refused inspection by health inspector.

Wiebesicks received a favorable decision from a 4th judicial district judge. Judge said no administrative search warrant would issue if tenant and landlord refused consent to health inspector to enter home.

Golden Valley appealed and appellate court sided with Golden Valley granting Golden Valley an administrative search warrant based on not probable cause but passage of time.

Wiebesick appealed that decision and Supreme Court of Minnesota picked up the case.

Supreme Court of Minnesota decided on July of 2017 that based on a routine or system of inspection implemented equally that administrative search warrant would be granted in situations where tenant and landlord refuse consent for health inspector to enter home.

Also decided was that an opportunity for all interested parties to attend the hearing must happen.. If it is found that interested parties are not given an opportunity to know or participate in hearing that a violation of due process of law would in fact be happening.

Kahn MN court case gives more constitutional protection than the federal constitution when the 4th amendment is involved. Due to the semi colon following the word violated in 4th amendment of Minnesota's constitution. Federal constitution word for word the same has a comma instead of a semi colon after the word violated changing the structure and meaning to afford Minnesotans both protections from unreasonable search and seizures.

i have been trying to relay the decision of Supreme Court of Minnesota decision in Wiebesick to STEVE MAGNER and ED SMITH DSI inspectors who want to serve administrative search warrant 62-cv-17-5738 on 908 Jefferson Avenue for illegal occupation of garage. City of Saint Paul was informed that all interested parties given a chance to come to hearing and participate at hearing in order to enter any remarks that may change the judges mind or to restrict the breadth of the City's intrusion of the home.

908 Jefferson Avenue is not a commercial building or rental dwelling. 908 Jefferson Avenue is a home. Probable cause is needed here. An opportunity for all interested parties to participate is also necessary to meet the due process of law threshold. Ex parte was the type of hearing had for 908 Jefferson Avenue.